

DIGEST
OF
THE STATUTES,

A. D. 1224 to 1821.

VOL. II.

A

DIGEST

OF THE



PUBLIC GENERAL STATUTES,

FROM *MAGNA CARTA*, A.D. 1224-5, TO 1 & 2 *GEO.* 4. A.D. 1821,

INCLUSIVE :

WITH AN

ANALYTICAL INDEX;

CHRONOLOGICAL TABLES OF STATUTES, AND SOVEREIGNS' REIGNS;

AND AN APPENDIX OF SCHEDULES AND FORMS.

BY

ROBERT PHILIP TYRWHITT AND THOMAS WILLIAM TYNDALE,

OF THE MIDDLE TEMPLE.

*" Quod si leges alie super alias accumulatae in tam vasta excreverint volumina, aut tantâ confusione laboraverint, ut eas de integro retractare, et in corpus sanum et habile redigere ex usu sit : id ante omnia agito," * * * * **

BACON DE AUGMENTIS SCIENTIARUM, *Aphorism* 49.

IN TWO VOLUMES.

VOL. II.

LONDON :

PRINTED BY A. STRAHAN,

LAW-PRINTER TO THE KING'S MOST EXCELLENT MAJESTY;

FOR JOSEPH BUTTERWORTH AND SON, 43. FLEET-STREET;

J. COOKE, ORMOND-QUAY, DUBLIN; AND

T. CLARK, 8. PARLIAMENT-SQUARE, EDINBURGH.

1822.

PAINTERS.

1. *Es.* certain abuses and deceits used in painting, —3.
 a plasterer, shall use or set up the art of a painter, or a painter-stainer, in the city of London or suburbs, shall within such limits make any manner of work, or lay out or paintings, unless he be a servant or apprentice of a painter, has served as such apprentice for 7 years to a painter, upon pain to forfeit *5l.*, to go one moiety to H.M. and the other to the party suing in any of the courts of record, by action of debt, &c. or information, wherein no *essoins*, &c. *id.* s. 4.
3. The company of plasterers, or their servants or apprentices, may lay and use whiting, blacking, red lead, red oker, yellow oker, and russet mixed with size only, and not oil, *id.* s. 5.
4. No painter or painter's servant or apprentice shall have above 16d. by the day for laying of any flat colour mingled with size or oil, upon any timber, stone, iron, or lead, *id.* s. 6.

PALACE.

1. DECLARING THE limits of H.M.'s palace of Westminster, 28 H. 8. c. 12. (See also 33 H. 8. c. 12. ss. 23, 24. *post*, pl. 4.)
2. All the soil, ground, mansion, and buildings, and the park which H. M. lately bought of the archbishopric of York, and situate near the Abbey at Westminster, and all things therein builded, and also the soil of H. M.'s ancient palace, shall be H. M.'s whole palace at Westminster for ever, and shall extend as well within such soil and places as in the street leading from Charing Cross unto the Sanctuary Gate at Westminster, and in all the houses, lands, &c. on both sides thereof, from such Cross unto Westminster Hall, situate between the Thames on the east, and such park-wall on the west, and so through all the precincts of the old palace, *id.* s. 1.
3. And such palace shall enjoy within such limits all such like privileges, liberties, jurisdictions, and prerogatives, as to H. M.'s ancient palace belonged; and the old palace shall be deemed part of the new palace, saving to all persons and bodies, their heirs and successors, all right, rents, reversion, &c. as they might have by the premises or any parcel thereof, *id.* s. 2.
4. FOR MURDER AND MALICIOUS bloodshed within the court, 33 H. 8. c. 12.
5. All treasons, misprisions of treasons, murders, manslaughter, bloodsheds, and malicious killings, whereby blood is shed, which shall be done within any the palaces or houses of H. M., or other houses where H. M. shall happen to be demurrant, shall be tried and determined within any of H. M.'s palaces, or other such houses where he is abiding, as follows, *viz.* Before the lord great master or lord steward of H. M.'s household, and in his absence before the treasurer and comptroller thereof, and the steward of the Marshalsey, by virtue of their offices, without any commission; which steward of the Marshalsey shall be for ever assigned by writing under the seal of the lord great master or steward; and whether H. M. is removed from the palace or house where the offence was done, or not, before they be determined, yet such offences shall be tried and determined under this act, before H. M. and the officers of his household before named, or two of them, by inquisition and verdict of H. M. and his household servants in their check-roll as hereinafter expressed, and at such palace or house where H. M. shall be demurrant, *id.* s. 1.
6. And all returns of process, and all executions and judgments concerning the premises, shall be done by the officers, and in the form herein contained, (s. 2.) And all inquisitions on the view of persons slain within such palaces or houses shall be taken by the coroner of H. M.'s household, without adjoining any other coroner of the shire, by oath of 12 or more of the yeomen officers of H. M.'s household, returned by two clerks, comptrollers, the clerks of the checks and clerks-marshal, or one of them of the household to whom such coroner shall direct his precept, which coroner shall be appointed by the lord steward; and such coroner shall without delay certify under his seal, and the seals of those as shall be sworn before him, all such inquisitions, indictments, and offices, on view of all dead bodies slain within such palaces or houses, before the lord great master or steward, and in his absence before the treasurer, comptroller, and steward of the Marshalsey, or two of them, whereof such steward of the Marshalsey to be one; and such inquisitions and offices so certified shall be deemed as good in law as any inquisition taken on view of any dead body before the coroner of the shire, *id.* s. 3.
7. Such two clerks, comptrollers, clerks of the check, and clerks-marshal of H. M.'s household, or one of them, upon a precept to them to be made by the lord steward, or in his absence by the treasurer and comptroller of the household; and such steward of the Marshalsey, or two of them, whereof the steward of the Marshalsey to be one, shall

summon and return the names of 24 persons, being yeomen officers of the household in such check roll, to enquire of such treasons, &c. before such lord steward, or in his absence before such treasurer, &c. who shall cause any number above 12 of such 24 persons so returned to enquire of such treasons, &c. within H. M.'s palaces or houses; and if any person is indicted by such jury so sworn, or by such inquisition of the coroner of such household so certified, that then the lord steward, or in his absence the treasurer, &c. shall arraign every such person according to the course of the common law, and shall forthwith, after issue joined between H. M. and prisoner, at the same day and place, or any other, in the pleasure of such lord steward, &c. make another precept to such clerks, comptrollers, &c. to summon and return one other jury of 24 persons, to appear before the lord steward, or in his absence the treasurer, &c. at a day and place, and under the pain therein to be limited, of the servants and gentlemen officers of H. M.'s chamber and household, which shall take wages by H. M.'s chequer roll; and such lord steward if present, or in his absence such treasurer, &c. before whom such jury is so returned, shall cause 12 of the same jury to be sworn, without any challenge to be had for the same, except for malice, truly to be tried between H. M. and the person so indicted of treasons, &c.; and if such person is found guilty, he shall have judgment of life and member, and suffer death, and forfeit all his manors, lands, goods, &c. as if found guilty of such offences by the order of the common law, without clergy or sanctuary; and if any person so arraigned is found guilty of malicious striking, whereby blood is shed, within such palaces or houses, he shall have judgment by the person before whom he is found guilty, to have his right hand stricken off, at such time and place as he shall appoint, the execution to be done by such person as the person trying the offender shall appoint, and shall also have judgment of perpetual imprisonment, and pay fine to H. M. at his pleasure, 33 H. 8. c. 12. ss. 4—7.

8. For the solemn execution of such sentence for such malicious striking, the following persons shall be present, *viz.*: The serjeant surgeon or his deputy shall be ready at the execution to sear the stump when the hand is stricken off, (s. 8.) The serjeant of the pantry to give bread to the party, (s. 9.) The serjeant of the cellar with a pot of red wine, to give him drink, (s. 10.) The serjeant of the ewry with cloths for the surgeon to occupy, (s. 11.) The yeoman of the chandry shall have scared cloths for the surgeon, (s. 12.) The master cook shall bring a dressing-knife and deliver it to the serjeant of the larder, who shall hold it upright till the execution be done, (s. 13.) The serjeant of the poultry shall be ready with a cock for the surgeon to wrap about the stump, (s. 14.) The yeoman of the scullery to make a fire of coals, and make ready searing irons, (s. 15.) The serjeant serror shall bring the searing-irons, (s. 16.) The groom of the salcery shall be ready with vinegar and cold water, (s. 17.) The serjeant of the wood-yard shall bring a block with a betil, a staple, and cords to bind the hand, *id.* s. 18.

9. If any person so indicted of treason, &c. or malicious striking, shall be arraigned thereof, and refuse to answer to such offences, or if he shall stand mute, he shall be deemed guilty of the thing whereof indicted and arraigned, and have judgment of like pains and forfeitures, as if found guilty by verdict; and the clerks comptrollers, clerks of the check, and clerks marshal may assign a crier to make proclamation and call juries, &c. *id.* s. 19.

10. This act shall not extend to noblemen or other persons who shall happen to strike their servants within such palaces and houses, or within the limits of the same, with their fists, or any small staff; nor to any of H. M.'s officers who shall strike any person within the same palace or house, although thereby blood be shed, unless the party shall happen to die thereof within one year afterwards; provided that the trial of peers for offences herein mentioned shall be had as in times past, *id.* s. 20. [See s. 26.]

11. The liberty and jurisdiction of the Marshalsey court, and circuit of the verge, shall be in all points used by the officers of the same, as hath been heretofore lawfully used for murders, felonies, offences, and all trespasses, contracts, and suits, (s. 21.); and the lord steward shall nominate the coroner of the household, *id.* s. 21, 22.

12. The limits and bounds of any such houses within which any of such offences shall be punished as aforesaid, shall extend as follows, and no more, *viz.* within any edifices, courts, places, gardens, orchards, or houses within the porter's ward of any of such houses, or within any priory, walks, orchards, tilt-yards, wood-yards, fencing-plays, cock-fights, bowling-alleys, near adjoining to such houses, and being part of the same, or within 200 feet of the standard of any outward gate of such houses, used as a passage out of such house, *id.* ss. 23, 24. [See *ante*, pl. 2, 5.]

13. Nothing in this act concerning malicious striking shall extend to any noblemen or other person who shall strike his servant within such houses, as in s. 20. pl. 10., nor to any of H. M.'s officers, who, in

ing his office, shall strike any person within such houses with their fists or a tipstaff, nor to any other person doing service at any triumph, or at any other service, who shall strike any person within such houses, although blood be thereby shed, except the person stricken do die of the same within one year, 35 H. 8. c. 12. s. 26.

14. If any person who shall steal, or feloniously take away, any plate, jewels, or other goods of H. M., of the value of 12d. or above, or who shall break or enter into H. M.'s house to the intent to steal, though H. M. be absent, or any other house, such offence shall be felony, and the offenders and their aiders, &c. shall suffer like forfeiture and death as felons without clergy; and such offenders, being apprehended within the verge of H. M.'s house, shall be arraigned and tried by men of the country as other offenders, for offences done within the verge, before the steward of the *Marshalsey*, and his associates are to be tried within the same precinct, *id.* s. 27. [QU. REP. see 1 E. G. c. 12. s. 4., & 1 M. st. 1. c. 1. FELON, &c.]

PAPER MANUFACTORY.

1. To PREVENT unlawful combinations of workmen employed in the paper manufactory, 36 G. 3. c. 111. PUBLIC clause, s. 12.

2. All contracts, covenants, and agreements whatever, whether in writing or not, heretofore made or entered into by or between any journeymen paper-makers within this kingdom, for obtaining an advance of wages of them or of any other journeymen, or for lessening their usual hours or quantity of work, or for hindering any person from employing whomsoever he shall think proper in his business of a paper-maker, or in any way to affect any person carrying on such trade, shall be declared illegal and void, *id.* s. 1.

3. Every journeyman paper-maker or other person who shall hereafter enter or agree to enter into, or be concerned in making any contract, whether in writing or not, in support of or relative to any such combination, as in s. 1., shall, on conviction by oath of one witness, before one justice for the county, riding, city, town, or place where such offence was committed, on any information to be exhibited in writing within one month after the offence committed, by order of such justice, at his discretion, be committed to the house of correction within his jurisdiction, to be kept to hard labour for not exceeding two calendar months, *id.* s. 2.

4. The time of working by journeymen at the vat upon all fine wove and plate papers, if the master so requires, shall be half an hour about each post, 20 of which posts shall make a day's work, and the dry worker upon all such fine papers, if the master so requires, shall work 12 hours per day, allowing an interval of an hour for refreshment, *id.* s. 3.

5. Every journeyman paper-maker who shall enter into any combination to raise such wages, or alter the hours or duration of work, or for any other purpose contrary to this act, or who shall, by giving money or other means, directly or indirectly, solicit, intimidate, or endeavour to prevent any unhired journeyman or other person wanting employment in the manufactory of paper from hiring himself to any paper manufacturer, or shall by any means solicit, intimidate, influence, prevail, or attempt to prevail on any journeyman paper-maker, hired or employed, or to be hired, &c. in such manufacture, to quit his service, or shall proscribe or prevent, or attempt so to do, any master or mistress in such act, from employing whomsoever he or she shall think proper in such manufacture, or being employed, shall refuse to work with any person so employed by such master, &c. and shall be thereof convicted on the oath of one witness, before one justice of peace for the district or jurisdiction where such offence is committed, shall be committed to the house of correction in the county or place, to be kept to hard labour for not exceeding two calendar months, *id.* s. 4.

6. Every person, whether employed in such trade or not, who shall attend any meeting or combination by this act declared illegal, or shall summons, give notice to, or call on any journeyman paper-maker, or other person employed in such trade, to attend any such unlawful meeting, &c. or who shall collect, demand, or receive any sum from any journeyman paper-maker, or other person employed in such trade, for any such purposes, or who shall persuade, entice, or intimidate any such journeyman or person to enter into or be concerned in any such meeting, &c. or to turn out against or quit the service of his master or mistress, and every person who shall pay any sum, or make or enter into any subscription for or towards the support or encouragement of any such illegal meeting, &c. and is thereof convicted before one justice of peace of the county, &c. wherein such offence was committed, on oath of one witness shall be committed to the house of correction or common goal for such county, &c. at the discretion of such justice, without bail, for not exceeding two calendar months, *id.* s. 5.

7. All persons who offend against this act, shall equally with all other persons be called on and compelled to give evidence as witnesses on any information exhibited under this act on behalf of the prosecutor; and in all such cases he or she, having given such evidence, shall be indemnified any information to be laid, or prosecution to be commenced, against

him or her, for having offended in the matter wherein such prosecution or information relative to which he gave evidence was brought, 36 G. 3. c. 111. s. 6.

8. On complaint made on oath to any justice of peace of any offence against this act, such justice shall issue his summons to summon the party charged, and also any witnesses for either party, at a certain time and place therein to be specified; and if any one summoned shall not appear or offer some reasonable excuse for default, then such justice shall issue his warrant to apprehend such party so making default within such justice's jurisdiction, and on such party appearing or being brought before such justice on his warrant, or in case the party charged shall not appear to such summons being served on him, or left at his usual abode, and proof is made thereof by oath before such justice, then such justice shall proceed to enquire of the matters complained of, and to examine into the same by oath of any person, and to determine the matter, and on confession or proof by one witness on oath, to acquit or convict the party charged; and if any person so summoned to appear as a witness shall not appear at the time and place in the summons appointed, and give his evidence, such justice may issue his warrant under his hand and seal for the commitment of such person to some prison of the county, &c. where such witness shall so make default, there to remain till he shall submit to be examined as a witness, *id.* s. 7.

9. The justice convicting any party as herein prescribed, shall draw up the conviction in the form or to the effect following; viz.

'Be it remembered that on this — day of — in the — year of H. M.'s reign, A B is convicted before — of H. M.'s justices of the peace for the said county of — [or for the riding or division, city, liberty, town, or place, as the case is] for — and — the said — do hereby order and adjudge him [or her] to be committed to the house of correction, to be kept to hard labour for the space of — or until he or she shall submit to be examined (as the case may be), without bail or mainprize. Given under the day and year aforesaid.' and then to be written on parchment, and transmitted to the next quarter sessions held for the county, &c. wherein such conviction was held to be filed of record; and in case any person so convicted shall appeal, as in s. 10. from the judgment of such justice to such sessions, the justices there shall, on receiving such conviction, hear and determine the matter of such appeal according to this act, and no *certiorari* shall be granted to remove any conviction or proceeding had thereon under this act, *id.* s. 8.

10. In all cases where any information authorized by this act to be made before one justice, is made on oath of the informer, to be taken by such justice, such justice may issue his warrant under hand and seal, grounded on such information, for the apprehension and bringing of the person alleged to have so offended before him, or any justice of the same county, without any previous summons being issued, instead of issuing such summons for his appearance to answer to such information, *id.* s. 9.

11. Every person convicted of any offence under this act may appeal from the judgment of such justice at the time of his conviction to the then next quarter sessions, which shall be held for the county, &c. where such judgment was given, and the execution of such judgment shall in such case be suspended, the person so convicted entering into recognizances at the time of his conviction, with two sureties in 20l. each, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of such sessions, and to pay such costs as shall be there awarded, which recognizance such convicting justice shall take, and the justices at such sessions shall hear and determine such appeal, and award reasonable costs to either party, which decision shall be final; and if, on hearing such appeal, the judgment of such justice shall be confirmed, such appellant shall immediately pay the costs awarded by the sessions for defraying the expences of the defendant in such appeal, and shall be committed by such sessions to the house of correction to be kept to hard labour, or to the common gaol, as shall be mentioned in the conviction, for two calendar months, or any less time in the conviction mentioned, without bail, and until such costs are paid, *id.* s. 10.

12. Actions for any thing done in pursuance of this act shall be commenced within six calendar months after the thing done, and shall be laid in the proper county, and the defendant therein may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff is nonsuited, or discontinued, or has judgment given against him on demurrer or otherwise, the defendant shall have double costs, *id.* s. 11.

PAPIST.

(STATUTES repealed and expired.)

1. FOR EXTINGUISHING the authority of the bishop of Rome, 28 H. 8. c. 10. [REP. 1 & 2 P. & M. c. 8. and 1 El. c. 1. s. 13.]

2. FOR REPEALING all statutes, articles, and provisions made against the see apostolic of Rome, since 20 H. 8., and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity, 1 & 2 P. & M. c. 8. [REP. (all but s. 40.) by 1 El. c. 1. ss. 2, 32. See s. 40. PRÆMUNIRE.]

3. To OBLIGE PAPISTS to register their names and real estates, 1 G. 1. S. 2. c. 55. [Exp. the time for such registering ENLARGED, and purchases made by protestants increased, 3 G. 1. c. 18. which is EXPL. 21 G. 3. c. 51. and all REV. 31 G. 3. c. 22. s. 21.]

4. For assisting AN aid to H. M. by laying a tax upon papists, and for making such persons as upon due summons shall refuse or neglect to take the oaths therein mentioned, to contribute towards the said tax for contributing to the public part of the great expences occasioned by the late conspiracies, and for discharging the estates of papists from the two last parts of the rents and profits thereof for one year, and all arrears of the same, and from such forfeitures as are therein more particularly described, 9 G. 1. c. 18. EXP.

5. To OBLIGE ALL persons being papists in Scot., and all persons in G. B. refusing or neglecting to take the oaths appointed for the security of H. M.'s government, to register their names and real estates, 9 G. 1. c. 24. EXP.

6. To explain and amend 9 G. 1. c. 24., and for enlarging the time for taking the said oaths and making such registers, and for allowing further time for the enrolment of deeds or wills made by Papists which have been omitted to be enrolled pursuant to the 3 G. 1. c. 18. and also for giving relief to protestant lessees, 10 G. 1. c. 4. EXP.

7. FOR ALLOWING FURTHER time for enrolment of deeds and wills made by papists, and for relief of protestant purchasers, devisees, and lessees, 3 G. 2. c. 20. ss. 6, 7., 6 G. 2. c. 5., 9 G. 2. c. 26. ss. 8, 9., 11 G. 2. c. 11., 12 G. 2. c. 14., 16 G. 2. c. 32., 19 G. 2. c. 16., 26 G. 2. c. 24., 28 G. 2. c. 10., 31 G. 2. c. 21., 33 G. 2. c. 13., 2 G. 3. c. 26., 4 G. 3. c. 58., 7 G. 3. c. 34., 12 G. 3. c. 10., 14 G. 3. c. 37., 17 G. 3. c. 45., 18 G. 3. c. 46., 22 G. 3. c. 23., 23 G. 3. c. 22., 24 G. 3. S. 1. c. 16., 27 G. 3. c. 42., 28 G. 3. c. 47., 29 G. 3. c. 36., 30 G. 3. c. 19., 35 G. 3. c. 99., all EXP.

8. To INDEMNIFY protestant purchasers of estates of papists against the penalties or forfeitures papists are liable to, for not having enrolled their estates in pursuance of 3 G. 1. c. 18. for that purpose, 8 G. 2. c. 25. 14 G. 2. c. 21., both EXP.

(STATUTES in force.)

1. NO PERSON of this realm, or any of H. M.'s dominions, shall pay any pensions, leases, portions, peters-pence, or other impositions, to the use of the bishop or see of Rome, but all such portions, &c. shall cease, 25 H. 8. c. 21. s. 2. [REV. 1 & 2 P. & M. c. 8. but REV. 1 EL. c. 1.]

2. FOR THE ASSURANCE of H. M.'s royal power over all estates and subjects within her dominions, [viz. by making it a *præmunire* to maintain the power of the pope in this country] 5 EL. c. 1. and s. 1. [ss. 2—4. 10 EL. 19. 23.] and 23 EL. c. 1. s. 8. [See the rest of this act, viz. ss. 5—17., OATHS, ss. 21, 22., PRÆMUNIRE.]

3. If any person dwelling within H. M. dominions, shall, by writing, cyphering, printing, preaching, teaching, or act, advisedly and wittingly hold, maintain, or defend the power of the bishop of Rome heretofore used within this realm, or attribute the same to him, such persons, and their abettors, counsellors, and comforters, upon purpose to further such usurped power, shall, on being indicted thereof within one year after such offences committed, and being convicted within any time, incur the penalties of the 16 R. 2. c. 5. for provision and *præmunire*, id. s. 2.

4. As well all justices of assize as of the peace, or two of such justices of peace, whereof one is of the quorum, shall in their sessions enquire of all offences contrary to the premises, in like form as they may of any other offences against H. M.'s peace, and shall certify every presentment before them had concerning the same, before the justices of K. B., within 40 days next after such presentment had, if the term be then open, and if not, at the first day of full term next following such 40 days, on pain that every justice of assize or of the peace, before whom such presentment is made, making default of such certificate, shall forfeit 100*l.* to H. M., id. s. 5.

5. The justices of K. B., as well in every such certificate as by enquiry before themselves, shall hear and determine every such offence contrary hereto according to law, in such form as if the persons against whom any presentment is had on this statute, had been presented on any offence in 16 R. 2. c. 5. contained, id. s. 4.

6. If any such offenders, as in s. 2., after such conviction, do afterwards commit such offences, and be thereof convicted (s. 10.) they shall for such second offences, suffer as in cases of high treason, id. s. 10, 11.

7. But no such attainder shall work corruption of blood or disherison of heir. And this act shall be publicly read in the quarter sessions, and in the halls of Inns of court, id. ss. 19, 15. 15. [See the sections at length, OATHS.]

8. Charitable giving of alms to such offenders without fraud, shall not be such an abatement, aiding, or comforting, as thereby the giver shall incur any penalty, id. s. 18.

9. If any peer offend contrary to this act, he shall be tried by his peers as in cases of treasons, id. s. 19.

10. No person shall be indicted for assisting, comforting, or abetting any person for any of such offences, in defending &c. the usurped power of the bishops of Rome, unless he is lawfully accused by such good proof as by the jury which shall indict him, is deemed sufficient to prove him guilty of such offences, 5 EL. c. 1. s. 26.

11. Offences against 5 EL. c. 1. touching the acknowledging of H. M.'s government in causes ecclesiastical and the service of God, may be inquired of as well before justices of peace as other justices therein named, within a year and a day after the offence committed, 23 EL. c. 1. s. 8.

12. AGAINST THE BRINGING in and putting in execution of bulls and other instruments from the see of Rome, 13 EL. c. 2. and recital in s. 1. [AMD. 23 EL. c. 1. s. 8.]

13. If any person shall use within H. M.'s dominions any bull, writing, or instrument of absolution or reconciliation obtained from the bishop of Rome, or from any person claiming authority from him, or if any person shall take upon him by colour of any such bull, &c. to absolve or reconcile any person, or to grant or promise to any person within H. M.'s dominions, any such absolution, &c. by any speech, preaching, teaching, or writing, or other open deed, or if any person within this realm shall unlawfully receive such absolution, &c. (s. 2.) or else if any person shall obtain from the see of Rome any manner of bull, &c., or shall publish or put in use the same, then all such acts and offences shall be deemed high treason, and the offenders and their procurers, abettors, and counsellors, shall be adjudged high traitors, and being thereof indicted and attained, shall suffer death, and forfeit their lands, tenements, and goods, as in cases of high treason, id. ss. 2, 3.

14. All aiders, comforters, or maintainers of such offenders after the fact, to the intent to uphold the doing of such usurped authority, shall incur the pains in the statute of *præmunire*, 16 R. 2. c. 5. mentioned, id. s. 4.

15. If any person to whom any such absolution, reconciliation, bull, &c. is offered, shall conceal such offer, and not disclose the same within six weeks after to the privy council, he shall incur the penalty of misprision of high treason, id. s. 5.

16. No person shall be molested for misprision of treason for any offence declared treason by this act, other than those declared in s. 5. to be in case of misprision of high treason, id. s. 6.

17. If any person shall bring into Eng., or any of the dominions of the same, any token called an *Agnus Dei*, or any crosses, pictures, beads, or such like vain things from the see of Rome, or from any claiming authority from such see, to consecrate or hallow the same [which have been usually consecrated by such bishop, and such crosses, &c. by persons authorized by him; and divers pardons, immunities, and exemptions granted by such see to those who receive the same,] and if any person so bringing such *Agnus Dei*, &c., shall offer the same to any subject of this realm, to be worn or used, then as well the person so doing as the person who shall receive the same, shall, on conviction, incur the pains by the stat. of *præmunire*, 16 R. 2. c. 5. provided, id. s. 7.

18. If any person to whom any such *Agnus Dei*, &c. is tendered, shall apprehend the party so tendering, and bring him before a justice of peace for that shire where the tender was made, if he has power so to do, or for lack of such ability shall, within 3 days after such offer made, disclose the name of such person as shall make such offer, and the dwelling-place, or place of resort of the same person (which he shall endeavour to know by all the means he can), to the ordinary of that diocese, or to any justice of peace where such person to whom such offer was made shall be resident; and also if such person shall receive any such *Agnus Dei*, &c., and shall within 1 day after such receipt, deliver the same to any justice of peace, such person shall not incur any penalty, id. s. 8.

19. If any justice of peace to whom any matter before mentioned is showed, do not within 14 days after declare the same to some of the privy council, such justice shall incur the pain by 16 R. 2. c. 5. provided, id. s. 10.

20. If any peer shall be indicted for any such offences, he shall have his trial by his peers, as in cases of high treason and misprision of treason, id. s. 11.

21. General saving to all persons (other than the offenders and their heirs, and such as claim to their uses) all rights, &c. leases, rents, offices, fees, &c. as any of them had at the time of the committing of such offences, id. s. 12.

22. Every offence against 13 EL. c. 2. touching the acknowledging H. M.'s government in causes ecclesiastical and the service of God, may be inquired of as well before justices of peace as other justices, within one year and a day after the offence committed (s. 8.), and conveyances of any property that may defeat H. M. of any interest that may grow by this act shall be void, 23 EL. c. 1. s. 13.

23. To RETAIN H. M.'s subjects in their due obedience, [by declaring it high treason to attempt to withdraw any person from his allegiance, or to reconcile him to the see of Rome, and imposing penalties for non-attendance at church, or for inducing others to abstain

therefrom.] 23 *El. c. 1. and s. 1.*, Ann. 29 *El. c. 6.*; 25 *El. c. 1.* (which is *Con. 5 C. 1. c. 4.*, and indefinitely, 16 *C. 1. c. 4.*, and *Rep. as to s. 8. 9.* by 5 *J. 1. c. 4. s. 21.*, 29 *30. 31.*)

24. All persons which have or pretend to have power, or shall by any means practise, to absolve, persuade, or withdraw any of H. M.'s subjects from their natural obedience, or to withdraw them for that intent from the established to the *Romish* religion, or to move them to promise any obedience to any pretended authority of the see of *Rome*, or of any other prince, state, or potentate, to be used within her dominions, or shall do any overt act to that intent, shall be deemed traitors, and on conviction shall have judgment, suffer and forfeit as in cases of high treason; and if any persons shall by any means be willingly absolved, or so withdrawn or willingly reconciled, or shall promise any obedience to any such pretended authority as aforesaid, then they and their procurers and counsellors, on conviction, shall be tried and judged, and suffer and forfeit as in cases of high treason, 23 *El. c. 1. s. 2.*, [see further, 3 *J. 1. c. 4. s. 22. pl. 112.*]

25. All persons that shall wittingly be aiders or maintainers of such persons, or offending knowing the same, or which shall conceal any such offence, and shall not within 20 days at furthest after such their knowledge, disclose the same to some justice of peace or other higher officer, shall be taken, tried, and judged, and suffer and forfeit as offenders in misprision of treason, *id. s. 5.*

26. Every person which shall say or sing mass, being thereof convicted, shall forfeit 200 marks, and be committed to the next gaol for one year, and till he has paid such sum; and every person which shall willingly hear mass, shall forfeit 100 marks, and suffer imprisonment for a year, *id. s. 4.* [but see now 31 *G. 3. c. 52. s. 4.*]

27. Every person above the age of 16, which shall not repair to some church, chapel, or usual place of common prayer, but forbears the same, contrary to the statute, 1 *El. c. 2. s. 14.* For uniformity, being thereof convicted, shall forfeit to H. M. for every month, 20*l.*; and every person so forbearing for 12 months, shall for his obstinacy, after certificate made into the K. B. by the ordinary of the diocese, a justice of assize and gaol delivery, or a justice of peace, be bound with two sureties in 200*l.* at least to the good behaviour, and so continue bound until they conform themselves, and come to church, according to such statute, *id. s. 5.* [see further, 5 *J. 1. c. 4. s. 11. post, pl. 112.*, and 51 *G. 3. c. 52. s. 5.*]

28. If any person shall keep any schoolmaster which shall not repair to church, or be allowed by the ordinary, he shall forfeit for every month 10*l.*, *id. s. 6.*

29. Provided that no ordinary, or their ministers, shall take any thing for such allowance. And such school-master presuming to teach contrary to this act, and being thereof convict, shall be disabled to be a teacher of youth, and shall suffer imprisonment one year, *id. s. 7.*

30. All offences against this act, or against 1 *El. c. 2. 5 El. c. 2.* or 15 *El. c. 2.* touching acknowledging of H. M.'s supreme government in causes ecclesiastical, or the service of God, or coming to church, or establishment of true religion, shall be inquirable, as well before justices of peace as other justices in such statutes named, within one year and a day after such offence committed, *id. s. 8.*

31. Justices of *oyer and terminer*, of assize, and gaol delivery, shall inquire, or hear and determine, all offences against this statute; and justices of peace in their quarter sessions shall inquire, or hear, and determine, all offences against this act, except treason and misprision of treason, *id. s. 9.*

32. Every person guilty of any offence against this statute, other than treason and misprision of treason, which shall before he be indicted, or at his arraignment or trial before judgment, submit and conform himself before the bishop of the diocese where he resides, or before the justices where he is arraigned (having not before made like submission, being indicted for his first like offence) shall, upon his recognition of such submission in open assizes or sessions, be discharged of all offences against this act, except treason and misprision of treason, and of all pains and forfeitures for the same, *id. s. 10.*

33. All forfeitures of money limited by this act shall be divided in three parts, whereof one shall be to H. M. to her own use, one other to H. M. for relief of the poor in the parish where the offence was done, to be delivered by warrant of the principal officers in the receipt of the exchequer, and the other third to such person as will sue for the same in any court of record, by action of debt, &c. or information wherein no *espoins*, &c.; and every person which shall forfeit any money by this act, and shall not pay the same within three months after judgment given, shall be committed to prison until he have paid such sums, or conform himself or go to church, *id. s. 11.* [See 29 *El. c. 6. s. 7. post, pl. 43.*]

34. Every person which usually on the Sunday shall have in his house divine service established by law, and be thereat usually present, and shall not obstinately refuse to come to church, and shall also four times in the year be present at divine service in the church of the parish, or in some other church or chapel of ease, shall not incur any penalty by this act for not repairing to church, *id. s. 12.*

35. Every grant, conveyance, bond, judgment, and execution, had or to be made for any ruinous purpose to defraud any interest that might grow to H. M., or another person, by means of any contention under this statute, or the 15 *El. c. 2.* shall be utterly void against H. M., and such as sue for such penalties, 23 *El. c. 1. s. 13.*

36. If any peer of this realm shall happen to be indicted of any offence made treason or misprision of treason by this act, he shall have his trial by his peers, as in other like cases, *id. s. 14.*

37. Nothing herein shall take away or abridge the authority or jurisdiction of ecclesiastical censures for any cause, but that the ecclesiastical judges may proceed as heretofore, *id. s. 15.*

38. Every conveyance of lands made by any person who shall not repair to church contrary to the statute 23 *El. c. 1.*, and which shall be revocable at the pleasure of such offender, or intended for the behoof or disposition of such offender, or whereby such offender or his family shall be maintained, shall be void, as against H. M. for levying of such sums as such person ought to forfeit for not going to church, or for saying, or hearing, or being at mass, and shall also be seised for H. M.'s use, 29 *El. c. 6. s. 1.*

39. Every conviction for any offence before mentioned shall be in the K. B., or at the assizes or general gaol delivery, and shall be estreated into the court of exchequer before the end of the term next ensuing, in such time that execution may issue, *id. s. 2.*

40. Every such offender, in not repairing to divine service, as shall be once convicted thereof, shall, in such of the terms of *Easter* or *Michaelmas* as shall be next after such conviction, pay into the receipt of the exchequer 20*l.* for every month contained in the indictment whereon the conviction was had; and shall also for every month after such conviction, without any other indictment or conviction, pay into such exchequer in every *Easter* and *Michaelmas* term, as much as shall remain unpaid after the rate of 20*l.* for each month after conviction; and if default be made in any such payment, H. M. may by process out of the exchequer seize all the goods, and two parts, as well of the land, &c., leases and farms of such offender as of all other lands, &c. liable to such seizure or penalties, leaving the third part of the lands, leases, and farms, for the maintenance of the offender and his family, *id. s. 4.* [see 1 *J. 1. c. 4. s. 5. pl. 88.*, 3 *J. 1. c. 4. s. 11. pl. 112.*]

41. The indictment mentioning the not coming of such offender to the church of the parish where such person at any time before such indictment did reside, nor to any other church, or usual place, of common prayer, shall be sufficient; and it shall not be needful to mention therein that the offender was inhabiting within H. M.'s dominions; but if such offender was not within H. M.'s dominions, he shall be relieved by plea, and not otherwise. And upon the indictment a proclamation shall be made at the same assizes or gaol delivery, in which the indictment is taken, (if the same be taken at any assize, &c.) by which it shall be commanded, that the body of such offender be rendered to the sheriff before the next assizes, &c.; and if at such next assizes, &c. such offender shall not make appearance, upon such default recorded, the same shall be as sufficient conviction, *id. s. 5.*

42. Provided that whensoever any such offender shall make submission, and become conformable, according to 23 *El. c. 1. s. 10. pl. 32.* or shall die, no forfeiture or seizure of the lands after such submission, conformity, or death, and satisfaction of all arrearages of 20*l.* monthly, shall ensue, so long as he so conforms, *id. s. 6.*

43. The lord-treasurer, chancellor, and chief baron, or two of them, may dispose of the third part of the 20*l.* for every month, for not going to divine service, given by 23 *El. c. 1. s. 11. pl. 33.*, for the maintenance as well of the poor, and of the houses of correction, as of impotent and maimed soldiers, *id. s. 7.*

44. This act shall not make void any grant or lease to be made without coven, whereupon the accustomed yearly rent is reserved, or any other conveyance whatsoever made *bona fide* on good consideration, and which is not revocable at the pleasure of the offender, otherwise than to give title to H. M. to have such rents, during such lease and grant, *id. s. 8.*

45. This act shall not continue any seizure of any lands of such offender in H. M.'s hands after the offender's death, which lands he shall be seized of only for his life, or in right of his wife, *id. s. 9.*

46. If any persons above 16 years of age shall refuse to repair to some church, chapel, or usual place of common prayer to hear divine service, according to law, and shall forbear to do the same for the space of a month, without any lawful cause, [or,] shall, by printing, writing, or express words, advisedly practise, or go about to persuade any other, to deny and impugn H. M.'s authority in cases ecclesiastical annexed to the imperial crown of this realm, or to that end shall advisedly and maliciously move any other person to forbear coming to church to hear divine service, or receive the communion according to law, or to be present at any unlawful conventicles or meetings under colour of any exercise of religion contrary to law; or if any person which shall obstinately refuse to repair to some church or usual place of common prayer, and shall forbear for a month to hear divine service, shall willingly be present at

such conventicles or meetings under colour of such exercise of religion contrary to laws, every person so offending, and being thereof convicted, shall be committed to prison until they conform and yield themselves to some church, or usual place of common prayer, and hear divine service according to law, and make such open submission and declaration of their conformity as in s. 4. appointed, 35 *El. c. 1. s. 1.*

47. If any such persons so offending, shall not, within three months after conviction, conform themselves to the laws in coming to church to hear divine service, and in making such public confession and submission as in s. 4. being required by the bishop of the diocese, or any justice of peace where such person is, or by the minister or curate of the parish, such offender being thereunto required by any such justice, shall, upon oath before the quarter sessions of such county, or at the assizes and gaol delivery, abjure this realm and all H. M.'s dominions for ever, unless H. M. shall license the party to return; and thereupon depart out of this realm at such port and within such time as shall be assigned by such justices, unless he be staid by such lawful means as by common law is allowed in cases of abjuration for felony; and in such cases, then within such time after as the common law requireth in case of abjuration for felony; and the justices of peace before whom such abjuration is made, shall cause the same to be entered of record, and certify the same to the justices of assize, at the next assizes or gaol delivery for the county, *id. s. 2.*

48. If any such offender refuse to make such abjuration, or shall not, after such abjuration made, go to such haven, and within such time as is appointed, and from thence depart out of this realm, or shall return into H. M.'s dominions, without her licence, he shall be adjudged a felon, and suffer as in cases of felony, without clergy, *id. s. 3.* [See punishment of abjuration of the realm for a papist wandering from his place of his residence, 35 *El. c. 2. s. 8. post. pl. 74.*]

49. If any person that shall offend against this act shall, before he is required to make abjuration, repair to some parish church on some Sunday or other festival, and hear divine service and at service time before the sermon or reading of the gospel, make public submission and declaration of his conformity to the laws as in s. 5. appointed, the same offender shall be discharged of all such penalties by this act inflicted, *id. s. 4.*

50. Such submission shall be as follows: *viz.*

I A. B. do humbly confess and acknowledge that I have grievously offended God in contemning H. M.'s godly and lawful government and authority, by absenting myself from church and from hearing divine service, contrary to the godly law and statutes of this realm, and in using and frequenting disordered and unlawful conventicles and assemblies, under pretence and colour of exercise of religion, and I am heartily sorry for the same, and do acknowledge and testify in my conscience, that no other person hath or ought to have any power or authority over H. M. And I do promise and protest without dissimulation or any colour or means of any dispensation, that from henceforth I will from time to time obey and perform H. M.'s laws and statutes in repairing to church, and hearing divine service, and do my uttermost endeavour to defend the same, *id. s. 5.*

51. Every minister or curate of every parish where such submission is made shall enter the same in a book, and within ten days next following certify the same to the bishop of that diocese, *id. s. 6.*

52. If any such offender, after such submission made, fall into relapse, or obstinately refuse to repair to church, and shall forbear the same as aforesaid, or shall be present at any such conventicles or meetings, under pretence of exercise of religion contrary to law, shall lose all benefit of such submission, and be in like condition as if it had not been made, *id. s. 7.*

53. All the pains and forfeitures and payments by this act imposed, may be recovered and levied to the use of H. M. by action of debt, &c., or information or otherwise in the courts of K. B., C. P., and exchequer, as any other debt due by any person in other case may be, wherein no essoin, &c. (s. 10.); and the third part thereof shall be employed in such charitable uses and in such manner as by 29 *El. c. 6. s. 19.* is limited, *id. s. 10. 11.*

54. Provided no popish recusant or feme-covert be compelled to abjure by this act, *id. s. 12.*

55. Every person that shall abjure by force of this act or refuse to abjure on being required, shall forfeit to H. M. all his goods for ever, and shall lose all his lands, tenements, &c. during the life of such offender; and the wife of any offender under this act shall not lose her dower, nor shall any corruption of blood grow by reason of any offence mentioned in this act; but the heir of such offender may employ such lands, &c., as if this act had not been made, *id. s. 13.*

56. AGAINST JESUITS, SEMINARY PRIESTS, and such other like disobedient persons, 27 *El. c. 2. and s. 1.* [see 31 *G. 3. c. 32. s. 4.*]

57. No Jesuit, seminary priest, or other priest, deacon, or religious, or ecclesiastical person, being born within H. M.'s dominions, and ordained or professed by any authority from the see of Rome, shall come into or remain in H. M.'s dominions, other than in cases expressed in this act; and if he do, such offence shall be high treason, and such of-

fenders shall be deemed traitors, and suffer, &c. as in cases of high treason, 27 *El. c. 2. s. 2.*

58. Every person who shall wittingly and willingly receive, comfort, aid, or maintain any such Jesuit, &c. being at liberty, knowing him to be such, shall be adjudged a felon without clergy, and suffer death and forfeiture as in cases of felony, *id. s. 4.*

59. If any of H. M.'s subjects (not being a Jesuit, &c.), which shall be of or brought up in any college of Jesuits or seminary beyond the seas, shall not within 6 months after proclamation made in London, under the great seal, return into this realm, and within 9 days after such return, before the bishop of the diocese, or two justices of peace of the county where he shall arrive, submit himself to H. M., and take the oath (of supremacy) set forth in 1 *El. c. 1.*, every such person which shall otherwise return shall suffer as in case of high treason, *id. s. 5.*

60. If any person under H. M.'s obedience shall by any means willingly convey out of H. M.'s dominions into any foreign parts, or willingly give or contribute any money or other relief for any Jesuit, &c., or for the maintenance or relief of any college of Jesuits or seminary beyond the seas, or of any person in the same, and not returned with submission, every person so offending shall incur the penalty of *præmunire* in the 16 *R. 2. c. 5.* mentioned, *id. s. 6.* [See 3 *C. 1. c. 2. s. 1.*]

61. Every offence against this act may be inquired of, heard, and determined, as well in the K. B. as in the county, or any other H. M.'s dominions where the offence is committed, or the offender taken, *id. s. 8.*

62. This act shall not extend to any such Jesuit, &c. as shall within 3 days after he shall come into this realm, submit himself to some bishop, or justice of peace within the county where he shall arrive, and before such bishop, &c. take the oath (of supremacy) set forth in 1 *El. c. 1.*, and under his hand acknowledge and continue his due obedience to H. M.'s laws in causes of religion, *id. s. 10.*

63. If any peer be indicted of any offence made treason, felony, or *præmunire* by this act, he shall have his trial by his peers, *id. s. 11.*

64. Every subject of this realm, which shall know that any such Jesuit or other priest abovesaid shall be within this realm contrary to this act, and shall not discover the same to some justice of peace, or other higher officer, within 12 days, but willingly conceal his knowledge therein, shall make fine, and be imprisoned at H. M.'s pleasure. And if such justice of peace, or other officer, to whom such matter is discovered, do not, within 28 days, give information thereof to some of the privy council, he shall forfeit 200 marks, *id. s. 13.*

65. Such of the privy council to whom such information is made, shall thereupon deliver a note in writing, signed with his own hand, to the party by whom he shall receive such information, testifying that such information was made to him, *id. s. 14.*

66. All oaths and submissions made by force of this act shall be certified into the chancery, by such parties before whom the same is made, within 3 months after such submission, upon pain to forfeit 100*l.* to the queen, *id. s. 15.*

67. If any person so submitting do within 10 years after such submission, come within 10 miles of such place where H. M. shall be, without special licence from H. M., under her hand, such person shall take no benefit of his submission, but the same shall be void, *id. s. 16.* [See further as to recusants convert coming into H. M.'s presence, 5 *J. 1. c. 5. s. 2. pl. 138.*]

68. FOR RESTRAINING POPISH REOUSANTS to some certain place of abode, 35 *El. c. 2.* [CONF. and REP. as to licence to travel above 5 miles in s. 12., 3 *J. 1. c. 5. s. 6.*, and other provisions, *post.*] [See further on this point 3 *J. 1. c. 5. s. 4. pl. 134.*]

69. Every person above the age of 16, born within H. M.'s dominions, or made denizen, and having any certain place of abode within this realm, which being a popish recusant shall be convicted for not repairing to church, &c. and being within this realm, shall within 40 days after conviction (if they be not restrained by imprisonment, or by H. M. command, or by order of six of the privy council, or by sickness, and in such cases 20 days after they shall be enlarged, and shall be able to travel) repair to their place of abode, and shall not at any time after remove above five miles from thence, upon pain to forfeit all their goods, and also forfeit to H. M. all the lands of every such person during the life of such offender, *id. s. 5.* 35 *El. c. 2. s. 3.*

70. Like provision for such offenders not having any certain place of abode, to repair to their places of birth, or where their parents reside, within 40 days after the end of this session of parliament, *id. s. 4. Exp.*

71. Every such offender which shall have any lands by copy of court roll, or other customary tenure at the will of the lord, according to the custom of any manor, shall forfeit all his lands holden by copy of court roll, &c. during the life of such offender (if his estate so long continue) to the lords of whom the same be holden, if the lord be not a popish recusant convict, nor seized upon trust to the use of any such recusant, and in such case the forfeiture to be to H. M., *id. s. 3.*

72. Such persons, as by this act are to repair to their place of abode,

or where they were born, shall within 30 days after their coming to such places, notify their coming thither, and present themselves, and deliver their names, in writing, to the minister or curate of the parish, and to the constable, headborough, or tythingman of the town, and thereupon such minister shall enter the same in a book, 35 *El. c. 2. s. 6.*

73. Such minister and constable, &c. shall certify the same to the justices of peace at the next quarter sessions, and the justices there shall cause the same to be entered by the clerk of the peace on the rolls of the sessions, *id. s. 7.*

74. If any such popish recusant (not being a feme covert, and not having lands or annuities, of an absolute estate of freehold, of the yearly value of twenty marks, or goods above the value of 40*l.*) shall not within the time in this act limited, repair to their place of abode, &c. and so notify their coming to the minister and constable, or shall pass above 5 miles from the same, and shall not, within 5 months after such person shall be apprehended for so offending, conform to the laws in coming to church and making public submission, being required by the bishop, or any justice of peace, or by the minister of the parish; such offender, being required by two justices of peace or coroner of the county, shall upon oath before them, abjure this realm and all H. M.'s dominions for ever, and shall depart out of this realm at such port, and within such time, as shall be assigned by such justices or coroner; unless they be stayed by such causes as are allowed in cases of abjuration for felony; and in such cases within such time after, as the law requireth in case of abjuration for felony, *id. s. 8.*

75. Every justice of peace and coroner, before whom such abjuration is made, shall cause the same to be entered of record, and certify the same at the next assizes or gaol delivery, *id. s. 9.*

76. If such offender shall refuse to make such abjuration, or shall not go to such haven, and depart out of this realm, or shall return into any H. M.'s dominions without her licence, he shall be adjudged and suffer as a felon without clergy, *id. s. 10.*

77. If any person suspected to be a Jesuit, seminary, or massing priest, being examined by any person having lawful authority so to do, shall refuse to answer whether he be a Jesuit, or a seminary, or massing priest, he shall be committed to prison until he answer such questions, *id. s. 11.*

78. If any person so restrained shall be urged by process, or be bound without fraud, to make appearance in any of H. M.'s courts, or shall be required by 3 of the privy council, or by any 4 commissioners to be assigned by H. M., to make appearance before H. M.'s council or commissioners, such person shall not incur any forfeiture for travelling to make appearance accordingly, or for his abode and return, *id. s. 13.*

79. If any person so restrained shall be bound to yield his body to the sheriff upon proclamation, he shall not incur any forfeiture for travelling for that purpose, and back again, *id. s. 14.*

80. If any person that shall offend against this act, shall, before he be convicted, come to some parish church on some Sunday or other festival, and hear divine service, and at service time, before the sermon or reading of the gospel, make public submission and declaration of his conformity to H. M.'s laws, he shall be discharged of all such forfeitures; such submission to be made in the words here set down, *id. ss. 15, 16.* [see the form 35 *El. c. 1. s. 5. ante, pl. 50.*]

81. Every minister of every parish where such submission is so made, shall enter the same in a book, and within 10 days certify the same to the bishop, *id. s. 17.*

82. If any such offender, after such submission made, shall fall into relapse, or become a recusant in not going to church, he shall lose all benefit of submission, *id. s. 18.*

83. Every woman married shall be bound by every article in this statute, other than the article of abjuration; and no woman married shall be compelled to abjure, *id. s. 19.*

84. FOR THE DUE EXECUTION OF THE STATUTES against Jesuits, seminaries, priests, recusants, &c. 1 *J. 1. c. 4.* [CONF. 3 *C. 1. c. 2. s. 1.*] The statutes made in the reign of *Elizabeth*, as well against jesuits, seminary and other priests, deacons, and ecclesiastical persons, ordained or professed by any authority from the see of *Rome*, as those which concern the withdrawing the king's subjects from their due obedience, and the religion now professed, and the taking of the oath of obedience to the king, together with those made in the late queen's time against recusants, shall be put in execution, *id. s. 1.*

85. If any recusant shall submit or reform himself, and become obedient to the laws of the church of *Eng.* and repair to church, such person shall be freed from the penalties of recusancy, *id. s. 2.* [See 31 *G. 3. c. 32. s. 3.*]

86. If any recusant die, his heir being no recusant, such heir shall be discharged of all penalties in respect of his ancestor's recusancy; and if the heir be a recusant, and after shall become conformable and repair to church, and shall take the oath of supremacy, as in 1 *El. c. 1.* expressed, before the archbishop or bishop of the diocese, such heir shall be discharged of all penalties in respect of his ancestor's recusancy, *id. s. 3.*

87. If the heir of any recusant shall be within the age of 16 at the

decease of his ancestor, and shall after his age of 16 be a recusant, such heir shall not be discharged of such penalties in respect of his ancestor's recusancy, until he submit or reform himself, and repair to church and take the oath of supremacy, as in *s. 3.*, but after such submission and oath, he shall be discharged thereof, 1 *J. 1. c. 4. s. 4.*

88. Where any seizure shall be had of the two parts of any lands, leases, or farms, for the non-payment of the 20*l.* per month, according to 29 *El. c. 6. s. 4. pl. 40.*, such two parts shall, according to the extent, go towards satisfaction of the 20*l.* per month; and the third part shall not be extended or seized for the non-payment thereof; and where such seizure is had of the two parts, and such recusant shall die, and the debt is due by such recusancy, the two parts shall continue in H. M.'s possession until the debt be paid; and H. M. shall not seize or extend any third part descending to heirs, either by reason of the recusancy of his ancestors, or of such heir, *id. s. 5.*

89. All persons under the king's obedience, which shall go or send any child or other person under their government beyond the seas, out of such obedience, to the intent to be resident in any college, seminary, or house of Jesuits, priests, or other popish order, to be instructed in the popish religion; every such person shall forfeit 100*l.* to H. M., and every person so passing or being sent beyond the seas, shall, as in respect of himself only, and not in respect of his heirs or posterity, be disabled to inherit, purchase, or enjoy, any lands, annuities, goods, debts, legacies, or money, within H. M.'s dominions; and all estates made upon any trust for the benefit of any such person shall be void, *id. s. 6.* [see 3 *C. 1. c. 2. s. 1.*, 3 *J. 1. c. 5. s. 16. pl. 106.*]

90. Provided that if any person or child, so passing or sent beyond the seas, shall after become conformable and repair to church, such person and child, for such time as he shall continue in conformity, shall be discharged of such disability as in *s. 6.*, *id. s. 7.*

91. No woman, nor any child under the age of 21, (except sailors or ship-boys, or the apprentice or factor of some merchant,) shall be permitted to pass the seas, (except the same be by licence of H. M., or of six of the privy council,) upon pain that the officer of the port that shall suffer any such to pass, or shall not enter the names of such passengers licenced, shall forfeit his office and all his goods, and on pain that the owner of the vessel carrying over any such, shall forfeit his vessel with all her tackle, and every master or mariner in such vessel so offending, shall forfeit all their goods and be imprisoned for 12 months, *id. s. 8.*

92. No person shall keep any school, or be a schoolmaster, out of any of the universities or colleges of this realm, except it be in some public or free grammar-school, or in some such nobleman's or gentleman's house as are not recusants, or where the same schoolmaster is specially licensed thereunto by the archbishop or bishop of the diocese, on pain that as well the schoolmaster as also the party retaining him, shall forfeit for each day so wittingly offending 40*s.*, the one half to H. M., and the other to him that will sue for the same in any court of record at *Westminster*, by action of debt and on information, in which no essoin, &c. *id. s. 9.* [see now 31 *G. 3. c. 32. s. 13.*]

93. FOR THE BETTER DISCOVERING AND REPRESSING of popish recusants, (*viz.* by requiring them to go to church and receive the sacrament, and take certain oaths, and by preventing them from enlisting in foreign armies, and by making it high treason to reconcile persons to, or to be reconciled with, the see of *Rome*.) 3 *J. 1. c. 4.*

94. Every popish recusant convict, which shall conform and repair to church, shall, within the first year after he shall so conform himself, and once in every year following, receive the sacrament of the Lord's supper in the church of that parish where he shall most usually abide, *id. s. 2.*

95. And if there be no such parish church, then in the church next adjoining to the place of his abode. And if any recusant so conformed shall not receive the sacrament, he shall forfeit for the first year 20*l.* and for the second year 40*l.*, and for every year after 60*l.*, until he has received the sacrament; and if, after he has received the sacrament, he shall afterwards offend in not receiving the sacrament by one whole year, he shall forfeit 60*l.*, one moiety to H. M. and the other to him that will sue in any of the courts at *Westminster*, or before justices of assize or gaol delivery, or before justices of peace at their quarter sessions, by action of debt, &c. or information wherein no essoin, &c. *id. s. 3.*

96. The churchwardens and constables of every town, parish, or chapel, &c. or if there be none, then the chief constables of the hundred, shall once every year present the monthly absence from church of all popish recusants, and the names of the children of such recusants, being of the age of nine years and upwards, abiding with their parents, and the age of the children, and the names of the servants, of such recusants, at the quarter sessions, *id. s. 4.*

97. Such presentments shall be recorded in such sessions by the clerk of the peace, or town clerk, without fee. And in default of such presentment, the churchwardens, constables, or high constables, shall forfeit 20*s.*, and in default of recording, the clerk of the peace or town clerk shall forfeit 40*s.* *id. s. 5.*

98. Upon every presentment of such monthly absence, whereupon

such party shall be indicted and convicted, not being for the same absence before presented; then such churchwardens, &c. making such presentments shall have a reward of 40s., to be levied out of the recusant's goods and estate, as such justices shall by warrant under their hands and seals appoint, 5 J. 1. c. 4. s. 6.

99. The justices of assize and gaol delivery, and justices of peace at their sessions, shall hear and determine of all recusants and offences, as well for not receiving the sacrament according to this law, as for not repairing to church according to former laws, in such manner as they may do for not repairing to church; and shall at their assizes and sessions (in which any indictment for not repairing to church, or not receiving the sacrament is taken) make proclamation, by which it shall be commanded that the body of every such offender shall be rendered to the sheriff of the county, or bailiff, or other keeper of the gaol of the liberty, before the next assizes or the next quarter sessions holden for the shire, &c.; and if at the next assizes or sessions such offender shall not make appearance, then such default recorded shall be a conviction in law of the offence for which indicted, as if a regular trial had been had, *id.* s. 7.

100. Every offender in not repairing to divine service, that shall be once convicted thereof, shall in such of the terms of *Easter* and *Michaelmas* as shall be next after such conviction, pay into the receipt of the exchequer 20l. for every month contained in the indictment on which conviction was had, and for every month after such conviction, without any other indictment or conviction, forfeit 20l., and pay into such exchequer, at such terms, so much as is then unpaid, at the rate of 20l. for each month after such conviction, except where H. M. may refuse the same by s. 11. and take two parts of the lands and leases of such offender, till he conform himself and come to church, *id.* s. 8.

101. Every conviction recorded for any offence before-mentioned, shall be certified from the justices before whom the record remains into the court of exchequer, before the end of the term following, in such time that process may issue to seize the lands and goods; and if default be made in any such payment, H. M. may, by process of such exchequer, seize the goods, and two parts, as well of the lands and leases of such offender, as of all other lands liable to seizure or penalties by this act, leaving the third part for the maintenance of the offender and his family, *id.* s. 9.

102. H. M. may refuse the penalty of 20l. a month, and take to his own use two parts in three, as well of all lands, &c. leases and farms, that at the time of such seizure shall be or may afterwards come to such offender, as of all other lands, &c. at any time liable to such seizure or penalties, till every such offender conform himself, in lieu of the 20l. monthly; saving to H. M., and all persons and bodies, (other than the offender and his heirs, and all claiming in trust for him or at his will) all rights had before seizure, *id.* ss. 10, 11.

103. H. M. shall leave to such offender his chief mansion-house as part of his third part, and shall not lease such two parts to or for the use of any recusant; and whosoever shall take the same of H. M. shall give security not to commit nor suffer waste, as by the court of exchequer shall be allowed, *id.* s. 12.

104. Any bishop in his diocese, or any two justices of peace, whereof one is of the *quorum*, may require any person of the age of 18 or above, being convict or indicted of recusancy, (other than noblemen or noblewomen) or not going to church, or which shall not have received the sacrament twice within the year, noblemen, &c. excepted, or any person passing through the country and unknown, that being examined upon oath shall not deny himself to be a recusant, or that he had not received the sacrament twice within the year, to take the oath hereafter following, s. 15. [which is *Rep. 1 W. & M. S. 1. c. 18. s. 2.*] which bishop or justices shall certify at the next quarter sessions the name and place of abode of every person who shall take the oath, which certificate shall be recorded by the clerk of the peace or town clerk, *id.* s. 13.

105. If any such person refuse to answer upon oath to such bishop or justices, or to take such oath, such bishop or justices may commit him to the common gaol till the next assize or quarter sessions, where such oath shall be again required of such person, in open assizes or sessions; and if he or any other person (other than noblemen or noblewomen) of the age of 18, shall refuse to take such oath, being tendered by the justices of assize, or the justices of peace in their quarter sessions, every person so refusing shall incur the penalty of *præmunire* under 16 R. 2. c. 5. except women covert, who, on such refusal, shall be by such justices committed to the common gaol till they take the oath, *id.* s. 14. [see 31 G. 3. c. 39. s. 18.]

106. No indictment for not repairing to church, but absenting himself one month, or for not receiving the sacrament, nor any proclamation of outlawry, or other proceeding thereupon, shall be avoided or reversed by any default in form or other defect, other than by traverse to the point of not coming to church, or not receiving the sacrament; but such indictment shall be in force notwithstanding such defect, *id.* s. 16.

107. Provided that if any person so indicted shall submit and conform himself, and repair to his parish church, and if there be none such, then to the church next adjoining to his dwelling, and there hear divine ser-

vice, and receive the sacrament according to the laws of *Eng.* such person shall be admitted to avoid and reverse the said indictment, and all proceedings thereupon, as if this act had not been made, 5 J. 1. c. 4. s. 17.

108. Every subject of this realm, that shall go out of this realm to serve any foreign prince or state, or shall pass over the seas and serve any foreign prince, &c. not having taken such oath aforesaid, shall be a felon, *id.* s. 18.

109. If any gentleman or person of higher degree, or any person which hath born any office of captain, lieutenant, or any other office in camp, army, or company of soldiers, shall pass out of this realm, to serve any foreign prince, &c. or shall voluntarily serve any such prince, &c. before he shall become bound by obligation with two sureties unto H. M., in 20l. at least, with condition to the effect following, he shall be a felon, *id.* s. 19. [see now 59 G. 3. c. 69. (FOREIGN ENLISTMENT.)]

110. Such condition is, That if the within bounden, &c. shall not at any time then after be reconciled to the pope or see of *Rome*, nor shall enter into, or consent unto, any practice, plot, or conspiracy whatsoever, against H. M., his heirs and successors, or any his and their estate and estates, realms or dominions; but shall within convenient time after knowledge thereof had, reveal and disclose to H. M., his heirs and successors, or some of the lords of his or their honourable privy council, all such practices, plots, and conspiracies; that then the said obligation to be void, *id.* s. 20.

111. The customer and controller of every port, and none other, may receive such bond, and give such oath, taking for such bond 6d. and for such oath no fee; which customer and controller shall register and certify every such bond and oath into the court of exchequer once every year, upon pain of 5l. for every bond not so certified, and 20s. for every oath, *id.* s. 21. [see s. 42. pl. 130.]

112. If any person shall, either upon these as or beyond the seas, or in any other place within the dominions of H. M., put in practice to absolve, persuade, or withdraw, any of H. M.'s subjects from their natural obedience to him, or to reconcile them to the pope or see of *Rome*, or to move them to promise obedience to such see, or to any other prince or state, every such person, their procurers, counsellors, aiders, and maintainers, shall be adjudged traitors, and on conviction shall suffer as in cases of high treason, *id.* s. 22. [see 23 El. c. 1. s. 2. pl. 24.]

113. If any such person shall, either upon the seas, or beyond the seas, or in any other place within the dominions of H. M., be willingly absolved, or withdrawn, or reconciled, or shall promise obedience to any such see, prince, or state, such persons, their procurers and counsellors, and maintainers, shall be adjudged traitors, and suffer as [in s. 22.] aforesaid, *id.* s. 23.

114. This branch shall not extend to any person which shall be reconciled to the pope or see of *Rome* (for so being reconciled only) that shall return into this realm, and within six days after such return, before the bishop of the diocese, or two justices of peace, jointly or severally, of the county where he arrives, submit himself to H. M., and take the oath of supremacy, [set forth in the 1 El. c. 1.] as also the oath in this act; and such oaths, so taken, such bishop and justices shall certify at the next general sessions, upon pain of 40l. *id.* s. 24.

115. Every person that shall offend contrary to this branch, shall be indicted, tried, and proceeded against, before the justices of assize and gaol delivery, or before the court of K. B., as in cases of high treason, as if the offence had been committed in the county where such persons were taken, *id.* s. 25.

116. Every peer indicted of any offence made treason by this act, shall have his trial by his peers, *id.* s. 26.

117. If any subject of this realm shall not resort every Sunday to some church, or other place appointed for common prayer, and there hear divine service, according to 1 El. c. 2. any one justice of peace, upon proof of such default by confession or oath of witness, may call the party before him, and if he shall not make a sufficient excuse, such justice may give warrant, under his hand and seal, to the churchwarden of the parish wherein the party shall dwell, to levy 12d. for every default, by distress and sale of his goods; and in default of distress such justice may commit such offender to prison until payment, which forfeiture shall be for the use of the poor where the offender resided, *id.* s. 27.

118. Provided that no man be impeached upon this clause, except he be called in question within one month after the default made, *id.* s. 28.

119. No man being punished according to this branch, shall, for the same offence, be punished by the forfeiture of 12d. upon 1 El. c. 2. s. 29.

120. Every person who shall willingly relieve, keep, or harbour in his house, any servant, sojourner, or stranger, who shall not repair to some church or usual place of common prayer, but shall forbear the same one month, not having a reasonable excuse, shall forfeit 10l. for every month he shall harbour such servant, *id.* s. 32.

121. Every person which shall keep in his service or livery any person which shall not repair to some church, or usual place of common prayer, but shall forbear the same one month, shall forfeit 10l. for every month he shall retain such servant in his service, *id.* s. 33. [see 31 G. 3. c. 32. s. 3.]

122. This act shall not extend to any person maintaining, relieving, or harbouring his father or mother, wanting sufficient maintenance, or the ward of such person, or any person that shall be committed by authority to the custody of any by whom they shall be relieved or kept, *3 J. 1. c. 4. s. 34.*

123. Upon any lawful writ or process for the apprehending of any popish recusant, standing excommunicated for recusancy, the officer, if need be, may break open any house wherein such person shall be, or raise the power of the county for the apprehending of such person, and execution of such writ, *id. s. 35.*

124. Every offence against this act shall be inquired of, heard, and determined before the justices of the K. B., justices of assise and gaol delivery; and all offences, other than treason, shall be inquired, heard, and determined before the justices of peace in their quarter sessions, *id. s. 36.*

125. Any attainder of felony made by this act shall not take away the dower of the wife, nor work corruption of blood, or disherison of the heir, *id. s. 37.*

126. If any action be brought against any person doing any thing concerning the execution of this statute, the defendant may plead the general issue, and give the special matter in evidence, *id. s. 38.*

127. Provided that this act shall not abridge the jurisdiction of the ecclesiastical censures, but bishops and ecclesiastical judges may proceed as before this act, *id. s. 39.*

128. No person shall be charged with any forfeiture by this act for his wife's offence in not receiving the sacrament during her marriage, nor shall any woman be charged with any penalty by this act for such offence which shall happen during her marriage, *id. s. 40.*

129. Where any bishop or justices of peace may, by this act, require of any subject the oath above mentioned, the lords of the privy council, or any six of them, whereof the lord chancellor, lord treasurer, or the principal secretary to be one, may require and take the same oaths of any nobleman or noblewoman above 18; and if such nobleman, &c. (other than woman married) shall refuse to take such oaths, they shall incur the penalty of a *præmunire*, *id. s. 41. [see 31 G. 3. c. 32. s. 18.]*

130. Where any person shall pass out of the cinque ports, or any member thereof, to any parts beyond the seas, to serve any foreign state, the lord warden, or any person by him appointed, may take the bond, and minister the oath to such passenger [as in *ss. 18—21.*] required, *id. s. 42.*

131. TO AVOID THE DANGERS WHICH MAY ARISE by popish recusancy, (*viz.* by preventing the saying of mass, compelling papists to depart out of London, disabling them from certain offices, or to be executors, &c., or guardians, compelling them to be named, buried, and baptized, according to the rites of the church of Eng., and prohibiting the sending of children abroad, to be educated in the popish religion, depriving them of the right of presentation, &c. to benefices, and by disarming them,) *3 Jac. 1. c. 5. (see as to the advowsons belonging to papists, 1 W. & M. S. 1. c. 26., 12 A. s. 2. c. 14. post.)*

132. Such person as shall first discover to any justice of peace any recusant, or other person, which shall entertain or relieve any Jesuit, seminary, or popish priest, or shall discover any mass to have been said, and the persons that were present, and the priest that said the same, within three days after the offence committed, and by such discovery any of such offenders be taken and convicted, the person which hath made such discovery shall not only be freed from the penalty of such offence, but also shall have the third part of the forfeiture (so as the total forfeiture exceed not 150*l.*, and if it exceed, the said person shall have 50*l.*); and such person, after conviction of the offender, shall have a certificate from the convicting judges, or justices of peace, directed to the sheriff or other officer that shall seize the goods or levy such forfeiture, commanding the sheriff, &c. to pay the same to him, which warrant and payment shall be his sufficient discharge, *3 J. 1. c. 5. s. 1. [see 31 G. 3. c. 32. s. 4.]*

133. No popish recusant, convicted, shall come into the house where H. M. or his heir apparent shall be, unless he be commanded by H. M. or by warrant, from the privy council, upon pain to forfeit 100*l.*, the one moiety to H. M., and the other to him that will sue for the same in any of H. M.'s courts of record, by action of *debt* &c. or information, wherein no *essoin*, &c., *id. s. 2. [see 27 El. c. 2. s. 18. ante, pl. 67.]*

134. All popish recusants which shall dwell within London, or within 10 miles of such city, which shall be indicted or convicted of recusancy, or which shall not repair to some church or chapel and hear divine service, but shall forbear the same for three months, shall, within 10 days after such indictment or conviction, depart from London, and 10 miles compass of the same, and deliver their names to the lord mayor, in case such recusant shall dwell in London; and in case he shall dwell in any other country within 10 miles of such city, then to the next justice of peace within 10 days after such indictment or conviction, upon pain to forfeit 100*l.*, the one moiety to H. M., and the other to him that will sue for the same as (in *s. 2.*) *id. s. 4. [see 1 W. & M. c. 9. 31 G. 3. s. 32. s. 19.]*

135. H. M. or three of his privy council, may give licence to a recusant to go out of the compass of five miles from his abode, for such

time as in such licence is contained, for their travelling and returning without any cause to be expressed therein. And if any of the persons confined by this statute *35 El. c. 2.* shall have necessary occasion to go out of the compass of such five miles, then upon licence under hand and seal of four justices of peace, with the assent of the bishop, or of the lieutenant or any deputy lieutenant of the county, residing within the county (in which licence shall be specified the cause of the licence, and the time how long the party shall be absent), such person may go about such his business, he first taking his oath before any of such four justices, that he had truly informed them of the cause of his journey, and that he shall not make any causeless stays; and every licence in this behalf, contrary to this statute shall be void. And every person so confined, which shall go above five miles from the place whereunto he shall be confined, not having such licence, and having taken such oath, shall forfeit as a recusant convicted and passing above five miles from the place where he is confined, by *35 El. c. 2. pl. 69. 3 J. 1. c. 5. s. 7.*

136. No recusant convict shall practise the common law as a counsellor, clerk, attorney, or solicitor, nor the civil law as advocate or proctor, nor practise physic, nor use the trade of an apothecary, nor be minister, clerk, or steward, of any court, or keep any court, nor shall be register or town clerk, or other officer in any court, nor shall bear any office, as captain, lieutenant, corporal, serjeant, ancient-bearer, or other office, in camp, troop, or company of soldiers, nor shall be captain, master, governor, or bear any office, of any ship, castle, or fortress, of H. M.; and every person offending herein shall forfeit 100*l.*, one moiety to H. M., and the other to him that will sue for the same as in *s. 2. aforesaid, id. s. 8.*

137. No popish recusant convict, nor any having a wife being a popish recusant convict, shall exercise any public office in the commonwealth, but shall be disabled therefrom by himself or his deputy, except such husband and his children, above the age of nine years, abiding with him, and his servants in household, shall once every month, not having reasonable excuse, repair to some church or chapel for divine service; and such husband, and such his children and servants as are of meet age, receive the sacrament at such times as are limited by law, and bring up his children in true religion, *id. s. 9.*

138. Every married woman, being a popish recusant convict, (her husband not standing convicted of popish recusancy) which shall not conform herself, but shall forbear to repair to some church or usual place of common prayer, and within the year receive the sacrament by the space of one year next after the death of her husband, shall forfeit to H. M. the profits of two parts of her jointure, and two parts of her dower, and be disabled to be executrix or administratrix of her husband, and to have any part of her husband's goods, *id. s. 10.*

139. Every popish recusant convict shall be disabled as a person excommunicated, until he shall conform himself, and come to church and receive the sacrament, and take the oath, appointed by *3 Jac. 1. c. 4.*; and every person sued by such person disabled, may plead the same in disabling of such plaintiff, if they were excommunicated by sentence, *id. s. 11.*

140. Provided that any such person disabled, may sue any action concerning such of his lands, leases, rents, &c., which are not to be seized into H. M.'s hands for his recusancy, *id. s. 12.*

141. Every man being a popish recusant convict, and who shall be married otherwise than in some open church or chapel, and according to the orders of the church of England, by a minister lawfully authorized, shall be disabled to have any estate of freehold in the lands, &c. of his wife as tenant by the curtesy; and every woman, being a popish recusant convict, and who shall be married in other form than as aforesaid, shall be disabled, not only to claim any dower, or any jointure of the lands of her husband, but also her widow's estate and frank-bank in any customary lands, and likewise to have any part of the goods of her husband, by virtue of any custom. And if any man shall be married with any woman contrary to this act, which woman shall have no lands whereof he may be tenant by the curtesy, such man shall forfeit 100*l.*, the one half to H. M., and the other to such as shall sue for the same as (in *s. 2.*) aforesaid, *id. s. 13.*

142. Every popish recusant which shall have any child born, shall, within one month after the birth, cause the child to be baptized by a lawful minister, according to the laws of this realm, in the open church of the parish where the child was born, or in some other church near adjoining, or chapel where baptism is usually administered; or if by infirmity of the child it cannot be brought to such place, the same shall within such time be baptized by the minister of any of such places, upon pain that the father, if he be living one month after the birth of such child, or if he be dead within such month, then the mother of such child shall forfeit 100*l.*; one third part to H. M., one other third to the informer, and the other third to the poor of the parish, to be recovered as (in *s. 2.*) aforesaid, *id. s. 14.*

143. If any popish recusant, not being excommunicate, be buried in any place other than in the church or church-yard, or not according to

the ecclesiastical laws of this realm, the executors or administrators of such person, knowing the same, or the party that causeth him to be so buried, shall forfeit 20*l*.; one third part to H. M., one third to the informer, and the other third to the poor of the parish where such person died, to be recovered (as in s. 2., *pl*. 133.) 3 *J*. 1. c. 5. s. 15.

144. If the children of any subject, not being soldiers, mariners, merchants, or their apprentices, or factors, shall be sent or go beyond seas without licence of H. M., or six of his privy council, (whereof the principal secretary to be one,) under their hands and seals, they shall take no benefit by any gift, descent, devise, or otherwise, of any lands, leases, or goods, until they, being of the age of 18 years, take the oath mentioned in 3 *J*. 1. c. 4., [RE*P.*, see *pl*. 104.] before some justice of peace, where such parent of such children so sent did inhabit; and in the mean time, the next of kin, which shall be no popish recusant, shall have the lands, &c., and goods so given, descended or devised, until the person so sent or gone beyond the seas shall conform, and take the oath, and receive the sacrament; and after such oath taken, and so conforming, they which have received the profits of such lands, &c., and goods, shall make account and payment thereof to such person as shall so conform; and all such person as shall send children over seas without such licence, shall forfeit 100*l*.; to go one third to H. M., one third to such as shall sue for the same, and the other third to the poor of such parish where such offender doth inhabit, to be recovered (as in s. 2., *pl*. 133.) *id*. s. 16. [see 1 *J*. 1. c. 4. s. 6 *pl*. 89., 3 *C*. 1. c. 2., *pl*. 161.]

145. The whole of the penalty in 3 *J*. 1. c. 5. (s. 16.) mentioned, shall be to the sole use of him who discovers and convicts such offenders, to be recovered as in that act mentioned, 11 & 12 *W*. 3. c. 4. s. 6.

146. Every popish recusant convict, during the time that he shall remain a recusant, shall be disabled to present to any benefice or ecclesiastical living, or to nominate to any free-school, hospital, or donative, and shall likewise be disabled to grant any avoidance to any benefice, &c. 3 *J*. 1. c. 5. s. 18.

147. The chancellor and scholars of the university of Oxford, shall have the presentation, &c. to every such benefice, prebend, or ecclesiastical living, school, hospital, and donative, in the counties of Oxford, Kent, Middlesex, Sussex, Surrey, Hampshire, Berkshire, Buckinghamshire, Gloucestershire, Worcestershire, Staffordshire, Warwickshire, Wiltshire, Somersetshire, Devonshire, Cornwall, Dorsetshire, Herefordshire, Northamptonshire, Pembrokeshire, Carmarthenshire, Brecknockshire, Monmouthshire, Cardiganshire, Montgomeryshire, the city of London, and in every city and town being a county of itself, within the limits of such counties, during such time as the patron remains a recusant convict, *id*. s. 19.

148. The chancellor and scholars of the university of Cambridge, shall have the presentation, &c. to every such benefice, &c., in the counties of Essex, Hertfordshire, Bedfordshire, Cambridgeshire, Huntingdonshire, Suffolk, Norfolk, Lincolnshire, Rutlandshire, Leicestershire, Derbyshire, Nottinghamshire, Shropshire, Cheshire, Lancashire, Yorkshire, Durham, Northumberland, Cumberland, Westmoreland, Radnorshire, Derbyshire, Flintshire, Carnarvonshire, Anglesey, Merioneth, Glamorganshire, and in every city and town being a county of itself, within the limits of such counties, during the like time, *id*. s. 20. [see further on this point, 1 *W*. & *M*. S. 1. c. 26. *pl*. 196.]

149. Provided that neither of the universities shall present to any benefice any such person as shall then have any other benefice with cure, and such presentation shall be void, *id*. s. 21.

150. Recusant convicts shall be disabled to be executors or administrators, and shall not have the charge of any child as guardian in socage or in nurture of any lands, &c., freehold or copyhold, but shall be disabled therefrom, *id*. s. 22.

151. The next of kin to such children to whom such lands, &c. cannot descend, who shall usually resort to church, and receive the sacrament thrice in the year next before, shall have the custody of such child, and of his lands, until his ward is 21, as a guardian in socage, and of the lands holden by copy, so long as the custom of the manor shall permit, *id*. s. 23.

152. If the king's wards are granted or sold to a popish recusant convict, the same shall be void, *id*. s. 24. [Exp.]

153. No person shall bring from beyond the seas, nor shall print, sell, or buy, any popish primers, ladies psalters, manuals, rosaries, popish catechisms, missals, breviaries, portals, legends, and lives of saints, containing superstitious matter, nor other superstitious books, upon pain of 40*s*. for every book; one third part to H. M., one third to him that will sue for the same, and the other to the poor of the parish where such books shall be found, to be recovered as (in s. 2.) aforesaid, *id*. s. 25. [see further 3 & 4 *E*. 6. c. 10. Books.]

154. Any two justices of the peace, and all mayors, bailiffs, and chief officers, of cities and towns corporate, may search the houses of every popish recusant convict, or of every person whose wife shall be a popish recusant convict, for popish books and relics; and if any altar, pix, beads, pictures, or such like popish relics, or any popish books, be found in their custody, as in the opinion of such justices, &c., shall be unmeet

for such recusant to have, the same shall be burnt; and if it be a crucifix, or other relic of any price, the same to be defaced at the quarter sessions, and restored to the owner, 3 *J*. 1. c. 5. s. 26. [see 1 *W*. & *M*. c. 15. *pl*. 186.]

155. All such armour, gunpowder, and munition, as any popish recusant convict shall have, shall be taken from such recusants, by warrant of four justices, at their quarter sessions (other than such necessary weapons as shall be thought fit by such justices for the defence of the person of such recusant, or of his house); and such armour and munition shall be kept at the costs of such recusants, as such four justices shall appoint, *id*. s. 27.

156. If any such recusant, or any other person, which shall have any armour, gunpowder, and munition, to the use of any recusant, shall refuse to declare to such justices what armour they have, or shall hinder the delivery thereof to such justices, such person shall forfeit to H. M. their said armour, gunpowder, and munition, and shall also be imprisoned by warrant of any justices of peace three months, *id*. s. 28.

157. Notwithstanding the taking away of such armour and munition, such recusant shall be charged with the maintaining of the same, and with the providing of horse, and other armour and munition, in such sort as other H. M.'s subjects are; and such armour and munition, at the charge of such popish recusant, shall be showed at every muster within the county, *id*. s. 29.

158. This act shall not abridge the authority of the ecclesiastical censure, but archbishops and ecclesiastical judges, &c., may proceed as before this act, *id*. s. 30.

159. FOR THE REFORMATION OF MARRIED WOMEN RECUSANTS, 7 *J*. 1. c. 6. s. 28. [for rest of this act, see OATHS.]

160. If any married woman (being convicted as a popish recusant for not coming to church, shall not, within three months next after such conviction, conform and repair to church, and receive the sacrament, she shall be committed to prison by one of the privy council, or by the bishop of the diocese if a baroness; or if under that degree, by two justices of peace, until she conform and come to church and receive the sacrament, unless her husband will pay to H. M. 10*l*. per month, or else a third part of all his lands, at the choice of the husband, for so long as she shall remain a recusant convict out of prison, *id*. *ibid*.

161. TO RESTRAIN THE PASSING OR SENDING OF ANY TO BE POPISHLY BRED beyond the seas, 3 *C*. 1. c. 2. [see ante, 1 *J*. 1. c. 4. s. 6. *pl*. 153. 5 *J*. 1. c. 5. s. 16. *pl*. 144.]

162. In case any person under the obedience of H. M. shall go or send any child, or other person, out of H. M.'s dominions to parts beyond the seas, out of H. M.'s obedience, to the intent to be trained up in any abbey, popish university or school, or house of jesuits, or in any private popish family, and shall be there by any popish person instructed in the popish religion, to profess the same, or shall send any money or other thing towards the maintenance of any child or person to be sent and so trained, or under the name of alms, towards the relief of any abbey, &c., or religious house; every person so sending any such child or money, and every person sent, being convicted upon any information or indictment, shall be disabled to sue any action in law or suit in equity, or to be committee of any ward, or executor or administrator to any person, or capable of any legacy or deed of gift, or to bear any office, and shall forfeit all his goods and chattels, and all his lands, &c., rents, offices, annuities, and estates of freehold, during his natural life, 3 *C*. 1. c. 2. s. 1. [see as to sending money to any religious house, 27 *El*. c. 2. s. 6. ante, *pl*. 60.]

163. No person so sent that shall within six months after his return conform to the church of Eng., and receive the sacrament, shall incur any such penalties, *id*. s. 2.

164. Offences against this statute may be enquired, heard, and determined, before the justices of K. B., or of assize, or grand delivery, or of *oyer* and *terminer*, of such counties where the offenders did last dwell, or whence they departed out of this kingdom, or where they were taken, *id*. s. 3.

165. If any person so sent shall, after his return, conform to the church of Eng., and receive the sacrament, he shall have his lands restored, *id*. s. 4. [See 31 *G*. 3. c. 32. s. 4. *pl*. 234.]

166. FOR PREVENTING DANGERS WHICH MAY HAPPEN FROM POPISH recusants (by compelling certain officers to take the oaths of allegiance and supremacy) 25 *C*. 2. c. 2. [AMD. as to the time of receiving sacrament, 16 *G*. 2. c. 30. and as to making the declaration against transubstantiation, 9 *G*. 2. c. 26. s. 3.] See further on this point, 5 *El*. c. 1. ss. 5—17. OFFICES. [Single judge of K. B. sitting under 57 *G*. 3. c. 11. may administer these oaths, 1 *G*. 4. c. 55. s. 44. see their forms, OATHS.]

167. All persons who shall be admitted into any office, civil or military, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant of H. M., or shall have command or place of trust, under or by authority derived from him, within Eng., Wa., or Ber., or in the navy, or in Jersey or Guernsey, or who shall be admitted into H. M.'s or Royal Highness the then Duke of York's household, and shall inhabit within London or Westminster, or within 30 miles thereof, shall take the oaths of supremacy and of allegiance in 3 *Ja*. 1. c. 4. [RE*P.*, see *pl*. 104.] in

Chancery or K. B., in open court, between 9 and 12, and all proceedings there shall cease in the next term after their admittance, and all persons so admitted not having taken such oaths before such courts, shall take them at the quarter sessions of the county where they reside, and shall receive the sacrament within three months after admittance in some public church, on *Sunday*, after the service and sermon, 25 C. 2. c. 2. s. 2.

168. All such persons as in 25 C. 2. c. 2. s. 2. mentioned, shall receive the sacrament according to the usage of the church of *Eng.* within six months after their admittance into employment, in some public church on some *Sunday*, 16 G. 2. c. 30. s. 3.

169. All persons who neglect to receive the sacrament according to this act, shall be liable to all the disabilities and forfeitures of 25 C. 2. c. 2. s. 4. and this act shall not restore any person to any office, benefice, &c. already avoided by judgment, or filled up by another person, *id.* s. 4. s. 5.

170. Every person in the court where he takes such oaths shall first deliver a certificate of his having taken the sacrament under the hands of the minister and churchwarden, and shall prove the same by two witnesses on oath, all which shall be enquired of and recorded in such courts, 25 C. 2. c. 2. s. 3.

171. Persons neglecting to take such oaths and sacrament as aforesaid, shall be adjudged incapable to enjoy their offices, or any profit appertaining thereto, and the same shall be void, *id.* s. 4.

172. All persons who shall neglect to take such oaths and sacrament within the times and places aforesaid, and yet shall execute such offices after such times expired, shall, on conviction by information or indictment, in the courts at *Westminster* or at the assizes, be disabled to sue in any court of law or equity, or to be guardian to any child, or executors or administrators to any person, or capable of any legacy or deed of gift, or to bear any office within *Eng.*, *Wa.*, or *Ber.*, and shall forfeit 500*l.*, to be recovered by him that will sue for the same by action of debt, &c. or information in the courts at *Westminster*, wherein no essoin, &c. *id.* s. 5.

173. The names of all officers and persons that shall take such oaths, shall be in such courts of Chancery, K. B., or quarter sessions inrolled, with the day and time of taking the same, which rolls for the court of Chancery shall be hung up in the petty-bag office, and that in the K. B. in the crown office, and in some public place in every quarter session, and there remain during the whole term, every term, and such sessions, for every one to resort to without fee, and only 1*s.* shall be paid by such persons for such entry of his having taken such oaths, *id.* s. 6.

174. Such courts may administer such oaths to such persons, and on tender thereof by the latter shall administer the same, *id.* s. 7.

175. If any person not bred up by his parents from infancy in the religion, and professing themselves to be popish recusants, shall breed up, instruct, or educate his children in the popish religion, such person on conviction, and his children, shall be disabled of bearing any office, or place of trust or profit in church or state, until he and they are reconciled to the church of *Eng.*, and shall take the oaths of allegiance and supremacy before the justices at quarter sessions where they inhabit, and thereupon receive the sacrament, and obtain a certificate thereof under the hands of two justices, *id.* s. 8.

176. At the time when the persons concerned in this act shall take such oaths, they shall likewise make and subscribe this declaration under the same penalties as hereby appointed; *viz.*

'I, A. B., do declare, that I do believe, that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever,' *id.* s. 9.

[This declaration may be made at the time of taking the oaths, 9 G. 2. c. 26. s. 3. See OFFICES. No person shall be summoned to make this declaration, 31 G. 3. c. 32. s. 18. pl. 246.] of which subscription there shall be the like register kept, as of the taking the oaths, *id.* s. 10.

177. This act shall not prejudice the peerage of any peer, or take away any privilege or profit which he ought to enjoy by reason of his peerage, or take away creation-money, or bills of impost, nor make void any pension granted by H. M. to any person for valuable consideration for life or years, other than such as relate to any office or place of trust under H. M., and other than pensions of bounty; nor make void any estate of inheritance granted by H. M., or his predecessors, in any lands or hereditaments, not being offices; nor take away any pension granted by H. M. to any person who was instrumental in the preservation of H. M. after the battle of *Worcester*, until his arrival beyond the seas: nor make void the grant of any office of inheritance, or any fee thereto belonging, enjoyed by any person who shall neglect to take the oaths, &c. as herein prescribed, so as such person appoint his deputy, until such time as the person having such office shall, in the court of Chancery, before the Lord Chancellor, or in the K. B., take such oaths and receive the sacrament according to law, and subscribe such declaration; and so as such deputy take the oaths, receive the sacrament, and subscribe the declaration as by this act directed, and be approved of by H. M. under his privy signet, *id.* s. 11.

178. Peers may take the oaths, make the subscription, and deliver the certificates, before the peers sitting in parliament, if sitting within the

time limited, and in the intervals of parliament in chancery, in which courts such proceedings are to be recorded, 25 C. 2. c. 2. s. 12.

179. Any person, who by neglect shall forfeit any office according to this act, may be capable by a new grant of such office, or of any other, on his taking such oaths, and doing all other things required by this act, so as such office be not enjoyed by some other person at the time of the regranting thereof, *id.* s. 14.

180. Nothing in this act shall make any forfeiture or incapacity in any non-commission officer in the navy, if such officer shall only subscribe such declaration, as in s. 10., *id.* s. 15., [and see OATHS.]

181. This act shall not extend to the office of any high constable, petty-constable, tythingman, headborough, overseer of the poor, churchwarden, surveyor of the highways, or any like inferior civil office, or to any office of forester, or keeper of any park, chase, warren, or game, or of bailiff of any manor or lands, or to any like private offices, *id.* s. 17. [see 31 G. 3. c. 52. s. 7., pl. 237.]

182. FOR THE REMOVING PAPISTS AND REPUTED PAPISTS FROM THE CITIES of *London* and *Westminster*, and 10 miles' distance of the same, 1 W. & M. S. 1. c. 9. and s. 1. [powers hereof extended to justices for *Essex*, 1 W. & M. S. 1. c. 17. and s. 1., not to extend to persons having taken the oath of allegiance, and hereby appointed, 31 G. 3. c. 52. s. 19. pl. 247., but see also 3 J. 1. c. 5. s. 4. pl. 154.]

183. The lord mayor of *London*, and every justice of peace of *London*, *Westminster*, *Southwark*, *Middlesex*, *Surry*, *Kent*, and *Sussex*, [*Essex*, 1 W. & M. c. 17. s. 2.] shall cause to be arrested and brought before him every person (not being a merchant foreigner within such cities or 10 miles of the same) reputed to be a papist, and tender him the declaration in 30 C. 2. S. 2. s. 2. (PARLIAMENT) mentioned; and in case he refuse to make and subscribe such declaration, and after such refusal continues within such cities, or 10 miles' distance from the same, he shall suffer as a popish recusant convict, 1 W. & M. S. 1. c. 9. s. 2.

184. Every justice of peace shall certify every subscription before him under this act taken, and the names of every person refusing so to do, into the K. B. the next term, or at the next quarter sessions; and if the person so refusing and certified, shall not, within the next term or sessions after, appear in the K. B. or sessions, where such certificate is returned, and make, &c. such declaration, and incurse his so doing upon the certificate, he shall be adjudged a popish recusant convict, and shall as such forfeit and be proceeded against, *id.* s. 3.

185. Nothing in this act shall relate to any foreigner that shall be menial servant to any ambassador or public agent, *id.* s. 5.

186. FOR THE BETTER SECURING THE GOVERNMENT BY DISARMING PAPISTS and reputed papists, (and preventing them from having horses above the value of 5*l.*) 1 W. & M. S. 1. c. 15. s. 1. [Ext. to *Scot.*, 1 G. 1. st. 2. c. 20. s. 16.]

187. Two justices of peace may tender to any person known or suspected to be a papist, the declaration in 30 C. 2. st. 2. s. 2. (PARLIAMENT); and if such person shall not make such declaration, or shall forbear to appear before such justices, upon notice to him given or left at his place of abode, by any person authorised by warrant under the hands and seals of such two justices, he shall be subject to the penalties in this act, 1 W. & M. S. 1. c. 15. s. 2.

188. Such justices shall certify the name and place of abode of every person who shall refuse to make such declaration, or to appear before them for such purpose, as also of every person who shall make such declaration, at the next quarter sessions to be recorded by the clerk of the peace or town-clerk, *id.* s. 3.

189. No papist or reputed papist so refusing or making default, shall have in his house or elsewhere, or in the house of another, to his use, any arms, gunpowder, or ammunition, other than such necessary weapons as shall be allowed him by order of the quarter sessions for the defence of his house or person. And any two justices by like warrant may authorise any persons in the day-time, with the constable, tythingman, or headborough, to search for arms or ammunition which shall be in the custody of any such papist or reputed papist, and seize the same for the use of H. M., which justices shall, at the next quarter sessions, deliver such arms and ammunition in open court, *id.* s. 4. [see 3 J. 1. c. 5. s. 26. pl. 154.]

190. Every papist or reputed papist, who shall not, within ten days after such refusal or default, deliver to some of the justices of peace all arms or ammunition which he shall so have, or shall hinder any person so authorized by two justices, to search for and seize the same, shall be committed to gaol, by like warrant of two justices, for three months; and shall also forfeit such arms, and treble the value of them to H. M., to be appraised by the justices at the next quarter sessions, *id.* s. 5.

191. Every person who shall conceal or be privy to the concealing, or who knowing thereof shall not discover to some justices, the arms or ammunition of any person so refusing or making default, or shall hinder any person so authorised in searching for and seizing the same, shall be committed to gaol by like warrant of two justices for three months, and forfeit treble the value of the arms to H. M., *id.* s. 6.

192. If any person shall discover any concealed arms, &c. belonging to any so refusing or making default, so as the same may be seized, the justices upon delivery of the same at the quarter sessions, shall, by order of sessions, allow him a sum of money amounting to the value of such arms, &c. to be assessed by the sessions, and levied by distress and sale of the goods of the person offending, rendering overplus, after costs deducted, to the owner, 1 *W. & M. S. 1. c. 15. s. 7.*

193. If any person, who shall have so refused or made default, shall desire to submit and shall present himself before the quarter sessions, where his refusal is certified, and shall in open court make the declaration, contained in the 30 *C. 2. st. 2. (PARLIAMENT)*, and take the oaths in 1 *W. & M. st. 1. c. 1. viz.* of allegiance and abjuration, he shall be discharged of all such disabilities and forfeitures, *id. s. 8.*

194. No papist, or reputed papist, refusing or making default, shall have any horse above the value of *5*l.** to be sold; and any two justices of peace by like warrant may authorize any person, with the assistance of the constable, thythingman, or headborough, to search for and seize for the use of H. M. all such horses, which are declared to be forfeited, *id. s. 9.*

195. If any person shall conceal or be assisting in the concealing any such horse belonging to any papist, or reputed papist, so refusing or making default, such person shall be committed to prison as in *s. 6.*, by three months, and shall forfeit to H. M. treble the value of such horses, to be settled as in *s. 6.* aforesaid, *id. s. 10.*

196. To VEST IN THE TWO UNIVERSITIES THE PRESENTATION OF BENEFICES belonging to papists, 1 *W. & M. S. 1. c. 26. and s. 1.* [AMP. 12 *A. st. 2. c. 14.* (NOT to extend to *Scol.*, 12 *A. S. 2. c. 14. s. 11.*) 11 *G. 2. c. 17. s. 5.*, see *pl. 147—149.*]

197. Every person who shall refuse to make and subscribe the declaration mentioned in 1 *W. & M. st. 1. c. 15. pl. 187.*, or shall refuse to appear for the making thereof, and shall thereupon have his name certified and recorded at quarter sessions, as in such act mentioned, shall be disabled to make presentation, &c., donation, or grant of avoidance, of any benefice, prebend, or ecclesiastical living, as fully as if he were a popish recusant convict; and the chancellor and scholars of the universities of *Oxford* and *Cambridge* shall have the presentation, collation, &c. of such benefice, &c., school, hospital, and donative, lying in the counties, &c., in 3 *J. 1. c. 5. ss. 19, 20. pl. 147—8.* appointed as often as they become void, according to the limitations in that behalf, *id. s. 2.*

198. Where any persons shall be possessed of any advowson, or right of presentation, &c. to any such ecclesiastical living, free-school, or hospital, in trust for any papist or popish recusant, who shall be convicted or disabled by the 3 *J. 1. c. 5.*, or this act, such trustees shall be disabled to present, collate, &c. to any such living, &c. or to grant any avoidance thereof; and their presentations, &c. and grants shall be void; and such universities, on every avoidance, shall have the presentations, &c. thereto, as they would have done in case such recusant were seised thereof, *id. s. 3.*

199. In case any trustee, mortgagee, or grantee of any avoidance, shall present, collate, &c. any person to any such living, &c. whereof the trust is for any recusant, convict or disabled, without giving notice of the avoidance in writing to the vice-chancellor of the university, to which the presentation belongs, according to this act, within 3 months after such avoidance, he shall forfeit 500*l.* to the university which has the presentation, to be recovered by action of debt, &c. or information in the courts of record, wherein no essoin, &c. *id. s. 4.*

200. Such universities shall not present to any benefice with cure, prebend, or ecclesiastical living, any person as shall then have any other benefice with cure; and if any such presentation shall be, the same shall be void, *id. s. 5.*

201. If any person so presented to any benefice with cure shall be absent above 60 days in one year, such benefice shall become void, *id. s. 6.*

202. If any such person shall present himself before the justices at the quarter-sessions where his name was recorded, and make such declaration, and take the oaths contained in 1 *W. & M. S. 1. c. 8. OATHS*, he shall be discharged of the disability, and be enabled to make such presentation, &c. and grant any avoidance to any benefice, &c. as if this act had not been made, *id. s. 7.*

203. Every papist, or person making profession of the popish religion, and every child, not being a protestant, under the age of 21 years, of every such papist, &c. and every mortgagee or trustee, or person any ways intrusted, directly or indirectly, for any such papist, &c. or such child, whether such trust is in writing or not, shall be disabled to present, collate, or nominate to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or to grant any avoidance thereof; and every such presentation, &c. and grant, and every admission, institution, and induction thereupon, shall be void; and the universities of *Oxford* and of *Cambridge* shall respectively have the presentation, &c. of every such benefice, &c. lying in the counties, cities, and limits, in 3 *J. 1. c. 5. ss. 19, 20. pl. 147—8.* mentioned, as by such act appointed, in the case of a popish recusant convict, 12 *A. st. 2. c. 14. s. 1.*

204. When any presentation to any benefice or living is brought to

any archbishop, bishop, or other ordinary, from any person who is reputed to be, or whom such ordinary suspects to be, a papist, or trustee of any person making profession of the popish religion, or suspected so to be, such ordinary may tender to such person, if present, the declaration against transubstantiation, set down in 25 *C. 2. c. 2. s. 8. pl. 175.* and in case such person be absent, such ordinary shall, by notice in writing, to be left at the place of habitation of such person, appoint when and where such person shall appear before such ordinary, or persons authorised by such ordinary by commission under his seal of office; and upon appearance, such ordinary or commissioners shall tender such declaration to the person making such presentation; and in case he refuse to make and subscribe such declaration, or so to appear, such presentation shall be void; and such ordinary shall within 10 days after send a certificate under his seal of office, of such refusal, to the vice-chancellor of that university to whom such presentation would belong, if the person presenting had been a popish recusant convict; and such university may present a qualified person, according to 3 *J. 1. c. 5.* and 1 *W. & M. S. 1. c. 26.*, and such presentation for that time only is hereby vested in them for that purpose, 12 *A. S. 2. c. 14. s. 2.*

205. When the presentation of any person presented to any benefice is brought to any such ordinary, before such ordinary gives institution he shall examine the person presented, upon oath, whether to the best of his knowledge and belief the person who made such presentation be the true person, or made such presentation in his own right, or whether he be not trustee for some papist, or the children of such, or for any other person, or what he knows, has heard, or believes, touching the same; and if such person so presented shall not answer directly, such presentation shall be void, *id. s. 3.*

206. The respective universities to whom the presentation to such benefice should belong, in case the rightful patrons had been popish recusants convict, and their presentees or clerks, for the discovery of any such secret and fraudulent trusts, made by or for such papists and their children, may exhibit their bill in equity against such persons presenting, and such as they believe to be the *cestuique trust*, or any other who may be able to make any discovery of such secret trusts, to which bill the defendants shall answer at the discretion of the court, and if they neglect to make such answer within the time allowed by the court, such bill shall be taken *pro confesso*, and be allowed as evidence against such person and his trustees or clerk, provided that every person having fully answered, and not knowing of any such trust for a papist, or other person so disabled, shall be entitled to his costs to be taxed, *id. s. 4.*

207. The court where any *quare impedit* shall be depending, at the instance of either of such universities or their clerks being plaintiffs or defendants by motion, may make any rule requiring satisfaction upon the oath of such patron and his clerk, who shall in such suit contest the right of such university to present, by examination in court, or by commission under the seal of such court, or by affidavit, as such court shall find proper; and in case it appears on such examination that such patron and clerk is but a trustee for other persons, then such patron and his clerk shall discover who such persons are, and where they live; and on their refusal so to do, shall be punished as persons guilty of a contempt of court; and in case such patron or his clerk shall discover the person for whom the patron is a trustee, such court, upon motion, shall make a rule, that the person for whom such patron is a trustee shall in such court, or before commissioners appointed for that purpose, under the seal of such court, make and subscribe the declaration against transubstantiation, and likewise give such further satisfaction upon oath, touching such trust, as the court shall think fit; and such person so required to make, &c. such declaration, and neglecting so to do, shall be esteemed a popish recusant convict in respect of such presentation, *id. s. 5.*

208. The answer of such patrons, and the person for whom they are entrusted, and their clerk, and their examinations and affidavits taken by order of court, or by any archbishop, bishop, or other ordinary, or such commissioners, (which examinations shall be reduced into writing, and signed by the party examined,) shall be evidence against such patron and his clerk, *id. s. 6.*

209. Provided that no such bill, nor any discovery to be made by any answer thereto, or to any such examination, shall be made use of to subject any person making such discovery, or not answering such bill, to any penalty other than the loss of the presentation, *id. s. 7.*

210. In case of any such bill of discovery exhibited by either of such universities, or their presentees, no lapse shall incur, nor penalty be a bar, till after three months from the time that the answer shall be put in, or the bill taken *pro confesso*, or the prosecution deserted, provided such bill be exhibited before any lapse incurred, *id. s. 8.*

211. Such universities were and are entitled to sue any writ of *quare impedit*, by the name of chancellor and scholars of the university of *Oxford* and of *Cambridge* respectively, or by their proper names of incorporation, at their election, *id. s. 9.*

212. In case of any trust for a papist discovered by answer to such bill, or such examination, the court where such discovery is made, may

inforce the producing of the deeds relating to such trusts, 12 A. S. 2. c. 14. s. 10.

213. Nothing herein before shall extend to *Scot.* s. 11.

214. The lords of H. M. justiciary court in *Scot.* may inflict the same punishment against jesuits, priests, and other trafficking papists, which the privy council of *Scot.* might, by the *Scotch* act of the 8th session of the 1st parliament of king *William*, *id.* s. 12.

215. Every grant of any advowson or right of presentation, collation, nomination, or donation of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, and every grant, or any avoidance thereof by any papist, or person professing the popish religion, or any mortgagee or trustee, or person any ways intrusted, directly or indirectly, by or for any such papist, &c., whether such trust is by writing or not, shall be void, unless such grant is made *bonâ fide*, and for a full and valuable consideration to and for a protestant purchaser, and merely and only for a protestant, and such grantee, or person claiming under such grant, shall be deemed a trustee for such papist, &c. within the meaning of 12 A. st. 2. c. 14., and such grantees, and persons claiming under such grants, and their presentees, shall be compelled to make discoveries relating to such grants and presentations made thereupon, and by such methods as by 12 A. st. 2. c. 14. directed, in case of trustees for papists, &c.; and every devise made by any papist, &c. of any such advowson, right of presentation, &c., or any such avoidance, with intent to secure the benefit thereof to the heirs or family of such papist, &c. shall be void, and such devises, and persons claiming under them and their presentees, shall, in like manner, be compelled to discover whether such devises were not made with such intent, 11 G. 2. c. 17. s. 5.

216. NOTHING HEREIN SHALL EXTEND TO ANY POPIISH PRIEST FOR SAYING MASS, or officiating as a priest within the house of any foreign minister, so as he be not one of H. M.'s natural born subjects, nor naturalized, and so as his house and place of birth, and the minister to whom he belongs shall be registered in the office of the principal secretary of state, 11 & 12 W. 3. c. 4. s. 5. [see now 31 G. 3. c. 32. s. 3. pl. 255.] [QU. REF. 18 G. 3. c. 60. s. 1. post, pl. 224.]

217. If any popish parent, in order to compel his child to change his religion, shall refuse to allow such child a fitting maintenance, &c. then on complaint to the chancellor, he may make such order therein as is agreeable to the intent of this act, *id.* s. 7.

218. FOR SECURING THE ESTATES OF PAPISTS CONFORMING TO THE protestant religion against the disabilities created by several statutes relating to papists, 11 G. 2. c. 17. ss. 1—4. See the rest of this act *ante*, pl. 215.

219. Every person being reputed owner, or in possession, or receipt of the rents and profits of any manor, messuages, lands, tenements, or hereditaments, or any interest therein, who has been or reputed to be a papist, or educated in the popish religion, who shall conform to the protestant religion, and shall take the oaths of allegiance, supremacy, and abjuration; and also subscribe the declaration set down in 30 C. 2. st. 2., to be by him repeated and subscribed in the courts of chancery, K. B., or quarter sessions of the county where he resides; all which shall be recorded in some courts of record at *Westminster* or such quarter sessions; and all persons being protestants claiming under such persons conforming for their own or for another protestant's benefit, and not for the benefit of any papist, shall hold, enjoy, and possess such manors, lands, &c. freed from all disabilities in any act relating to papists contained incurred by such reputed owner, or by any person by, from, or through whom the title to such manors, lands, &c. or any interest therein, is derived for such estate, as he would have had if no such disability, &c. had been incurred, unless the person entitled to take advantage thereof have recovered or shall recover such manors, lands, &c. by judgment or decree in some suit, commenced within six calendar months before the making of such record, and to be prosecuted with due diligence, *id.* s. 1.

220. This act shall not prejudice the right of any person entitled to take advantage of such disability, who now is or was precedent to the making of such record, in possession of such manors, lands, &c. for two calendar months, *id.* s. 2.

221. If any such person so conforming shall afterwards return to the popish religion, such person shall for ever afterwards be disabled from having any benefit of this act, and be liable to the same disabilities as if he had not taken such oaths and subscribed such declaration, *id.* s. 3.

222. Nothing in this act shall prejudice the right of any person entitled to any remainder or reversion, in any such manors, lands, &c., in case such person shall pursue his right by suit to be commenced within 12 calendar months after the precedent estate on which such remainder or reversion depends, is determined, or within 12 calendar months after 29 Sept. 1738, if such precedent estate be already determined by the death of any persons whose deaths have been concealed from the person so entitled, by reason of their having been buried beyond the seas, or in a private manner at home, and shall prosecute such suit with diligence, *id.* s. 4.

223. FOR RELIEVING H. M.'S SUBJECTS PROFESSING THE ROMAN

CATHOLIC religion from certain penalties and disabilities imposed on them, 18 G. 3. c. 60.

224. So much of 11 & 12 W. 3. c. 4. (viz. ss. 1—4.) relating to the apprehending of popish bishops, priests, or jesuits, and such bishops, &c. and papists keeping schools, and disabling persons professing the *Roman* catholic religion, under certain circumstances, to inherit, take by descent, devise or limitation, in possession, reversion, or remainder, and also to purchase any land, within *Eng.*, *Wales*, and *Ber.*, shall be *REP. id.* s. 1.

225. Every person having or claiming any lands, tenements, or hereditaments, under titles not hitherto litigated, though derived from any descent, devise, limitation, or purchase, shall hold and enjoy the same, as if the 11 & 12 W. 3. c. 4. had not been made, (s. 2.); and nothing herein shall effect any action now depending, *id.* s. 3.

226. Nothing herein shall extend to any person, but such who shall, within six calendar months after this act, or of accruing of his title, being 21 years of age, or who being under that age, shall within six months after he has attained 21, or being of unsound mind in prison, or beyond the seas, then within six months after the disability removed, take and subscribe the oath here set down, which oath the court of chancery, or any court of record at *Westminster*, or the courts of great sessions in *W.*, or the county palatine of *Chester*, or the courts of chancery or C. P., in the counties palatine of *Lancaster* and *Durham*, or the court of general or quarter sessions of any county, city, or place, &c. in *Eng.* or *Wa.*, shall administer, of the taking and subscribing of which a register shall be kept as prescribed by the laws in force, requiring oaths from persons taking offices or employments, *id.* s. 4. [The form of this oath is omitted, as being superseded by that given in 31 G. 3. c. 32. s. 1., by the express enactment of 43 G. 3. c. 30. both which see post, pl. 229. 231.]

227. Nothing herein shall extend to any popish bishop, priest, jesuit, or school-master, who has not taken and subscribed the above oath in the above words before he is apprehended, or any prosecution commenced against him, *id.* s. 5.

228. TO RELIEVE ON CONDITIONS AND UNDER RESTRICTIONS THE PERSONS therein mentioned, from certain penalties and disabilities, to which papists and others professing the popish religion, are by law subject, 31 G. 3. c. 32. [AMD. 43. G. 3. c. 30.] (NOTE. *Papists* are also considerably relieved from the severe enactments of the foregoing acts by the effect of the toleration act, 1 W. & M. S. 1. c. 18. title NONCONFORMIST. See also 53 G. 3. c. 44. as to *Scot.*)

229. Persons professing the *Roman* catholic religion, may personally appear in the courts of chancery, K. B., C. P., or exchequer, or at the quarter sessions for the county, city, or place, where they shall reside, and there in open court between nine and two in the afternoon, take, make, and subscribe the declaration and oath following:

'I A. B. do hereby declare, that I do profess the *Roman* catholic religion.'
'I A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to H. M. king *George* the third, and him will defend to the utmost of my power against all conspiracies and attempts whatever that shall be made against his person, crown or dignity; and I will do my utmost endeavour to disclose and make known to H. M., his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support and defend to the utmost of my power, the succession of the crown; which succession, by an act intitled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia* electress and duchess dowager of *Hanover*, and the heirs of her body being protestants; thereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of these realms: and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under the pretence of their being hereticks or infidels; and also that unchristian and impious principle, that faith is not to be kept with hereticks or infidels: and I further declare, that it is not an article of my faith, and that I do renounce, reject and abjure the opinion that princes excommunicated by the pope and council, or any authority of the see of *Rome*, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: and I do promise, that I will not hold, maintain or abet any such opinion, or any other opinions contrary to what is expressed in this declaration: and I do declare, that I do not believe that the pope of *Rome* or any other foreign prince, prelate, state or potentate, hath, or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm: and I do solemnly, in the presence of God, profess, testify and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation or mental reservation whatever; and without any dispensation already granted by the pope, or any authority of the see of *Rome*, or any person whatever: and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope or any other person or authority whatsoever shall dispense with or annul the same, or declare that it was null or void. So help me God.'

230. The same to be subscribed by the person taking it with his name at length, if he can write, or with his mark, the name being written by the officer if he cannot, such person or officer adding the title, addition,

and place of abode of such person, and to remain in such court of record, and the officer of such court with whom such record remains shall make, subscribe, and deliver a certificate of such declaration and oath having been duly taken, &c. to the person who so made, took, &c., the same if demanded immediately, for which 2s. shall be paid; and such certificate, on proof of the certifier's hand, and that he acted as such officer shall be competent evidence of such person's having made &c. such declaration and oath, unless the same is falsified, 31 G. 3. c. 32. s. 1.

331. The declaration and oath expressed in the 31 G. 3. c. 32. s. 1. shall, as to all who have taken, &c., or hereafter shall make, take, and subscribe the same in the manner there mentioned, give the same benefits and advantages, and operate to the same intents as by the 18 G. 3. c. 60. is enacted of the oath thereby subscribed, 45 G. 3. c. 30.

332. Such officer with whom such records are kept, shall yearly, on 25th Dec., transmit to the clerk of the privy council, lists of the persons with their titles, additions, and places of abode, who have made and subscribed such declaration and oath in the preceding year, 51 G. 3. c. 32. s. 2.

333. Whereas by the 1 El. c. 2. s. 14., 23 El. c. 1. s. 5., 29 El. c. 6. s. 3., 35 El. c. 2. s. 16., 1 J. 1. c. 4., 3 J. 1. c. 4. s. 4., 3 J. 1. c. 5. s. 10., and 7 J. 1. c. 6. s. 28., all persons are required to resort to the parish church, and penalties are imposed for not doing so. It is enacted, that no person professing the Roman catholic religion, who shall take and subscribe such oath as aforesaid, shall be liable to be prosecuted on such statutes, or any other law, by indictment, action, or otherwise, or to be prosecuted in any ecclesiastical court, for not resorting or repairing to the parish church, or some usual place of common prayer, according to the rites of the church of Eng., or for keeping or having any servant or other person, being a papist or a reputed papist, or person professing the popish religion, who shall not resort or repair to such church or place of common prayer, 51 G. 3. c. 32. s. 3.

334. No person who shall take and subscribe the oath in s. 1. appointed in manner thereby required, shall be presented, indicted, prosecuted, or convicted in any civil or ecclesiastical court, for being a papist or reputed papist, or for professing or being educated in the popish religion, or for hearing or saying mass, or for being a priest or deacon, or for entering or belonging to any ecclesiastical order or community of the church of Rome, or for being present at, performing and observing any rite or observance of the popish religion, or maintaining and assisting others therein, the 23 El. c. 1.; 27 El. c. 2.; 35 El. c. 2.; 1 J. 1. c. 4.; 3 J. 1. c. 5.; 3 C. 1. c. 2. and 25 C. 2. c. 2. notwithstanding, *id.* s. 4.

335. No place of congregation or assembly for religious worship shall be allowed under this act, until the place of meeting is certified to the quarter sessions of the county, city, or place where held, and until the same is there recorded by the clerk of the peace, who shall give a certificate thereof to such person as demands one, on payment of 6d., and no person in holy orders, or pretended holy orders, whether as priest or minister of any higher order or rank, shall officiate in any way in such place, until his name and description as a priest or minister is likewise so recorded, on demand by him made, and on payment of 6d., and such clerk shall grant a certificate thereof to any person demanding it, on payment of 2s.; and no such priest or minister who shall officiate in any such place of meeting not so recorded, shall be deemed to be within the benefit of this act for any purpose, *id.* s. 5.

336. If any assembly of persons professing the Roman catholic religion, shall be had with doors locked, &c. during the time of such meeting, all persons who shall be at such meeting shall not have the benefit of this law, but notwithstanding having taken such oath of allegiance, abjuration, and declaration, shall, from conviction, be liable to the same pains as if this act had not been made, *id.* s. 6.

337. If any person professing the Roman catholic religion shall be chosen or otherwise appointed to bear the office of high or petty constable, churchwarden, or overseer of the poor, or other parochial or ward offices, and scruples to take upon himself such offices in regard of the oaths or other matters required to be done in such office, such person may execute the same by a deputy who will comply, but such deputy shall be approved by such person in such manner as such officer should by law have been approved, *id.* s. 7.

338. Every priest or other person in holy orders, or pretended holy orders, being a minister, teacher, or preacher of any congregation of persons professing the Roman catholic religion, who shall take and subscribe the said oath of allegiance, abjuration, and declaration, as is in s. 1. prescribed, shall be exempted from serving on any jury, or from being chosen churchwarden, overseer, or to bear any parochial or ward office, or other office in any hundred of any shire, city, town, parish, division, or wapentake, *id.* s. 8.

339. All laws made for frequenting divine service on Sunday shall be still in force, and executed on offenders, unless such persons shall come to some congregation or assembly of religious worship, by 1 W. & M. S. 1. c. 18. [title NON-CONFORMIST.] permitted, *id.* s. 9.

240. If any person shall willingly, maliciously, or contemptuously come into any place for religious worship by this act permitted, and disturb the same, or misuse any priest, minister, preacher, or teacher therein, he shall, on proof before two justices, by two witnesses, find two sureties of the peace, and be bound by recognizance in the penal sum of 80l., and in default thereof, shall be committed to prison till the next general or quarter sessions, and, on conviction there, shall suffer the pain of 20l. to H. M.'s use, 31 G. 3. c. 32. s. 10.

241. No benefit in this act shall extend to any Roman catholic ecclesiastic, who shall officiate in any place for religious worship hereby permitted, with a steeple and bell, or at any funeral in a church or churchyard, or who shall exercise any of the rites of his religion, or wear the habit of his order, save within some place for religious worship by this act permitted, or in a private house, where not more than five persons besides the household are assembled, or who shall not, previous to his so officiating, have taken and subscribed the oath of allegiance, abjuration, and declaration in s. 1. appointed, *id.* s. 11.

242. Nothing herein shall exempt any such person professing the Roman catholic religion, from paying tythes or other parochial duties, or any duties to the church or minister, or from any prosecution in any ecclesiastical court or elsewhere for the same, or to repeal 26 G. 2. c. 33., (the marriage act) or any part of any statutes concerning marriages, or give any ease or advantage to any person who shall, by preaching, teaching, or writing, deny or gainsay the oath of allegiance, abjuration, and declaration hereby appointed, or the declarations or doctrines therein contained, or to repeal or affect any law concerning the right or succession to or limitation of the crown, *id.* s. 12.

243. No ecclesiastic, or person professing the Roman catholic religion, who shall take and subscribe such oath of allegiance, abjuration, or declaration, shall be prosecuted for teaching or instructing youth as a tutor or schoolmaster, (s. 13.); but such person shall not hold the mastership of any college or school of royal foundation, or of any other endowed college or school for the education of youth, or shall keep a school in Oxford or Cambridge, (s. 14.), or receive into his school the child of any protestant father, *id.* ss. 13, 14, 15.

244. No person professing such religion shall keep a school for the education of youth, until his name and description as a Roman catholic schoolmaster or mistress, has been recorded at the quarter or general sessions for the county or place where such school is, by the clerk of the peace, who shall record the same upon demand, or give a certificate thereof to any person who shall demand the same, and no person offending in the premises shall receive any benefit of this act, *id.* s. 16.

245. Nothing herein shall make it lawful to found, endow, or establish any religious order, or society of persons bound by monastic or religious vows, or any school, academy, or college, by persons professing the Roman catholic religion, within these realms, or the dominions thereunto belonging; and all uses, trusts, and dispositions of real or personal property, which before 24 June 1791, were deemed superstitious or unlawful, shall continue to be so deemed, *id.* s. 17.

246. No person shall be summoned to take the oath mentioned in 1 El. c. 1.; 3 J. 1. c. 4.; 1 W. & M. S. 1. c. 8.; 1 G. 1. st. 2. c. 15., or make the declaration against transubstantiation, in 25 C. 2. c. 2. mentioned, or be prosecuted for not obeying such summons, *id.* s. 18.

247. The 1 W. & M. S. 1. c. 9., shall not extend to any person professing the Roman catholic religion, who shall take and subscribe the oath of allegiance, abjuration, and the declaration in s. 1. appointed, *id.* s. 19.

248. No peer of G. B. or Ire., or member of the house of peers professing the Roman catholic religion, who shall take and subscribe the oath of allegiance, abjuration, and declaration in s. 1. appointed, shall be liable to be prosecuted for the offence in the 30 C. 2. st. 2. s. 5. (viz. coming into H. M.'s presence), or to any penalties or disabilities in such clause contained, *id.* s. 20.

249. The 1 G. 1. st. 2. c. 55., and 3 G. 1. c. 18., and also such parts of other acts as require the registry of the names and estates of papists or reputed papists, shall be REPEALED, and no person shall be molested for not having complied with such acts, and all deeds and wills made after 24th June 1791, shall be as good as if such acts had never been made, *id.* s. 21.

250. The oaths and declarations in the 7 & 8 W. 3. c. 24., and 1 G. 1. st. 2. c. 15. ss. 1—3., mentioned and appointed to be taken and subscribed by any person acting as a counsellor at law, barrister, attorney, solicitor, clerk, or notary, shall be no longer administered to persons professing the Roman catholic religion, as a qualification to enable them to act in such capacities, but the oath of allegiance, abjuration, and declaration in s. 1. appointed, shall be administered instead thereof, and in order thereto such oath of allegiance, &c. may be administered, taken, and subscribed in the same courts, and shall be registered in the same manner as the oaths, &c., for which they are substituted are to be; and when so taken, subscribed, and registered, shall, for the purpose of enabling such persons professing such religion to act in such capacities, have the like effect as the oaths, &c. for which they are substituted, *id.* s. 22.

PARDONS.

(STATUTES repealed and expired.)

1. PARDON GRANTED to certain offenders, 34 E.1. st. 1. c. 5. Exp.
2. PARDON OF ALL fines of writs in chancery, 2 E. 3. c. 10. Exp.
3. HE THAT HATH a pardon of felony shall find sureties for his good abearing, 10 E. 3. st. 1. c. 5. REP. 5 & 6 W. & M. c. 13. s. 2.
4. THE KING'S PARDON of chattels of felons, and of certain fines, amerciaments and trespasses, 14 C. 3. st. 1. c. 2. CONF. 14 E. 3. st. 2. c. 3. all Exp.
5. CONFIRMATION of the pardon granted, 36 E. 3. (see 1 vol. 8vo. ed. 675.) 42 E. 3. c. 2. Exp.
6. H.M.'s MOST GRACIOUS general and free pardon, 50 or 51 E. 3. c. 3. CONF. by 1 R. 2. c. 10., 4 R. 2. c. 2., 5 R. 2. st. 1. c. 6., 6 R. 2. st. 1. c. 13., 21 R. 2. c. 15. REP. by 1 H. 4. c. 3. but CONF. by 2 H. 4. c. 13., 7 H. 4. c. 20., 5 H. 4. c. 15., 9 H. 4. c. 10., 4 H. 5. c. 8., 27 H. 6. c. 6., 5 H. 8. c. 8., 21 H. 8. c. 1., 22 H. 8. c. 16., to spiritual subjects of Canterbury for *præmunire*, 22 H. 8. c. 16., for *præmunire*, 23 H. 8. c. 19., to spiritual subjects of York for *præmunire*, 26 H. 8. c. 18. general pardons, 32 H. 8. c. 49., 35 H. 8. c. 18., 1 E. 6. c. 15., 2 & 3 E. 6. c. 39., 3 & 4 E. 6. c. 24., 7 E. 6. c. 14., 5 EL. c. 31., 8 EL. c. 18., 15 EL. c. 28., 18 EL. c. 24., 23 EL. c. 16., 27 EL. c. 30., 29 EL. c. 9., 31 EL. c. 16., 35 EL. c. 14., 39 EL. c. 28., 43 EL. c. 19., 5 J. 1. c. 27., 7 J. 1. c. 24., 21 J. 1. c. 35., 12 C. 2. c. 11., 25 C. 2. c. 5., 2 W. & M. st. 1. c. 10., 6 & 7 W. 3. c. 20., 7 A. c. 22., 3 G. 1. c. 19., 7 G. 1. st. 1. c. 29., 20 G. 2. c. 25. all Exp.

(STATUTES in force.)

1. OF PARDONS for felony, 2 E. 3. (stat. of Northampton), c. 2. [For rest of this act, see JUSTICES OF ASSIZE. CONF. 4 E. 3. c. 13., 10 E. 3. st. 1. c. 2., 14 E. 3. st. 1. c. 15.]
2. Charters of pardon shall not be granted, but only in cases where H. M. may do it by his oath; viz. in the case where a man slayeth another in his own defence by misfortune, 2 E. 3. c. 2. s. 1.
3. No charter of pardon shall be granted for the death of a man, or for other felony, but where the king may do, saving his oath; and if any be, same shall be holden for none, 14 E. 3. st. 1. c. 15.
4. In every charter of pardon of felony granted at any man's suggestion, the suggestion, and the name of him that maketh it, shall be comprised in the charter; and if the suggestion be found untrue, the charter shall be disallowed; and the justices before whom such charters shall be alleged, shall enquire of the suggestion; and if they find them untrue, shall disallow the same, and do therein as the law requires, 27 E. 3. st. 1. c. 2.
5. RESPECTING PARDONS, 13 R. 2. st. 2. c. 1. and s. 1. [CONF. as to s. 1., but REP. as 2 by 16 R. 2. c. 6.]
6. No pardon shall be allowed for murder, or for the death of a man slain by await, assault, or malice prepensed, treason, or rape, unless the same murder, &c. be specified in the charter; and if a charter of the death of a man be alleged before any justices, in which it is not specified, that he of whose death any such is arraigned, was murdered or slain by await, &c. the justices shall enquire by inquest, if he were murdered or slain by await, &c., and if they find that he was, the charter shall be disallowed; and further, it shall be done as the law requires, 13 R. 2. st. 2. c. 1. s. 1.
7. FOR REGULATING THE PARDONS of approvers, 5 H. 4. c. 2.
8. Because divers felons be indicted of felonies, and become provers to the intent by brocage to have their charters, IT IS ORDAINED, that if any person pursue for any such felon so attainted by confession to have a pardon, the name of him who pursueth such charter of pardon be put therein, mentioning that it is granted at his instance; and if the person so pardoned, after deliverance, become felon again, the person who pursues such charter shall forfeit 100l. to the use of H. M., *id. ibid.*
9. IF ANY CHARTER OF PARDON BE PLEADED BY ANY PERSON FOR any felony, the justices before whom same is pleaded may remand the party to prison, until he shall enter into a recognizance with two sureties for his good behaviour, for any term not exceeding seven years; but if such be pleaded by a feme-covert or infant, he or she may find two sureties, who shall enter into a recognizance for their good behaviour as aforesaid, 5 & 6 W. & M. c. 13. s. 2.
10. TO ENABLE H. M. MORE EASILY AND EFFECTUALLY conditional pardons to persons under sentence by naval courts-martial, and to regulate imprisonment under such sentences, 37 G. 3. c. 140. [AMD. and EXT. 56 G. 3. c. 5.]
11. If H. M. shall be pleased to extend his mercy to any offender liable to the punishment of death, by the sentence of a naval court-martial, on condition of transportation, or of imprisonment in any gaol of G. B., or of being kept to hard labour in any gaol, or house of correction, or penitentiary, or on any river, under any superintendant, any justice of K. B., C. P., or baron of exchequer, on such intention being notified in writing by a principal secretary of state, may allow such offender the benefit of such pardon, as is expressed in the notification, in

the same manner as if a conditional pardon had passed the great seal; and thereupon, when such pardon is granted on condition of transportation, shall order the transportation of such offender, on the terms and for the time specified in the notification, and shall make all other orders consequent on the same, as by 24 G. 3. S. 2. c. 56. (which is REP. by 55 G. 3. c. 156.) authorised with respect to offenders in such act mentioned, tried at any court of *oyer* and *terminer* and gaol-delivery in Eng.; and such orders shall be obeyed, and all such necessary acts done by such person in whose custody the offender is, and all others whom it concerns, and shall be good; and when such pardon is on condition of imprisonment, or of hard labour during any specified term, and the same has been allowed as aforesaid, such justice or baron shall order the offender to be imprisoned, and kept to hard labour for the time specified in the notification, and shall make such order, and do all other acts consequent thereon as any justice of *oyer* and *terminer* is by 19 G. 3. c. 74. s. 2. (now Exp.) authorised to do with respect to offenders therein mentioned, and who are conditionally pardoned, and all such orders and acts shall be good; and every sheriff, gaoler, keeper, governor, or superintendant, and all constables and persons shall obey such orders, assist in their execution, and be liable to the same punishment for disobedience or interrupting the execution thereof, as they would if the same had been done under the said acts; and all persons so conditionally pardoned shall be subject to all laws in force concerning persons convicted, and afterwards conditionally pardoned, 57 G. 3. c. 140. s. 1.

12. Whenever H. M. will extend his mercy to any offender, liable to the punishment of death, by sentence of a naval court-martial, on condition of transportation or imprisonment, or of being kept to hard labour for life, or for term of years, on communication of H. M.'s intention from the Admiralty, one of the principal secretaries of state may notify to any justice of K. B., C. P. or baron of exchequer, such intention of mercy; whereupon such justice or baron shall allow such offender the benefit of such conditional pardon, as if a pardon had passed the great seal; and shall, together with all other officers and persons, make such orders, and do such acts for carrying such the punishment in the pardon mentioned into effect, as may be by 37 G. 3. c. 140. s. 2—4., and 55 G. 3. c. 156., and all other acts required for the execution of any sentence of transportation, &c. passed at any court of *oyer* and *terminer* or gaol-delivery in the U. K.; and every sheriff, gaoler, keeper, governor or superintendant, and all constables and others, shall obey such orders, and assist in their execution, as if such offender had been convicted by a court of *oyer*, &c., 56 G. 3. c. 5. s. 1.

13. When any such offender shall receive and be allowed H. M.'s pardon, the justice or baron who shall allow the same, and make such order under such notification, shall direct such notification and his own order thereon, to be filed in the office of the clerk of the crown of K. B., to be kept of record, and for which such clerk shall have 2s. 6d., 57 G. 3. c. 140. s. 2.

14. When any offender is ordered under this act to be imprisoned or kept to hard labour, the clerk of the crown shall deliver to the person in whose custody such offender is, a certificate under his hand, for which he shall have 2s. 6d., containing the christian and surname of such offender, his offence, the place where convicted, and of the time for which, the place where, and the manner how he is to be imprisoned, &c.; and such person shall, after receiving such certificate, convey such offender to the appointed place, and deliver him together with such certificate to the gaoler, &c., who shall give a receipt under his hand to such person for his discharge, and such certificate shall be kept by such gaoler, &c. as his warrant for detaining such offender, *id. s. 3.*

15. Such clerk of the crown of K. B., on the application of any such offender who accepts H. M.'s pardon, or of another person in his behalf, on the behalf of H. M. shall deliver a certificate under his hand, not taking more than 2s. 6d. for the same, containing the christian and surname of the such offender, his offence, and the place where convicted, and the conditions on which he was pardoned; which certificate shall be sufficient proof of the conviction and sentence, and terms of the pardon of such offender in any court and in any proceeding, *id. s. 4.*

16. H. M. may remove any offender under sentence of death by any naval court-martial, but reprieved during pleasure, or under order of transportation under this act, or in confinement under any sentence of any court-martial, to such place, and in such manner, and with such restrictions, as he may do with respect to offenders so sentenced, &c. by 24 G. 3. S. 2. c. 56., *id. s. 5.*

17. If any offender so under sentence of death is allowed any conditional pardon, all the laws in force touching the escape of felons under sentence of death shall apply to him, and to all persons aiding any escape or intended escape, from the time when such order is made, and during all proceedings had for such purposes, *id. s. 6.*

18. H. M. may cause any offender in prison or confinement, after or under any sentence of a naval court-martial, or after or under any conditional pardon, to be removed to any other prison, gaol, hulk, peni-

tentiary, or house of correction, within the U. K. he deems fit; and a principal secretary of state shall issue his warrant for such removal, and for executing such part of the sentence as remains unsatisfied; and every sheriff, gaoler, &c., and all constables and others, shall obey such warrant and assist in its execution, and be liable to the same punishment for neglect or interruption, as if such person was sentenced by a court of *oyer and terminer* or gaol-delivery, 56 G. 3. c. 5. s. 2.

19. During the imprisonment of any officer, petty officer, or seaman, or officer, non-commissioned officer, or private of the marines, in any gaol or place of imprisonment, under any sentence of any naval court-martial, or any conditional pardon, or order or warrant of removal, all pay wages shall be stopped, and the gaoler, &c. in whose custody they are, may receive and apply in the support of such prisoner, such sum *per diem*, as is allowed by any act for regulating the marine forces whilst on shore, and the admiralty may cause the same to be paid accordingly, *id.* s. 3.

20. If any person so in confinement becomes insane, and is certified as such by two physicians or surgeons, a principal secretary of state may direct a warrant for his removal to any lunatic asylum or receptacle, as he shall think proper, for the unexpired term of his confinement; and if any such person is so certified of sound mind, such secretary may issue his warrant to remove him to such prison as he deems proper, *id.* s. 4.

21. FOR REGULATING THE PAYMENT OF FEES OF PARDONS UNDER THE GREAT SEAL, 58 G. 3. c. 29.

22. No fee, gratuity, or other dues payable in respect of any grant of any pardon by H. M., or in respect of any letters patent, charter, warrant, bill, docket, or other instrument appertaining thereto, or the transcript of any such instrument, shall be payable by or on the behalf of any person in whose favour such pardon is granted, but all such fees shall be paid by the treasury, as other law expenses are paid: no such letters patent, &c. or transcript, shall be liable to any stamp-duties, *id.* s. 12.

PARLIAMENT.

(STATUTES *repealed and expired.*)

1. FOR CHOOSING knights of the shire, burgesses, and citizens who shall be resident, as well as the electors in the counties, cities, and boroughs, 1 H. 5. c. 1. [ENF. 8 H. 6. c. 7., 10 H. 6. c. 2., 23 H. 6. c. 7. s. 2., but so much of all these statutes as relates to such residence & REP. 14 G. 3. c. 59.]

2. That this session of parliament shall not determine by the royal assent to this and some other acts, 1 C. 1. c. 7. [EXP.]

3. FOR PREVENTING inconveniences happening by the long intermission of parliaments, 16 C. 1. c. 1. [REP. 16 C. 2. c. 1., and see *id.* s. 3., 6 & 7 W. 3. c. 2., 1 G. 1. S. 2. c. 38.]

4. To prevent inconveniences which may happen by the untimely adjourning, proroguing, or dissolving the present parliament, 16 C. 1. c. 7. [EXP.]

5. FOR REMOVING and preventing all questions and disputes concerning the assembling and sitting of this present parliament, 12 C. 2. c. 1.

6. TO AMEND 7 & 8 W. 3. c. 25. s. 3. as far as it relates to holding county courts, 6 G. 2. c. 23. [Virtually REP. 18 G. 2. c. 18. s. 11.]

7. TO ENABLE the speaker of the H. of C. to issue his warrants to make out new writs for the choice of M. P.s, in room of those who die in any recess of parliament, 10 G. 3. c. 41. [EXPL. 15 G. 3. c. 36. ss. 1—3., but both REP. 24 G. 3. S. 2. c. 26. s. 1.]

8. FOR HOLDING the ensuing election of a knight of the shire for the county of *Southampton*, at *New Alresford*, in that county, 20 G. 3. c. 1. [EXP.]

9. FOR EXEMPTING *Winchester* and *Shrewsbury*, and the counties of *Salop* and *Southampton* from 8 G. 2. c. 50. as far as relates to removal of troops during elections, 20 G. 3. c. 50. [CON. 21 G. 3. c. 43., 22 G. 3. c. 39. EXP.]

10. FOR BETTER SECURING the rights of persons qualified to vote at county elections, 28 G. 3. c. 36. SUSP. 29 G. 3. c. 13. REP. 29 G. 3. c. 18. s. 1. [PUBLIC act, *id.* s. 3.]

11. FOR ESTABLISHING CERTAIN regulations in the offices of the H. of C., 39 & 40 G. 3. c. 92. [REP. 52 G. 3. c. 11. s. 1.]

12. TO CONTINUE proceedings in *Dom. Proc.* against Judge *Fox*, notwithstanding prorogation or dissolution of parliament, 45 G. 3. c. 117. [EXP.]

13. TO RENDER VALID certain oaths taken by certain members of the house before deputies of the lord steward in the vacancy of that office, 52 G. 3. c. 21. [EXP.]

14. TO INDEMNIFY persons who shall give evidence before the lords on the bill for preventing bribery and corruption at the election of M. P.s for *Barnstaple*, in the county of *Devon*, 59 G. 3. c. 47. (*semble* EXP.) [See a like act on the bill for disfranchising *Grampound*, 1 & 2 G. 4. c. 47.]

(STATUTES *in force.*)

1. ALL ELECTIONS [ecclesiastical or temporal, & Inst. 128.] shall be free, and no man shall disturb them by force of arms or menace, 3 E. 1. c. 5.

2. PARLIAMENTS SHALL BE HOLDEN ONCE every year, or oftener if need be, 4 E. 3. c. 14., 36 E. 3. c. 10. [See the reason for the frequent meeting of parliament as a court of justice, printed *Rot. Parl.* 1. p. 285. No. 29., and these statutes are recited and confirmed by 16 C. 2. c. 1. s. 3., and 6 W. & M. c. 2. s. 1. which follow.]

3. [Recital of 4 E. 3. c. 14. and 36 E. 3. c. 10. as in last *pl.*] the sitting and holding of parliaments shall not be intermitted above 3 years at most, but within 3 years after determination of any parliament, or more often if there is occasion, H. M. shall issue legal writs under the great seal for calling and holding another parliament, 16 C. 2. c. 1. s. 3. as CONF. and ENF. by 6 & 7 W. & M. c. 2. ss. 1, 2.

4. NO PEER OF THE LAND, WHETHER OFFICER OR OTHER, because of his office or of things relating thereto, nor by other cause, shall be adjudged to lose his temporalities, lands, goods, or chattels, or be imprisoned, exiled, &c. but by award of his peers in parliament, saving H. M.'s rights by due process against any peer, his accountant, or debtor, and the suit of parties, 15 E. 3. st. 1. c. 2.

5. NO MAN OF THE LAW, PURSUING BUSINESS IN H. M.'s courts, nor any sheriff, while he is sheriff, shall be returned as knight of the shire, and no such man of the law or sheriff then returned shall have wages, but knights and sergeants of the most worthy in the county shall be returned knights in parliament, and elected in full county, 46 E. 3. printed *Rot. Parl.* II. p. 318. No. 13. 8vo. St. 720.

6. ALL PERSONS AND COMMONALTIES HAVING SUMMONS of parliament shall come to the parliaments, on pain that every person summoned, be he archbishop, bishop, duke, earl, baron, banneret, knight of shire, citizen, burgess, or other person soever, and absenting himself (except on reasonable excuse to H. M.) shall be amerced: and every sheriff who is negligent in making return of writs of the parliament, or who leaves out cities or boroughs which of old were wont to come to parliament, shall be punished as accustomed, 5 R. 2. (S. 2.) c. 4.

7. FOR LEVYING THE EXPENCES OF THE KNIGHTS of parliament, 12 R. 2. c. 12. [see *pl.* 25. 30.]

8. Levy thereof shall be made, and all lands purchased shall be liable to contribute to the same, as has been used in times past, *id.* *ibid.*

9. THE OATH AND FEALTY OF THE LORDS SPIRITUAL AND TEMPORAL shall be inrolled in parliament, and also in chancery, and taken by successors and heirs in future, 21 R. 2. c. 5.

10. A REPEAL of all proceedings in the parliament (21 R. 2.) 1 H. 4. c. 3.

11. A confirmation of the parliament holden, 11 R. 2., 1 H. 4. c. 4.

12. FOR PROTECTION OF THE SERVANTS OF members of parliament, 5 H. 4. c. 6. [QU. if in force?]

13. Proclamation shall be made in the place where any assault is committed on a member's servant within time of the session of parliament, that the offender appear in K. B. in a quarter of a year after the proclamation, or he shall be attainted and pay to the party grieved his double damages, to be taxed at discretion of the judges, or by inquest, if need be, with fine and ransom at H. M.'s will, *id.* *ibid.*

14. CONCERNING DISSOLUTION OF PARLIAMENT (elected during H. 5.'s absence in *France*), 8 H. 5. c. 1.

15. Parliament summoned by writ under test of H. M.'s lieut. (H. M. being beyond sea) shall not be dissolved by his arrival in this kingdom, 8 H. 5. c. 1.

16. FOR PROTECTION OF LORDS AND MEMBERS OF parliament, 11 H. 6. c. 11. [QU. if in force?]

17. If any assault be made on any lord spiritual or temporal, knight of the shire, citizen, or burgess, coming to parliament or council, proclamation shall be made for three several days in the most open place of the town where the assault is made, that the offenders do yield themselves in K. B. within a quarter of a year; and, in default thereof, they shall be attainted thereof, and shall forfeit double damages to the party, and be punished by fine and ransom, *id.* *ibid.*

18. THE MANNER OF THE ELECTION OF KNIGHTS OF SHIRES FOR PARLIAMENT, 7 H. 4. c. 15., 11 H. 4. c. 1., [AMD. 6 H. 6. c. 4., 8 H. 6. c. 7., 23 H. 6. c. 14.] and see 7 & 8 W. 3. c. 25. ss. 5—5. 9, 10., 10 A. c. 23. ss. 5—7., 18 G. 2. c. 18. ss. 1. & 7. &c., 25 G. 3. c. 84. s. 4. & s. 16. *post.*

19. The election shall be in full county, and after the knights are chosen, their names shall be written in an indenture under the seals of those who did choose them, and tacked to the writ of summons; which indenture, so sealed and tacked, shall be holden for the return of the said writ as to such knights, and a clause for the return thereof is added in the writ, 7 H. 4. c. 15.

20. The judges of assize may enquire of the returns of such knights made, and if be there found by inquest and examination that any sheriff hath made any return contrary to 7 H. 4. c. 15., or 8 H. 6. c. 7., he shall forfeit 100*l.* to H. M. and [be imprisoned for one year, 8 H. 6. c. 7., and knights so chosen shall lose their wages, 11 H. 4. c. 1. and 8 H. 6. c. 7.]

21. The knights of the shires so chosen, and the sheriffs of counties, may have their traverse of office found against them under (7 H. 4. c. 15. or 11 H. 4. c. 1.) 6 H. 6. c. 4. [See other remedies against returning officers for false returns, 18 G. 2. c. 18. s. 12. *pl.* 140. &c. and 10 & 11 W. 3. c. 7. s. 3. *pl.* 123.]

22. EVERY SHERIFF, AFTER DELIVERY TO HIM OF THE WRIT OF ELECTION, shall deliver a sufficient precept under his seal to the mayors and bailiffs of the cities and boroughs in his county, reciting the writ, and commanding them to choose their members; and such mayors, &c. shall return such precept to the sheriff, by indentures between them to be made, of the said elections, and the names of the members chosen, and he shall return them to parliament under penalty of 8 H. 6. c. 7. [100*l.* to H. M. and a year's imprisonment] against the sheriff for transgressing this or any former statute: and he shall moreover forfeit to any person chosen knight, citizen, or burgess in his county, and not duly returned, or to any person suing in his default, 100*l.*, recoverable, with costs, by action of debt against the sheriff, his executors, &c. [without wager of law or essoin, 23 H. 6. c. 14. s. 2. [and see further 10 & 11 W. 3. c. 7. s. 3. *pl.* 123.] to be commenced by such knight, &c. within 3 months after that same parliament commenced 23 H. 6. c. 14. s. 2.] and so where such mayor or bailiffs return other persons than those elected, they shall forfeit 40*l.* to H. M. and 40*l.* to the citizen or burgess elected but not returned, or to any party suing for the same on his default, recoverable by every of the citizens and burgesses so grieved severally, or by any other person suing in their default, in action of debt against every of the said mayor and bailiffs for 40*l.* and costs, without wager of law or essoin by defendant, 23 H. 6. c. 14. ss. 1, 2.

23. If any person shall act as a M. P. in lieu of the member returned, but who has been put out, he shall forfeit 100*l.* to H. M., and 100*l.* to the member grieved, recoverable by the latter within 3 months, by action of debt; and on his failure to sue, by any party suing in like manner, without wager of law or essoin; and the process in the above action shall be as in writs of trespass at common law, *id.* s. 3.

24. The knights of the shires shall be notable knights or esquires, or gentlemen of birth who shall be able to be knights, and no man of the degree of a yeoman and under shall be such knight, *id.* *ibid.*

25. FOR LEVYING THE WAGES OF KNIGHTS OF THE PARLIAMENT, 23 H. 6. c. 10.

26. The sheriff in the next county court, after delivery of the writs for levying the knights' wages, shall make proclamation, that the coroners, and every chief constable, and the bailiffs of every hundred, and all other which will be at the assessing of the wages, shall be at the next county; and the sheriff, under-sheriff, coroners or bailiffs, shall be there at the same time, on pain of forfeiture to H. M. of 40*s.*, at which time the sheriff, in full county, shall assess every county to pay a certain sum for the wages of the knights, so that the whole sum of all the hundreds do not exceed the sum due to the knights; and after that in the same county shall assess every village to a certain sum, so that the whole sum of all the towns within any hundred, do not exceed the sum assessed upon the hundred. And if the sheriff, &c. shall levy more on any village than that whereunto they were assessed, or shall assess any hundred or village otherwise than aforesaid, they shall forfeit to H. M. 20*l.*, and to any man which will sue 10*l.*, 23 H. 6. c. 10. s. 1.

27. The sheriff shall levy the money assessed upon the villages, and the same shall deliver to the knights, on the said pains: and he that will sue, shall have a *scire facias*; and if defendant, duly warned, make default, or appear or be convict, the plaintiffs shall recover 10*l.* to their own use, over the said 20*l.*, with treble costs, *id.* s. 2.

28. The justices of K. B. and C. P., justices of assizes, gaol-delivery, and of the peace, may enquire, hear, and determine, of all the said defaults, as well by enquiry at H. M.'s suit, as by action at suit of the parties. And such expences shall not be levied of any other places, but where so levied before, *id.* s. 3.

29. In every writ to levy the wages of the knights, this act shall be comprehended, *id.* s. 4.

30. FOR DUE PAYMENT OF THE FEES AND WAGES OF KNIGHTS AND BURGESSES for the parliament in *Wa.*, 35 H. 8. c. 11.

31. The sheriffs of every shire in *Wa.*, and of *Monmouthshire*, shall have power to levy the knights' fees and wages, and the same shall pay to such knights, within two months after the latter shall deliver the writ *de solutione feodi militis parliamenti*, and every sheriff making default, shall forfeit 20*l.*, one moiety to H. M., and the other to the party suing for the same; and if for longer than 2 months, for every month 20*l.*, 35 H. 8. c. 11. s. 1.

32. Every mayor, bailiff, and other head officers of cities and towns in the said 12 shires, and county of *M.*, within like 2 months after receipt of the said writ, shall levy and pay the wages to their burgesses, on like pain, as in s. 1., *id.* s. 2.

33. The burgesses of the said cities and towns, which be contributory to the burgesses' wages of the shire towns, shall be admonished by proclamation, by the mayors, &c. to come and give their elections for the said burgesses, at such time and place as shall be assigned by the mayors, &c. of the shire town, in which elections the burgesses shall have like voice to elect the burgesses of the shire towns, as the burgesses of the shire towns have, *id.* s. 3.

34. Two justices of the peace in every shire in *Wa.*, and in the county

of *M.*, may tax every city and town within the shire in *Wa.*, and in the county of *M.* for their rates, towards the burgesses in the shire towns in *Wa.* and the county of *M.*, which rates shall be again rated on the inhabitants, by four or six burgesses named by the mayor, bailiffs, or other head officers; and thereupon the mayor, &c. of every such city or borough shall collect the same, and make payment as aforesaid, to the burgesses of the parliament, 35 H. 8. c. 11. s. 4.

35. MEMBERS SHALL NOT DEPART FROM THE PARLIAMENT TILL THE SESSION be ended, without licence of the speaker recorded in the clerk's book, on forfeiture of their wages, 6 H. 8. c. 16.

36. FOR KNIGHTS AND BURGESSES TO HAVE PLACES IN PARLIAMENT FOR THE county palatine and city of *Chester*, 34 & 35 H. 8. c. 13.

37. The county palatine of *Chester* shall have two knights for the county, and two citizens burgesses for *Chester* city shall be elected by process awarded by the lord chancellor to the chamberlain of *Chester*, or his deputy, who shall make like process to the sheriff; and such election shall be made as in the county palatine of *Lancaster*, or any other county and city in *Eng.*, *id.* s. 1.

38. TO ENABLE THE COUNTY PALATINE OF DURHAM TO SEND KNIGHTS and burgesses to serve in parliament, 25 C. 2. c. 9.

39. The county palatine of *Durham* may have 2 knights for the county and the city of *Durham*, 2 citizens to be burgesses for that city to serve in parliament, to be elected by writ awarded to the bishop of *Durham*, or his chancellor of the county, and precept thereupon by the bishop or his temporal chancellor to the sheriff; the elections of the knights to be made by the greater number of freeholders, as in other counties, and the election of the burgesses by the major part of the mayor, aldermen, and freemen, which knights and burgesses shall be returned by the sheriff into chancery, on like pains as the sheriffs of any other county, *id.* *ibid.*

40. FOR NEW EXECUTIONS TO BE SUED AGAINST ANY which shall hereafter be delivered out of execution by privilege of parliament, and for discharge of the sheriffs, &c. out of whose custody such persons shall be delivered, 1 J. 1. c. 13. and s. 1.

41. TO PREVENT INCONVENIENCES WHICH MAY HAPPEN BY privilege of parliament, 12 & 13 W. 3. c. 3. [AMD. 11 G. 2. c. 24. 10 G. 3. c. 50. 45 G. 3. c. 124. ss. 3—6. and s. 8. 47 G. 3. S. 2. c. 40.]

42. If any person arrested in execution is set at liberty by privilege of either house of parliament, the party at whose suit such execution was pursued, his executors, or administrators, after the privilege of that session in which it shall be granted shall cease, may sue out a new writ of execution, as if no such former execution had been served, and no sheriff or officer from whose custody such person arrested is delivered by privilege, shall be charged for so delivering him out of execution, 1 J. 1. c. 13. s. 2.

43. This act shall not diminish any punishment to be by censure in parliament inflicted on any person who shall make or procure such arrest, *id.* s. 3. and see 12 & 13 W. 3. c. 3. s. 2., &c. *infra*, *pl.* 50, 51.

44. Any person may prosecute any suit in [any court of record, of equity, and of admiralty, and in all causes, matrimonial or testamentary, in any court having cognizance thereof in *G. B.* or *Ire.*, 11 G. 2. c. 24. s. 1.] against any peer or lord of parliament, or against any member of the house of commons, or their menial or other servants, or person entitled to privilege of parliament, at any time from its dissolution or prorogation, till a new one shall meet, or the same be re-assembled, and from any adjournment of both houses for more than 14 days till they re-assemble; and the said courts may, after such dissolution, prorogation, or adjournment, give judgment, and make final orders, decrees, and sentences, and award execution thereon, any privilege of parliament notwithstanding, 12 & 13 W. 3. c. 3. s. 1. 11 G. 2. c. 24. s. 1.

45. FOR FURTHER EXPLANATION AND REGULATION OF PRIVILEGE OF parliament, in relation to persons in public offices, 2 & 3 A. c. 18. [QU. if not superseded since 10 G. 3. c. 50. s. 1. ?] *infra*, *pl.* 49.

46. An action may be commenced in any of the courts at *Westminster* against any officer or person employed in the revenue of the crown, or any branch thereof, or in any other office of public trust, for any breach of trust relating thereto, or for any penalty imposed by law, to enforce due execution thereof; and no such action or process, judgment or execution thereon shall be delayed, under pretence of privilege of parliament, though defendant be a peer or lord of parliament, or a M. P., 2 & 3 A. c. 18. s. 1.

47. But nothing herein shall subject the person of either such peer or M. P. to arrest or imprisonment during the time of privilege; but such officer being a M. P., may be proceeded against by original bill, summons, and distress infinite, &c., *id.* s. 2.

48. FOR FURTHER PREVENTING DELAYS OF JUSTICE BY REASON OF PRIVILEGE of parliament, 10 G. 3. c. 50.

49. Any person may commence an action or suit in any court soever, against any peer or lord of parliament, or against any member of the H. of C., or their servants, or any other person entitled to privilege of parliament, without impeachment or delay thereof on that account,

10 G. 3. c. 50. s. 1. [*seems to supersede* 12 & 13 W. 3. c. 3. s. 1. and 11 G. 2. c. 24. s. 1.]

50. Nothing in these acts shall subject any member of the H. of C. or other person, having privilege of parliament, to be arrested during the time of privilege, 12 & 13 W. 3. c. 3. s. 2. 11 G. 2. c. 24. s. 2. (*twice enacted*) 10 G. 3. c. 50. s. 2. 45 G. 3. c. 124. s. 8.

51. Any such process against peers or lords of parliament may be had after such dissolution, prorogation, or adjournment, or before any session of parliament, or meeting of both houses as aforesaid, out of K. B., C. P., and exchequer, [for other courts, *see next pl.*] as might be had against them out of the time of privilege; and any member of the H. of C., or other person entitled to privilege of parliament, may be prosecuted during the like times in such courts, by summons and distress infinite, or by original bill and summons, attachment, and distress infinite, until common appearance is entered, or common bail filed, to the action according to the course of each court, 12 & 13 W. 3. c. 3. s. 2.

52. The great sessions in *Wa.*, and courts of sessions in *Cheshire*, *Lancashire*, and *Durham*, and of K. B., C. P.; and Exchequer in *Ire.*, may issue the like process against any such peers or lords of parliament, members of H. of C., or other persons entitled to privilege of parliament at the like times, 11 G. 2. c. 24. s. 2.

53. Any bill against any such peer, lord of parliament, member, or person so privileged, may be exhibited in the courts of chancery, exchequer, or of the duchy court of *Lancaster*, [or in the chancery or equity side of the exchequer in *Ire.*, 11 G. 2. c. 24. s. 2.] and plaintiff may proceed thereon by letter or subpoena as usual, and on leaving a copy of the bill with defendant, or at his house, &c. or last place of abode, may proceed thereon; and for want of appearance or answer, or for non-performance, or breach of any order or decree, may sequester the real and personal estate, as is used where a peer of the realm is defendant, 12 & 13 W. 3. c. 3. s. 2. 11 G. 2. c. 24. s. 2.

54. TO ALTER THE PRACTICE OF COURTS OF EQUITY IN SUITS IN WHICH M. P.s are defendants, 47 G. 3. S. 2. c. 40.

55. When any bill of complaint or information is exhibited in a court of equity against a M. P., it shall not be necessary to leave a copy thereof with the defendant before sequestration for non-appearance, but the relator, for want of appearance or answer, may proceed to sequestration of his real and personal estate, *id. ibid.*

56. TO PREVENT DELAY IN ENTERING APPEARANCES in actions brought against persons having privilege of parliament, 45 G. 3. c. 124. ss. 3—6. [*see ss. 1. and 7. 8. AMDG. 4 G. 3. c. 33. tit. BANKRUPT, ppl. 138—140.*]

57. When any summons, or original bill and summons, is sued out against any person having privilege of parliament, and no such affidavit is made and filed, as in 4 G. 5. c. 33. s. 1. BANKRUPT, *pl. 135. and s. 1.* of this act, *id. pl. 138.* mentioned, if defendant shall not appear at return of the summons, or within 8 days after, the plaintiff, on affidavit being made and filed in the proper court of the personal service of such summons, (*filing gratis*), may enter an appearance for defendant, and proceed thereon, as if he had entered his appearance, *id. s. 3.*

58. If any defendant having privilege of parliament, shall on return of process of sequestration issued against him, for not putting in appearance to any original or other bill in equity, for enforcing discovery and relief, or discovery alone, [*seemle* "not appear;" but a chasm in the act], then such court, on producing the return of such sequestration in court, may on motion or other application of the plaintiff in such cause, appoint a clerk in court to enter an appearance for such defendant; and such proceedings may be had thereupon in the cause as if the party had actually appeared, 45 G. 3. c. 124. s. 4.

59. When any defendant having privilege of parliament, shall have appeared to any bill filed against him seeking a discovery on oath, or when an appearance shall have been entered for such defendant, according to s. 4., and he shall not put in his answer within the time allowed by the rules of the court, the plaintiff may apply to the court for an order that such bill be taken *pro confesso*, unless good cause to the contrary be shown by defendant, within eight days after being served with such order, *id. s. 5.*

60. When any such order has been pronounced by any such court of equity for taking such bill *pro confesso*, the same shall be taken and read in any court of law or equity, as evidence of the facts, matters, and things therein contained, as if they had been admitted to be true by the answer of the defendant put into such bill; and such bill so taken *pro confesso*, shall be received in evidence of such facts, and on behalf of such and so many persons, as defendant's answer to such bill could have been received in evidence of, in case it had been put in by defendant, and had admitted the same facts, &c. stated in the bill, *id. s. 6.*

61. The court issuing a *distringas*, may order the issues raised thereby to be sold, and applied to pay such costs to plaintiff as they think fit: and the surplus shall be retained till the defendant appear, or other purpose of the writ is answered, 10 G. 3. c. 50. s. 3.

62. When such purpose is answered, the issues shall be returned, or if sold, the residue shall be repaid to the party distrained upon, *id. s. 4.*

63. Obedience may be enforced to any rule of K. B., C. P., or exchequer, against any person having privilege of parliament by distress infinite, at discretion of party, 10 G. 3. c. 50. s. 5.

64. No action, judgment, or process soever, in law or equity, or the execution thereof against H. M.'s immediate debtor, for recovery of any debt originally due to H. M., or against any accountant to H. M. for any revenue or other original debt or duty, shall be delayed by privilege of parliament; but no such process shall extend to arresting the person of any peer; or M. P. during the time of privilege, 12 & 13 W. 3. c. 3. s. 4., 11 G. 2. c. 24. s. 4., and *see ante, pl. 47.*

65. Neither of these acts shall give additional jurisdiction to any court to hold plea in any real or mixt action, in any other manner than as before they passed, s. 15. of both acts.

66. FOR MORE EFFECTUALLY PRESERVING H. M.'s PERSON AND government by disabling papists from sitting in either house of parliament, 30 C. 2. st. 2. and s. 1. [*Exp. as to the oaths of allegiance and supremacy in s. 2. by 1 W. & M. S. 1. c. 1. s. 3. AMN. and CONF., id. ss 4—7. New forms of oaths being substituted, id. ss. 6, 7.*]

67. No peer shall vote or make proxy, or sit in the house of peers during any debate, nor shall any member of the house of commons vote or sit in that house during any debate after the speaker chosen, till such peer or member shall respectively first take (30 C. 2. st. 2. s. 1.) the oath of allegiance following:

'I A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to H. M. So help me GOD.'

Which oath is provided by 1 W. & M. S. 1. c. 1. s. 6.; and of *supremacy, viz.*

'I do swear that I do from my heart abhor, detest, and abjure as impious and heretical, that damnable doctrine and position, "That princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects or any other whatsoever." And I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.—So help me GOD.' *id. s. 7.*

And make, subscribe, and audibly repeat the declaration against *popery, viz.*

'I A. B. do solemnly and sincerely in the presence of God profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the virgin *Mary* or any other saint, and the sacrifice of the mass, as they are now used in the church of *Rome*, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by *English* protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.' 30 C. 2. st. 2. s. 2.

Within such time and in manner as in 30 C. 2. st. 2. s. 2. and 1 W. & M. S. 1. c. 1. ss. 4, 5. directed; which oaths and declaration shall be made by such peers and members, between nine a. m. and four p. m., at the tables in the middle of the respective houses, whilst full houses are sitting, with the respective speakers in their chairs; and the same shall be done in either house in like order as it is called over, 30 C. 2. st. 2. s. 4.; and the said houses of peers and commons are hereby required, in the first place, all other business laid aside, from time to time, to administer the said oaths, declaration, and subscription respectively, to every person aforesaid, duly demanding the same according to this act, *id. s. 11.* [*But no Roman catholic peer of G. B. or Ire. or member of the house of peers is now liable to these penalties if they have taken the oaths, &c., in 31 G. 3. c. 32. s. 1. See PAPIST, ante, pl. 230. 254.*]

68. Every peer of the realm, and of *Scot.* or *Ire.*, being 21 years old, not having taken the said oaths, and made and subscribed the said declaration; and every member of the house of commons not having so taken, &c. such oaths or made such declaration; and every person convicted of popish recusancy, and advisedly coming into or remaining in the presence of H. M. shall be disabled as (in s. 6.) hereof, unless the person convicted do in the next term take the said oaths and make the said declaration in chancery between nine and twelve a. m., 30 C. 2. st. 2. s. 5.

69. If any such peer or member of the house of commons shall offend in any of the above cases against this act, he shall be deemed and suffer as a popish recusant convict, and shall be disabled to hold any office or place of profit or trust, civil or military, in any of H. M.'s islands or plantations; and to sit or vote in parliament, or make proxy in the house of peers, or to sue at law or equity, or act as guardian or executor, or to take a legacy or deed of gift; and shall forfeit for every wilful offence 500*l.*, recoverable by him who will sue by action of debt,

&c., or information, in any of the courts at *Westminster*, without essoin, &c. allowed, 30 C. 2. st. 2. s. 6.

70. Both houses may respectively order their members to take the oaths and make the declaration; and if any peer shall, contrary to such order, presume to sit without taking them, &c., he shall be disabled to sit and vote by proxy or otherwise during that parliament, and a member of the house of commons is disabled in like manner, *id.* s. 7.

71. Where any member of the house of commons is by this act disabled to sit or vote, a new writ shall issue by a speaker's warrant for electing a member to come in his place, as if he were actually dead, *id.* s. 8.

72. During the time of taking the said oaths, &c., all other proceedings in the said houses shall cease; and the said oaths, declaration, and subscription, with a schedule of the names of the persons who shall by this act take the same, shall be filed in parchment rolls by the respective clerks of the houses of lords and commons, and of the petty bag, who shall not receive above 12*d.* from each member on such entry, and shall show the same without fee to every person desiring it, *id.* s. 11.

73. This act shall not prejudice any person for coming into the presence of H. M., who shall have license so to do by warrant of six privy counsellors, by order of council, on urgent occasion therein to be expressed, so that such licenses do not exceed ten days at a time, or thirty days in one year for any one person, and be first filed in the petty bag for public view without fee, *id.* s. 12.

74. If any offender against this act shall take the oaths, &c. in chancery, (as in s. 3. *pl.* 67.) he shall be discharged of the penalties hereof, except that of 500*l.* penalty, *pl.* 69., but shall not be restored to, or capable of office till one year expired, *id.* s. 13., but see note to s. 11.

75. THE CONVENTION OF LORDS AND COMMONS AT *Westminster*, the 22*d* Jan. 1688, and sitting there on 13*th* Feb. 1688, is declared a parliament; and all acts receiving the royal assent before their next prorogation shall be taken, to commence on the latter day, on which their majesties accepted the crown, 1 W. & M. S. 1. c. 1. s. 2.

76. King William and Queen Mary recognized as king and queen, 2 W. & M. S. 1. c. 1. s. 1.

77. All the acts of parliament in 1 W. & M., are declared to be laws of the realm, *id.* s. 2.

78. TO DECLARE THE RIGHT AND FREEDOM OF ELECTION OF members to serve in parliament for the cinque ports, 2 W. & M. S. 1. c. 7.

79. All recommendations by the lord warden of the cinque ports of one member to serve in parliament for each cinque port, are null and void, *id.* s. 1, 2.

80. FOR PREVENTING CHARGE AND EXPENCE IN ELECTIONS OF members to serve in parliament, 7 & 8 W. 3. c. 4. [AMD. and ENF. 2 G. 2. c. 24., (which is AMD. as to s. 4., 28 G. 3. c. 52. s. 51., as to s. 11. 9 G. 2. c. 38. s. 1.), 43 G. 3. c. 74., 49 G. 3. c. 118.]

81. No person to be elected to serve in parliament for any place in *Eng.*, *Wa.*, or *Ber.*, after the teste of the writ of summons, or after the ordering the writs of election, on summoning any parliament, or after such place becomes vacant in time of parliament, shall directly or indirectly give or allow to any voter or voters therein, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, [see 49 G. 3. c. 118. s. 1. *pl.* 98.] or entertainment, or make any promise or engagement to give or allow any money, &c. to any such voter, &c. in particular, or to such place in general, in order to be elected, 7 & 8 W. 3. c. 4. s. 1.

82. Every person offending as in s. 1. shall be disabled to serve in parliament for such place upon such election, *id.* s. 2.

83. FOR MORE EFFECTUALLY PREVENTING BRIBERY AND corruption in the election of members to serve in parliament, 2 G. 2. c. 24. [EXR. to electors of commissioners, or delegates for choosing burgesses in *Scot.* 16 G. 2. c. 11. s. 33. AMD. 9 G. 2. c. 38. s. 1., 28 G. 3. c. 52. s. 51., 45 G. 3. c. 74. s. 1., 49 G. 3. c. 118. *pl.* 96.]

84. On every election for a member of parliament, every person having right to vote, shall, before he is admitted to poll, take the following oath, (or if a quaker, make affirmation), the same being demanded by either of the candidates, or by any two electors, (*viz.*)

'I A. B. do swear (or being quaker, I A. B. do solemnly affirm) I have not received, or had by myself, or any person soever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place, or employment, gift or reward, or any promise or security for any money, &c. in order to give my vote at this election, and that I have not been before polled at this election.'

which oath, &c. the officer taking the poll shall administer gratis, on pain to forfeit 50*l.* and costs to any person suing for same, by action of debt, or information in any court at *Westminster*, without essoin, or more than one imparlance allowed; and if the offence be committed in *Scot.*, to be recovered by summary action or complaint before the court of session, or by prosecution before the court of judicatory there; and no person shall be admitted to poll till he has taken such oath, if demanded, before the returning officer, or others legally deputed by him, 2 G. 2. c. 24. s. 1.

85. Every voter, if required, as in last *pl.*, shall take the oath in manner

above prescribed, at the poll, and immediately before he is admitted to poll, 43 G. 3. c. 74. s. 1. [confirming 2 G. 2. c. 24. s. 1., and repealing 42 G. 3. c. 62. as to so much of it as respects the oath by 2 G. 2. c. 24. required.]

86. Every sheriff or other returning officer who shall admit any person to be polled without taking such oath, &c. if demanded, shall forfeit 100*l.*, to be recovered as in s. 1. with costs, and if any person shall vote without having first taken such oath, &c. if demanded, he shall incur a like penalty, 2 G. 2. c. 24. s. 2.

87. Every sheriff or other returning officer, [but not in *Scot.* 16 G. 2. c. 11. s. 38.] shall immediately after reading the writ or precept for election, take and subscribe the following oath, *viz.*

'I A. B. do solemnly swear, that I have not directly or indirectly received any sum or sums of money, office, place, or employment, gratuity or reward, or any bond, bill, or note, or any premium or gratuity whatsoever, either by myself, or for any other person to my use or benefit or advantage, for making any return at the general election of members to serve in parliament, and that I will return such person (or persons) as shall to the best of my judgment appear to me to have the majority of legal votes.'

which oath any justice of the county, city, corporation, or borough where such election is made, or in his absence, any 3 of the electors shall administer, and the oath shall be entered among the records of sessions, 2 G. 2. c. 24. s. 3. [This oath not to be administered, 28 G. 3. c. 36. s. 30., but that act wholly RER. 29 G. 3. c. 19. s. 1.]

88. Such votes shall be deemed legal which have been so declared by the last determination in the house of commons, to that county, &c. or other place, which, if preceding 28 G. 3. c. 52. shall be final, but not so if subsequent to that act, 2 G. 2. c. 24. s. 4., [see *pl.* 362.] 28 G. 3. c. 52. s. 51.

89. Every returning officer, elector, or person, convicted of wilful perjury, or false affirmation herein, shall suffer the pains of wilful perjury, 2 G. 2. c. 24. s. 5.

90. No person convicted of wilful perjury or subornation thereof, shall be capable of voting in any election of an M. P., *id.* s. 6.

91. If any person claiming a right to vote in any such election, shall receive any money or other reward, or agree for any money, gift, office, employment, or other reward, to give his vote, or forbear to give his vote in any such election, or if any person shall, by any gift or reward, or by any promise or security for the same, corrupt or procure any person to give or forbear to give his vote, the offender shall forfeit 500*l.*, to be recovered as in s. 1., with costs; and any person offending in the said cases, after judgment obtained against him in any action of debt, &c. or summary action, &c., or being otherwise lawfully convicted, shall be for ever disabled to vote in any election of M. P.s, and to hold any office or franchise as a member of any city, borough, or cinque port, 2 G. 2. c. 24.

92. If any such offender shall, within 12 months after such election, discover any other such offender so that he be convicted, the discoverer, not having been before convicted, shall be indemnified from all penalties and disabilities incurred by any offence against this act, *id.* s. 8.

93. Every sheriff or other officer to whom the execution of any writ or precept for electing any member belongs, shall, at the time of such election, immediately after the writ or precept, cause to be read before the electors this act, which shall also be read annually at the *Easter* quarter sessions for any county or city, and at the election of the chief magistrate in any borough, town corporate, or cinque ports, and of magistrates and town counsellors for every borough in *Scot.*, *id.* s. 9.

94. Every sheriff, under-sheriff, and other officer to whom the execution of any writ or precept for electing members doth belong, shall, for every wilful offence against this act, forfeit 50*l.*, recoverable with costs, as in s. 1., *id.* s. 10.

95. No one shall be liable to any incapacity or penalty under this act, unless prosecution is commenced, and the defendant be actually arrested, [or served with process, so as the service of such process be not prevented by the absconding or withdrawing of defendant from the kingdom, 9 G. 2. c. 38. s. 1.] within 2 years after such incapacity incurred, and unless such suit is carried on without delay, 2 G. 2. c. 24. s. 11., as AMD. 9 G. 2. c. 38. s. 1.

96. FOR BETTER SECURING THE INDEPENDENCE AND PURITY OF PARLIAMENT, by preventing the procuring or obtaining of seats by corrupt practices, 49 G. 3. c. 118.

97. Every person who shall directly or indirectly give or promise, or agree to give any sum of money, gift, or reward, to any person on any agreement that the latter shall, by himself, or by any other at his solicitation, procure, or endeavour to procure, the election of a M. P. for any county, stewartry, or place, shall forfeit 1000*l.*, recoverable as below, and every person so elected, and so having given or promised to give, or knowing of such gifts or promises on any such agreement, shall be disabled to serve for such place; and any person accepting any gift or reward, or any promise on any such contract, shall forfeit to H. M. the amount thereof, and 500*l.*, with full costs, to any person suing for same, by action of debt, bill, plaint, or information, in any court of record at *Westminster*, for offences in *Eng.* and *Wa.*, and in like courts

in *Dublin*, for offences in *Ire.*, without allowing an *essoins* or *wager of law*, or more than one *imparlance*; if committed in *Scot.*, then by summary action before the court of session, or prosecution before court of justiciary there, 49 *G. 3. c. 118. s. 1.*

98. Nothing herein shall extend to any money paid to or by any person for any legal expence *bonâ fide* incurred at or concerning any election, *id. s. 2.*

99. The penalties on persons giving or procuring, or promising to give or procure to be given, any office or employment to any person, on express agreement that the latter shall, by himself, or by any other at his solicitation, procure or endeavour to procure any such return to parliament, are as relates to the member returned, loss of his seat; as to the receiver of the office, forfeiture thereof, incapacity to hold any other, and 500*l.*, and as to the party giving such place, on the express agreement of procuring or endeavouring to procure such return 1000*l.*, both which penalties are recoverable as in *s. 1. id. s. 3.*

100. All actions for penalties under this act must be commenced in 2 years from the offence, and the party must be actually arrested or served with process within that time, unless prevented by his absconding from the jurisdiction of the court in which the action is brought; and all statutes of *jeofails* and amendments extend to such prosecutions, *id. s. 4.*

101. TO PREVENT FALSE AND DOUBLE RETURNS OF MEMBERS TO SERVE IN PARLIAMENT, 7 & 8 *W. 3. c. 7.* [MADE PERP. 12 *A. c. 15.*]

102. All false returns, wilfully made, of any member to serve in parliament, are illegal; and if any person shall return any member contrary to the last determination of the house of commons of the right of election in such place, it shall be deemed a false return, 7 & 8 *W. 3. c. 7. s. 1.*

103. The party grieved, *viz.* every person duly elected to serve in parliament for any place on such false return, may sue the officers and persons making or procuring the same, or any of them, and shall recover double damages, with full costs, *id. s. 2.*

104. If any officer shall wilfully, falsely, and maliciously return more persons than are required to be chosen by the writ or precept, the like remedy may be had by the party grieved, 7 & 8 *W. 3. c. 7. s. 3.*

105. All contracts and securities given to procure any return of any *M. P.* are void; and whoever makes such contract or security, or any gift or reward, to procure such false or double return, shall forfeit 500*l.*: 1-3*d* to *H. M.*, 1-3*d* to the poor of the county or place concerned, and 1-3*d* to the informer, with costs, to be recovered in any of *H. M.*'s courts at *Westminster*, by action of debt, &c. or information, without *essoins*, &c. or more than one *imparlance*, *id. s. 4.*

106. The clerk of the crown shall enter in a book every single and double return which shall come to his hands, and every alteration and amendment by him or his deputy in such return; to which book all persons shall have free access to search and take copies, paying a reasonable fee; and the plaintiff may, at the trial of the above suits, give in evidence such book, or a true copy thereof, relating to any such false or double return, and shall have like advantage of such proof as if they had produced the record itself; and if the clerk of the crown shall not within 6 days after any return shall come to his hand duly enter the same, or make alteration therein, except by order of the house of commons, or give any certificate of any person not returned, or wilfully neglect his duty in the premises, he shall forfeit 500*l.* to the party grieved, recoverable as above, and lose his office, and be for ever incapable of holding it, *id. s. 5.*

107. Every information or action on this statute shall be brought within 2 years after the cause of action arises, *id. s. 6.*

108. TO PROVIDE FOR THE MEETING OF PARLIAMENT IN CASE OF A DEMISE OF THE CROWN, 7 & 8 *W. 3. c. 15.* [ENF. 4 & 5 *A. c. 8. ss. 4—7., 6 A. c. 7. ss. 4—6., 37 G. 3. c. 127.*]

109. No parliament shall be dissolved by the demise of *H. M.*, but shall continue, if sitting, for 6 months, unless sooner prorogued or dissolved by the successor to the crown; and if prorogued, it shall meet and sit on the day unto which it is prorogued, and continue for the rest of the 6 months, unless sooner prorogued or dissolved, 7 & 8 *W. 3. c. 15. s. 1., 4 & 5 A. c. 8. s. 4., 6 A. c. 7. s. 4.*

110. If there be a parliament in being at the death of *H. M.*, but separated by adjournment or prorogation, at the time of such demise, it shall immediately meet and sit for 6 months, unless sooner prorogued or dissolved, 4 & 5 *A. c. 8. s. 5., 6 A. c. 17. s. 5.*

111. Nothing in these acts shall abridge *H. M.*'s power to prorogue or dissolve parliaments, nor shall repeal 6 *W. & M. c. 2., 7 & 8 W. 3. c. 15. s. 3., 4 & 5 A. c. 8. s. 7., 6 A. c. 17. s. 7.*

112. Members of both houses [on *H. M.*'s demise] shall take the oaths of allegiance, supremacy, and abjuration, in such time and manner, and under such penalties, as they ought to do if newly put into such offices, 4 & 5 *A. c. 8. s. 17.* [rest of this section is clearly *R. R. 1 G. 2. S. 1. c. 5. s. 2. and 1 G. 2. S. 1. c. 23. s. 7.* but appears in force as to members of parliament as above, *sed quare.*]

113. In case of *H. M.*'s demise after a dissolution and before the day appointed in the writs of summons for a new parliament, the last

preceding parliament shall convene and sit at *Westminster*, and be a parliament for 6 months from such demise, if not sooner prorogued or dissolved, 4 & 5 *A. c. 8. s. 5.*

114. In case of the demise of the new king within the 6 months so limited for the duration of the last parliament, and before its dissolution, or after its dissolution, and before a new parliament has met, as in *s. 5.*, such last parliament shall again convene, and be a parliament for 6 months longer from such second demise, unless sooner prorogued or dissolved, *id. s. 4.*

115. In case of *H. M.*'s demise on or after the day appointed for assembling a new parliament, or at any time after such day is so appointed, and after such new parliament have met and sat, the latter shall immediately after such demise, convene and sit at *Westminster*, and be a parliament for 6 months, unless sooner prorogued or dissolved, *id. s. 5.*

116. FOR FURTHER REGULATING ELECTIONS OF MEMBERS OF PARLIAMENT, AND FOR PREVENTING IRREGULAR PROCEEDINGS OF SHERIFFS AND OTHER OFFICERS IN ELECTING AND RETURNING SUCH MEMBERS, 7 & 8 *W. 3. c. 25. ss. 1, 2, 6—8.* [AMD. 10 & 11 *W. 3. c. 7., 33 G. 3. c. 64.*]

117. There shall be 40 days between the teste and return of the writs of summons of a new parliament, and the lord chancellor, keeper or commissioners of great seal, shall issue such writs as expeditiously as possible, which, as well in such case as in that of a vacancy during parliament, shall be delivered to the proper officer [messenger of the great seal, 53 *G. 3. c. 89. s. 1.*] and to no other person, who shall indorse on the writ the day of receiving the same, and forthwith make out the precept to each borough or place, and within 3 days after receipt of the writ, [or in 6 days to the *cinque ports*, 10 & 11 *W. 3. c. 7. s. 2.*], deliver such precepts to the proper returning officer of every such place, and to no other person; and such officer shall indorse on the back of the precept the day of its receipt, in presence of the party from whom he received it, and shall forthwith [between the hours of 8 & 4 in the day, from 25th Oct. to 25th March, and of 8 & 6 from 25th March to 25th Oct. 33 *G. 3. c. 64. s. 1.*] cause public notice to be given of the time and place of election, and proceed to election thereupon within 8 days after receipt of precept, and give 4 days' notice, at least, of the day appointed for the election, 7 & 8 *W. 3. c. 25. s. 1.* as AMD. by 10 & 11 *W. 3. c. 7. s. 2., and 33 G. 3. c. 64. s. 1.*

118. No sheriff, under-sheriff, mayor, or other officer of any county or place soever to whom the execution of any writ or precept for electing members of parliament belongs, shall give or take any fee for making out the receipt, delivery, return, or execution of any such writ or precept, 7 & 8 *W. 3. c. 25. s. 2.*

119. Every returning officer shall forthwith deliver to any person on demand, a copy of the poll at the election, at a reasonable charge for writing the same, on penalty of 500*l.* to party grieved, recoverable, with costs, by him or his executors or administrators, by action of debt, &c. or information in any court at *Westminster*, without allowing any *essoins*, &c. or *imparlance*, *id. s. 6.*

120. No trustee or mortgagee shall vote at an election in right of his trust estate or mortgage, unless he is in actual possession of its rents and profits, and the mortgagor or *cestuique trust* may vote for the same, notwithstanding the trust, *id. s. 7.* [rest of sect. post, pl. 179.]

121. No person under 21 years old shall vote or be elected a member of parliament; his return is void; and if he sit or vote in parliament, he is liable to all penalties of so doing without being returned, *id. s. 8.*

122. The sheriff or other officer, having execution and return of any writ for choice of a member, shall, on or before the day that any future parliament shall be called to meet, and with all convenient speed, not exceeding 14 days after election, make return of the same to the clerk of the crown in chancery, to be by him filed, and shall pay him the ancient fees of 4*s.* for a knight of the shire, and 2*s.* for every citizen, burgess, or baron of cinque ports; and shall charge the same to *H. M.*, and have allowance thereof in his accounts, 10 & 11 *W. 3. c. 7. s. 1.*

123. Every sheriff or other returning officer who shall not make the returns according to this act, shall forfeit 500*l.*: one moiety to *H. M.* and the other to him who shall sue for the same by action of debt, &c. or information in any court of record at *Westminster*, without *essoins*, &c. and but one *imparlance*, *id. s. 3.*

124. FOR REGULATING ELECTIONS OF KNIGHTS OF THE SHIRE. [This title is framed to show the general object of the following provisions:] 7 & 8 *W. 3. c. 25. ss. 3—5, 9, 10., 10 A. c. 23. ss. 2, 3, 5—8., 12 A. c. 5., 13 G. 2. c. 20. s. 1., 18 G. 2. c. 18. ss. 1—9, 11—16., 19 G. 2. c. 28. ss. 1, 2., 31 G. 2. c. 14., 20 G. 3. c. 17., 25 G. 3. c. 84. s. 4. & s. 16., 30 G. 3. c. 35., 42 G. 3. c. 116. s. 200., 51 G. 3. c. 99.; and see ante, pl. 18. &c., 7 *H. 4. c. 15. &c.**

125. At an election of a knight or knights of the shire, the sheriff shall hold his county court for that purpose at the most public and usual place of election in the county, and where it has most usually been for 40 years, and shall there proceed to election at the next county court: [but see 25 *G. 3. c. 84. s. 4. next pl.*] unless the same fall out to be holden 6 days after receipt of the writ, or on the same day; and shall

then adjourn the court to some convenient day [for not exceeding 16 days, 18 G. 2. c. 18. s. 10.] giving 10 days' notice of the time and place of such election, 7 H. 4. c. 15., 7 & 8 W. 3. c. 25. s. 3., 18 G. 2. c. 18. s. 1. and s. 10. [but *semble* these enactments are virtually repealed by the following.]

126. In 2 days after receipt of the writ for election of a knight of the shire, and indorsing thereon the day of its receipt, as by law required, the sheriff shall cause proclamation to be made at the proper place of election, of a special county court to be there holden for such election only on any day, except *Sunday*, not later from the day of making such proclamation than the 16th, or sooner than the 10th; and shall proceed in such election at such court as if the same was to be held at a county court, or adjourned county court, provided that the usual county court for all other purposes, or any adjournment thereof, shall be held and proceeded in by the sheriff as if the writ for such election had not been received, 25 G. 3. c. 84. s. 4.

127. The 6 G. 2. c. 23., which prohibits the adjourning a county court to a *Monday, Friday, or Saturday*, is *REP.* 18 G. 2. c. 18. s. 11.

128. If the election is not determined on the view, but a poll is demanded, the sheriff or under-sheriff, &c. with such others as are deputed by him, shall forthwith proceed to take the poll in some open place or places by him appointed, and such sheriff, under-sheriff, or deputies, shall appoint as many poll-clerks to take the same as shall seem meet: who shall first be sworn by such sheriff, &c. truly and indifferently to take the same, and to set down the names of each freeholder, and the place and situation of his freehold, and for whom he shall poll [see further directions, 10 A. c. 23. s. 5. *pl.* 135. and 25 G. 3. c. 84. s. 7. *post*, *pl.* 132.] and to poll no freeholder who is not sworn, if so required by any candidate, as hereinafter mentioned; and they shall all take the poll in presence of the sheriff, under-sheriff, or deputies, who shall appoint one person for each candidate nominated by him, to be inspectors of every poll clerk, and every freeholder shall, before polling, if so required by any candidate, take the following oath or affirmation [18 G. 2. c. 18. s. 1.] *inter alia*, that he has freehold land or tenement to 40s. value per ann. clear of all charges, as in 8 H. 6. c. 7. administered by the sheriff, [8 H. 6. c. 7.] under-sheriff, or sworn poll-clerks, 7 & 8 W. 3. c. 25. s. 3. as *AMD.* by 18 G. 2. c. 18. s. 1.; and see 8 H. 6. c. 7. *ante*, *pl.* 18. [N. B. The form of oath given by 7 & 8 W. 3. c. 25. s. 3. is (*REP.* by 10 A. c. 23. s. 3. which is) *REP.*, and the present oath is provided by 18 G. 2. c. 18. s. 1.]

'You shall swear, (or, being one of the people called *quakers*, you shall solemnly affirm,) that you are a freeholder in the county of — and have a freehold estate consisting of — [specifying the nature of such freehold estate, whether messuage, land, rent, tithe, or what else; and if messuage land or tythe, specifying in whose occupation the same are; and if in rent, specifying the names of the owners or possessors of the lands or tenements out of which such rent is issuing, or of some or one of them] lying or being at — in the county of — of the clear yearly value of 40s. over and above all rents and charges payable out of or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof for your own use, above 12 calendar months; or that the same came to you within the time aforesaid, by descent, marriage, marriage-settlement, devise, or promotion to a benefice in a church, or promotion to an office; and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at — in — and that you are 21 years of age, as you believe; and that you have not been polled before at this election.' [For oath of electors in counties of cities or towns, see 19 G. 2. c. 28. s. 1.]

129. Every freeholder or other person guilty of perjury, or subornation thereof, in taking or pressing any person to take such oath, in order to be polled, shall, on conviction, incur the penalties of 5 *£l.* c. 9. and 2 G. 2. c. 25. *PERJURY*, 18 G. 2. c. 18. s. 1., 7 & 8 W. 3. c. 25. s. 4.

130. Every such sheriff, or, in his absence, his under-sheriff, or such as he shall depute, as in s. 1., shall, at the same place of election, proceed to polling all the freeholders present, and shall not adjourn the county court then and there held to any other place in the county, nor, by unnecessary adjournment in the same place of election, protract the same, without the candidates' consent, till all the freeholders present are polled, and no longer, 7 & 8 W. 3. c. 25. s. 5.

131. All county courts, as well in *Yorkshire* as elsewhere, heretofore held on a *Monday*, shall be called on a *Wednesday*, and not otherwise, *id.* s. 9.

132. The sheriff of the county of *Souhampton*, or his deputy, at request of any candidate for election of a knight of that county, shall adjourn the poll from *Winchester* (after every freeholder present is polled, or after 15 days' poll at farthest) to *Neuport*, in the *Isle of Wight*, for ease of the inhabitants of that island, [so that such adjourned poll commence within 4 days from the close of the poll at *Winchester*, and does not continue longer than 3 days, at most, 25 G. 3. c. 84. s. 16.] 7 & 8 W. 3. c. 25. s. 10. as *AMD.* by 25 G. 3. c. 84. s. 16.

133. In taking the poll, the sheriff, or under-sheriff, and poll-clerks shall enter not only the place of the elector's freehold, but also that of his abode, as declared by him when he gives his vote, and shall enter *jurat* against the name of every such voter who shall take the oath required, [see 18 G. 2. c. 18. s. 1. *supra*, *pl.* 125.] and the returning officer

shall, within 20 days after such election, deliver over on oath (administered by the 2 next justices of the peace, one being of the *quorum*) unto the clerk of the peace, all the poll-books of such election without alteration; and in counties where there are more than one clerk of the peace, then the originals to one, and attested copies thereof to the rest, for preservation among the records of the sessions of the county, 10 A. c. 23. s. 5.

134. If any quaker shall be required by any candidate to declare the effect of the oath required of electors, upon his solemn affirmation, he shall be admitted to vote, and the sheriff shall enter *affirmat* against his name; and in case he is convicted wilfully, falsely, and corruptly, to have affirmed any thing which, if it had been in the usual form, would have amounted to wilful and corrupt perjury, he shall incur the penalties thereof, *id.* s. 8.

135. The sheriff of the county of *York* shall appoint 7 places for polling the county, on any new election for that county, at the proper costs of the candidates, to continue till the poll is concluded, *id.* s. 6.

136. The sheriff of *Cheshire*, at an election for that county, shall make 7 tables or places at the candidates' expence in the shire-hall, for taking a poll; 2 at the upper end, 2 at each side, and one at the lower end thereof, *id.* s. 7.

137. At any election for a shire in *Eng.* and *Wa.*, the sheriff, or in his absence the under-sheriff, or such as he shall depute, shall appoint and erect, at the candidate's expence, such number of booths or places for taking the poll as any of the candidates shall, 3 days at least before its commencement, desire, so as they do not exceed the number of rapes, lathes, wapentakes, wards, or hundreds in the county, or 15 in all; and shall affix on the most public part of each the name of the rape, &c. for which it is designed; and the sheriff, &c. shall appoint a poll-clerk at each booth to take the poll, (who shall, at the candidate's expence, be paid not exceeding 1*l.* 1*s.* per day each clerk) and shall also make out a list for each booth, &c. of all the towns, villages, parishes, and hamlets lying wholly or partly in the rape, &c. for which such booth is allotted, and shall on request deliver copies thereof, at 2*s.* each, to any of the candidates or their agents, 18 G. 2. c. 18. s. 7.

138. No sheriff, under-sheriff, or clerk, appointed to take the poll at any such booths or polling places, shall admit any person to vote for any freehold estate, sworn by his oath to be at some parish or place which, or any part whereof, is not mentioned in the list so made out for such booth, unless such freehold estate be in some place not mentioned in any of the lists, *id.* s. 8.

139. Every sheriff, under-sheriff, or poll-clerk shall, at every such election, allow a check-book for every poll-book for each candidate, to be kept by their respective inspectors at every polling place, *id.* s. 9.

140. In case any sheriff or under-sheriff presiding at any election of any such knight of the shire in *Eng.* and *Wa.*, shall wilfully offend against the true intent and meaning hereof, he shall be liable to be prosecuted by information or indictment in K. B., or in the great sessions of *W'a.*, or in the sessions for the counties palatine, or at the assizes for the county or place where the offence is committed, in which no *noli prosequi* or *cesset processus* shall be granted, *id.* s. 12.

141. In any action of debt given by this act, the plaintiff may set forth in the declaration or bill that defendant is indebted to him in the sum of — *£*, and may allege the particular offence against the act for which the action is brought, without mentioning the writ of summons or its return; and in any indictment or information for offences against this act may allege the particular offence charged on defendant, and that defendant is guilty thereof without mentioning such summons or its return; nor need the latter, or any warrant to the sheriff grounded thereon, be proved on the trial of either such action or indictment, *id.* s. 13.

142. Every action, indictment, or information given by this act shall be commenced in 9 calendar months after the fact committed, *id.* s. 14.

143. All the statutes of jeofails and amendments shall extend to any action, indictment, &c. brought under this act, *id.* s. 15.

144. If the plaintiff or informer in any such proceeding discontinues, is nonsuited, or has judgment against him, defendant shall have treble costs, *id.* s. 16.

145. No person shall vote for electing any knight of a shire [or member for a county of a city or town, 13 G. 2. c. 20. s. 1., and 19 G. 2. c. 28. s. 1.] in *Eng.*, in right of any freehold lands or tenements of the clear yearly value of 40s. above all charges payable thereout, or for which he has not received or been entitled to receive, the rents or profits for his own use for one year [above 12 calendar months, 18 G. 3. c. 18. s. 5.] before such election, unless such lands, &c. came to the voter by descent, marriage, marriage-settlement, devise, or by presentation to some benefice in the church, or promotion to an office to which such freeholder is affixed, under penalty of 40*l.* in moieties to the poor of the parish where the lands, &c. lie, and to the party suing by action of debt or information in any court at *Westminster*, without *essoin*, &c. or more than one imparlance allowed, 10 A. c. 23. s. 2. [as *ENF.* 13 G. 2. c. 20. s. 1., 18 G. 2. c. 18. s. 5.]

146. Nothing in 10 A. c. 23. s. 2. shall restrain any person from voting

in any election of the knight of a shire in *Eng.* in respect of any rents, tithes, or incorporeal inheritances, or any messuages or land in extra parochial places, or any chambers in the inns of court or chancery, or any messuages belonging to any offices [because not assessed to the taxes, church rates, and parish duties, as mentioned in s. 2. thereof, *REP. 18 G. 2. c. 18. s. 2.*] or in right of other lands, &c. not herein specified, because not usually so assessed, *12 A. c. 5.* [The proviso at the end of this section, that such lands have been assessed to some one or more such taxes, proportionable to that assessed on other lands, &c. of 40s. per ann. in the same parish, &c., which is similar to that in *10 A. c. 23. s. 2.*, is also *REP. 18 G. 2. c. 18. s. 2.*, *19 G. 2. c. 28. s. 2.* See as to land-tax assessment in general, *18 G. 2. c. 18. s. 3.*, and as to its non-assessment on such rents, chambers, &c. as affecting right to vote at county elections, *id. s. 4.*, and *20 G. 3. c. 17. infra, pl. 158. 162—178.*]

147. No person shall vote in any such election without having a freehold estate in the county for which he votes of 40s. yearly value, over and above all rents and charges payable thereout, or without having been in actual possession or receipt of the rents and profits thereof, for his own use, above 12 calendar months, unless the same came to him within the time aforesaid, by descent, marriage, marriage-settlement, devise, or promotion to any benefice in a church, or by promotion to an office; or shall vote in right of any freehold estate which was fraudulently made to him on purpose to qualify him to give his vote, or shall vote more than once in the same election; and every person voting in any such election contrary to the meaning hereof, shall forfeit to any candidate for whom such vote has not been given, and who shall sue for same, 40l. to be recovered by him, his executors, or administrators, with costs, by action of debt in any court of record at *Westminster*, wherein no essoin, &c. or imparlance shall be allowed; and in every such action the proof shall lie on debt., unless the fact on which it is grounded be the having polled more than once at the same election, *18 G. 2. c. 18. s. 5.*

148. No public or parliamentary tax, county, church, or parish rate, nor any other tax to be assessed on any county or division shall be deemed a charge payable out of any freehold estate within the meaning of this act, or of the oath or affirmation in s. 2. directed, *id. s. 6.*

149. FOR FURTHER EXPLAINING THE LAWS OF ELECTORS OF KNIGHTS OF THE SHIRE IN *Eng.* AND *Wa.*, *31 G. 2. c. 14.*

150. No person who holds his estate by copy of court roll, shall be entitled thereby to vote at the election of any knight of the shire in *Eng.* or *Wa.*; and his vote, if given contrary to the intent hereof, shall be void; and every such voter shall forfeit to the candidate for whom such vote shall not have been given, and who shall first sue for the same, 50l., recoverable with costs by him, his executors, and administrators, by action of debt in any court at *Westminster*, without essoin, &c. or imparlance allowed, and the proof shall lie on the defendant, *id. s. 1.*

151. Plaintiff may declare that defendant is indebted to him in 50l., and allege the offence for which the action is brought, and that defendant had acted contrary to this act, without mentioning the writ of summons to parliament, or its return; and neither such writ or return, or the warrant to the sheriff grounded thereon, need be proved on the trial, *id. s. 2.*

152. Such action must be commenced in 9 calendar months next after the fact committed, *id. s. 3.*

153. All statutes of jeofails and amendments extend to proceedings thereon, *id. s. 4.*

154. If plaintiff discontinues, is nonsuit, or has judgment against him, the defendant shall recover treble costs, *id. s. 5.*

155. No person shall vote in an election for a knight of the shire in *Eng.* or *Wa.*, in right of any messuages, lands, or tenements which have not been assessed towards some aid granted to H. M. by a land tax [12 altered by *20 G. 3. c. 17. s. 1.* to] 6 calendar months next before such election, [in the name of the person so claiming to vote in respect of such lands, &c. or in that of the tenant actually occupying the same as tenant of the owner thereof, *20 G. 3. c. 17. s. 1.*] *18 G. 2. c. 18. s. 3.*, *20 G. 3. c. 17. s. 1.* [18 G. 2. c. 18. s. 3. is *REP.* by *28 G. 3. c. 56. s. 33.*, but that act is wholly repealed, *29 G. 3. c. 18. s. 1.*]

156. NOTHING IN this act shall restrain any person from voting at any election of a knight of a shire in *Eng.* or *Wa.*, in respect of any rents or chambers in the inns of court or chancery, or of any messuages or seats belonging to any offices because not usually assessed to the land-tax, *18 G. 2. c. 18. s. 4.*

157. TO REMOVE CERTAIN DIFFICULTIES RELATIVE TO VOTERS AT ELECTIONS OF KNIGHTS OF THE SHIRE, (s. 1.) *20 G. 3. c. 17.*

158. This act, as relates to the assessing and rating of the land-tax, [as in s. 1. *ante, pl. 145.*] shall not extend to annuities, or feefarm rents, duly registered, issuing out of any messuages, lands, or tenements so assessed, nor to any person entitled to the lands, &c. for which he shall vote, by descent, marriage, marriage settlement, devise, or promotion to any benefice, or to any office in 12 calendar months next before such election, but he may vote in respect thereof, if the lands, &c. have been within 2 years next before such election, assessed to the land-tax

in the name of the person through whom such voter shall derive title, or in that of some predecessor, within a like time of such person claiming to vote in respect of any promotion to a benefice or an office, or in the name of the tenant actually occupying such lands, &c. *20 G. 3. c. 17. s. 2.*

159. Nothing in *20 G. 3. c. 17. s. 1. pl. 145.* shall affect the right of voting for a knight of the said parliaments, or for *Cricklade* after a 6 months' assessment of the freehold to the land-tax, or where the voter has become entitled by descent, marriage, &c. within 12 calendar months before the election, and his freehold has been assessed to the land-tax for two years next preceding, though the name of the occupier be not inserted in the assessment, *30 G. 3. c. 35. s. 2.*

160. EVERY person who shall tender his vote at the election of any knight of the shire, or other member in *Eng.* or *Wa.* for lands or tenements, the land-tax on which has been redeemed or purchased, shall be entitled to vote, on proving to satisfaction of returning officer, on oath or otherwise, that they have been exonerated therefrom under the land-tax redemption acts, *42 G. 3. c. 116. s. 200.*

161. IN ORDER to entitle any person to vote at an election for an M. P. in respect of land-tax purchased by them, (as in *42 G. 3. c. 116. s. 154.*) it shall not be necessary to have the same, or any memorial of the contract or certificate of purchase thereof registered, as other feefarm rents and annuities, or a memorial of the grant thereof are by law required to be registered before any person can vote for electing an M. P. in respect thereof, *51 G. 3. c. 99.*

162. The commissioners of land-tax for *Eng.* and *Wa.* shall deliver to each assessor of land-tax in their division a printed form of assessment as set forth in the schedule, according to which he shall make assessments, and shall make three duplicates thereof, and shall at least 14 days before delivery of such assessment to the land-tax commissioners of the county, riding, or division, cause one such duplicate, or a fair copy thereof, to be stuck up on the door of the church or chapel of the parish, &c. where the assessment is made, or if made for an extra parochial place, then on the door of the church, &c. of the next parish; and if any occupier of messuages, lands, or tenements in any such parish or place shall rent, hold, or occupy messuages, &c. belonging to different owners, the same shall be distinctly assessed, that the proportion of land-tax paid by each separate owner may be known; and such duplicates shall be delivered to the land-tax commissioners at their meeting for receipt of assessments; and if the name of any owner entitled to vote is not included therein he may appeal to the commissioners of land-tax, to whom such assessments are returned, on giving notice in writing to the parish assessor; and the commissioners on good cause shewn shall amend the duplicate of such assessment by inserting the name of the actual occupier and owner, or the persons entitled to the rents, &c. thereof, or by erasing any name improperly inserted therein, and shall cause one duplicate so amended, after the same are duly signed and sealed by the said commissioners or three of them, to be returned to the assessor, who shall deliver it within 10 days of the receipt to a chief constable of the hundred, lath, or wapentake where the parish lies for which the assessment was made, for which the latter shall give a receipt, and shall deliver it without alteration, on oath, at the first day of the next general quarter sessions for the county, &c. for which the assessment is made, in open court, to the clerk of the peace for filing among the sessions records, *20 G. 3. c. 17. s. 3.* and *18 G. 2. c. 18. s. 4.*

SCHEDULE. (*Form of Assessment.*)

County of N. to wit, } An assessment made in pursuance of an act of parliament, passed in the — year of H. M.'s reign, for granting an aid to H. M., by a land-tax, to be raised in the said county. }
in the said county. }
in C. B. for the service of the year —.

Names of Proprietors.	Names of Occupiers.	Sums assessed.
A. B.	Himself.	—
C. D.	E. F.	—

Signed this — day of — 18— by us { G. H. } Assessors.
I. K.

163. If any assessor shall neglect to deliver such amended duplicate to such chief constable, or if the latter neglect to deliver it to the clerk of the peace as in last place, or shall wilfully alter or deface the same, he shall forfeit 5l. recoverable as in ss. 5, 6., *20 G. 3. c. 17. s. 4.*

164. At the annual *Michaelmas* sessions the clerk of the peace or his deputy attending the same, in every county, riding, or division, &c. shall before their conclusion examine whether the duplicates of all the assessments in such county, &c. have been delivered for that year, and shall report to the court if the chief constables have not delivered them to him, which court shall impose the fine of 5l. on the chief constables for the hundred in which the parish for which such duplicates are not returned shall lie, and the clerk of the peace shall give them immediate notice thereof, and if not immediately paid, the quarter-sessions shall

by order of court issue a warrant of distress for the same, directed to the constable of the parish where such chief constable lives, to be transmitted to him by the clerk of the peace, to levy such fine and costs of distress, by distress and sale of the offender's goods, 20 G. 3. c. 17. s. 5.

165. If such chief constables shall voluntarily make oath at such sessions that such duplicates were not delivered to them by such assessor, the fine shall be imposed on the assessor of the place for which such duplicate is not returned, and the sessions shall by order of court issue a distress for its recovery, directed to the constable of such place, or any other person, and shall require the chief constable to give notice to such assessor, that such fines have been imposed, which shall be served in 14 days next after such sessions; and if the assessor shall not deliver the duplicate, or the chief constable's receipt for it to the clerk of the peace or his deputy, for such county, &c., in 10 days after service thereof, then the latter shall transmit the warrant of distress to levy such fine with costs, by distress and sale of assessor's goods, *id.* s. 6.

166. If such assessors, or either of them shall in 10 days after such notice produce to the clerk of the peace the chief constable's receipt for such duplicate, the clerk of the peace shall transmit the distress warrants against such chief constable to the proper constable, &c. to be executed, and the warrants levying the fine upon such assessors shall not be executed, *id.* s. 7.

167. The fines to be imposed and levied on such chief constables and assessors shall be paid to the treasurer of the county, to be applied as part of the county stock, under direction of the sessions, *id.* s. 8.

168. When any assessment has not been so made and transmitted by neglect of any person concerned, the quarter sessions or any two justices of the county, &c. out of sessions may direct the assessment to be made and returned in manner aforesaid; and it shall have the same effect as if made and returned as herein before directed, *id.* s. 9.

169. Every person aggrieved by any determination of the land-tax commissioners may appeal against it to the next general quarter sessions for the county, &c. in which they act, giving 10 days' notice of appeal to one of the commissioners signing the duplicate of assessment, and also to one of the assessors of the parish or place where the estate belonging to the party grieved shall be, and such sessions shall hear the matter of such appeal on oath, and shall amend assessments, if necessary, with reasonable costs, and may levy the latter with charges of distress, by distress and sale of the defaulter's goods, *id.* s. 10.

170. If the commissioners or justices in sessions shall on any appeals before them respectively insert in such assessments or duplicates the names of any persons which shall appear to them improperly omitted, such person shall be deemed rated to such assessment as if his name had been originally inserted by the assessors, *id.* s. 11.

171. Where any woman the widow of any tenant in fee or in tail shall be entitled to dower or thirds out of her husband's freehold estate, and intermarries with a second husband, the latter shall be entitled to vote in respect of the same, if of the clear yearly value of 40s. or more, though not set out by metes or bounds, if he be in actual receipt of the profits thereof, and the estate from which it issues is rated to the land-tax in the name of the actual owner thereof, *id.* s. 12.

172. Such duplicate may be inspected at 1s. for each inspection, and the clerk of the peace shall furnish copies of the whole, or any part thereof, signed by him and purporting to be a true copy, at 6d. for 300 words, and in proportion for a greater or less number; which duplicates and such copies so signed, and the duplicate of any assessment in the possession of the commissioners of the land-tax, or of the county receiver-general, and copies thereof shall be legal evidence thereof, *id.* s. 13.

173. The clerk of the peace of every county, riding, or division in whose office such duplicates are filed shall on reasonable notice attend at every election of a knight of the shire, with the original duplicates, at the request of any candidate or his agent; the latter paying him 2l. 2s. a day for his attendance, and 1s. 6d. a mile travelling expences to and from his abode to the place of election, *id.* s. 14.

174. After issuing any writ for election of a knight of the shire in *Eng.* or *Wa.*, the clerk of the peace or his deputy shall attend *gratis* daily, from 9 a.m. to 3 p.m., at the place where the records of the county, riding, or division are usually kept, from the time of delivery of such notice to the day immediately preceding the day of election, for the purpose of receiving applications to inspect such duplicates, and for making copies thereof, *id.* s. 15.

175. Every clerk of the peace, or his deputy, who shall neglect, or refuse to permit the inspection of such duplicates, or to deliver copies thereof in the time above mentioned, or shall neglect to attend, as in (s. 15.), shall forfeit for every offence 500l. to the party grieved, if the action be brought in 2 months after the offence committed; and if not brought within that time, then to the party suing for the same, as in (ss. 18, 19.), and shall forfeit his office, and be incapable of being re-elected, or acting as clerk or deputy clerk of the peace in any county, riding, or division soever, *id.* s. 16.

176. Final judgment on any verdict against such clerk or deputy clerk of the peace, for recovery of such forfeiture, shall be deemed a sufficient conviction, without any other conviction soever; after which the offices shall be absolutely void, 20 G. 3. c. 17. s. 17.

177. The penalties imposed on such clerk or deputy clerk of the peace, by s. 16., shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any court of record at *Westminster*, and no essoin, &c., and but one imparlance shall be allowed therein, *id.* s. 18.

178. No person shall be liable to any penalty by this act imposed, unless prosecution commenced in 12 months after incurred, *id.* s. 19.

179. AGAINST CONVEYANCES MADE FOR SPLITTING VOTES, 7 & 8 W. 3. c. 25. *latter part of s. 7.* [AMD. 10 A. c. 23. s. 1. 13 G. 2. c. 20. s. 1. 53 G. 3. c. 49.]

180. All conveyances of any lands, tenements, or hereditaments, in order to multiply voices, or split the interest in any houses or lands among several persons, to enable them to vote at elections of M. P.s are void, and only one voice shall be admitted for one house or tenement, 7 & 8 W. 3. c. 25. s. 7. [See rest of this section, *ante*, pl. 120.]

181. Devises by will in such cases, and for these purposes, as in s. 1. described, are conveyances, within 7 & 8 W. 3. c. 25. s. 7., and void, but no other part of such will is thereby defeated, 53 G. 3. c. 49. s. 1.

182. S. 1. hereof shall not affect any devise made by a testator dying 20 years before this act passed, *id.* s. 2.

183. FOR MORE EFFECTUALLY PREVENTING FRAUDULENT CONVEYANCES, in order to multiply votes for electing knights of shires to serve in parliament, 10 A. c. 23. [AMD. as to s. 1. by 13 G. 2. c. 20. s. 1.]

184. All conveyances of estates made to any person in any fraudulent manner, on purpose to qualify him to give his vote at elections of knights of the shire [or members for cities, counties of cities, or of towns, 13 G. 2. c. 20. s. 1.] but subject to conditions, to defeat or re-convey the same, shall be absolute against the grantor, and enjoyed by the grantee, discharged of every trust, revocation, defeazance, or condition soever between the parties; and all collateral securities or contracts, or trusts for redeeming, defeating, or re-conveying such estates are void, and every person making such conveyance, and every person privy to such purposes, who by colour thereof shall give any vote at any such election, shall forfeit 40l. with costs, to any person suing for same by action of debt, bill, plaint, or information, in any court at *Westminster*, without essoin, &c., or more than one imparlance allowed, 10 A. c. 23. s. 1. 15 G. 2. c. 20. s. 1. [The 19 G. 2. c. 28. s. 2. recites that 10 A. c. 23. s. 2. and 12 A. st. 1. c. 5. s. 1. are recited in 13 G. 2. c. 20., and are repealed by 18 G. 2. c. 18. s. 2., as to the assessment of freeholds to the public taxes, church-rates, or parish duties, in order to their conferring a vote; and declares so much of 13 G. 2. c. 20. s. 1. as extends the said provisions above recited, to counties of cities, and of towns to be REPEALED: the rest of the section, therefore, as given above, appears in force.]

185. TO PREVENT CERTAIN OFFICERS FROM SITTING IN THE HOUSE OF COMMONS, and from voting or interfering with elections of M. P.s, [Framed to show the general object of these enactments,] 5 & 6 W. & M. c. 7. s. 57., c. 20. s. 48., 11 & 12 W. 3. c. 2. ss. 150, 151., 4 & 5 A. c. 8. ss. 26—30., 6 A. c. 7. ss. 25—30., 9 A. c. 11. s. 49., 10 A. c. 19. s. 182., 1 G. 1. S. 2. c. 56., 15 G. 2. c. 22., 22 G. 3. cc. 41. 45., 41 G. 3. U.K. c. 52., 51 G. 3. c. 84., 54 G. 3. c. 16.

186. NO MEMBER OF THE HOUSE OF COMMONS, or any other in trust for him, shall be concerned in collecting or managing any duties granted by this act, [*viz.* duties on salt, and additional excise] or by any other statute; except the commissioners of treasury, and officers and commissioners of customs and excise [but see now 11 & 12 W. 3. c. 2. ss. 150, 151.] not exceeding the present number, 5 & 6 W. & M. c. 7. s. 57.

187. No member of the house of commons shall be a commissioner or farmer of the duty of excise on beer, ale, and other liquors, or of determining appeals concerning the same, or controlling or auditing the accounts thereof, or of holding in his own name, or that of another in trust for him, or of executing by himself or deputy, any office soever of excise, 11 & 12 W. 3. c. 2. s. 150.

188. Any member, by himself or deputy, or any other in trust for him, or for his benefit, taking any of the above offices, shall be incapable of sitting, voting, or acting as a member of the house of commons, *id.* s. 151.

189. No person who shall have in his own name, or in that of any person in trust for him, or for his benefit, any new office or place of profit soever, under the crown, created since 25 Oct. 1705, or who shall be commissioner, sub-commissioner, secretary, or receiver of the prizes, or comptroller of army accounts, or commissioner of transports, sick and wounded, wine licenses, or of the navy in the outports, or any agent for a regiment, or governor or deputy governor of plantations, or any person having pension of the crown during pleasure [as to pensioners for years, see 1 G. 1. S. 2. c. 56. pl. 197.] shall be capable of being elected or sitting as a M. P., 4 & 5 A. c. 8. s. 26. and 6 A. c. 7. s. 25.

190. A M. P. accepting any office of profit vacates his seat, and a

new writ shall issue, but he may be re-elected, 4 & 5 A. c. 8. s. 27., 6 A. c. 7. s. 26.

191. If any person disabled by this act shall nevertheless be returned, his election is void, and if he presume to sit or vote as a M. P. he shall forfeit 500*l.*, recoverable by the party suing for the same in *Eng.* by action of debt, or information, without essoin, &c., or more than one imparlance, 4 & 5 A. c. 8. s. 30., 6 A. c. 7. s. 29., and see 41 G. 3. c. 53. s. 6. Every person disabled to sit as a M. P. in any parliament of *Eng.* shall be disabled to sit in any parliament of *G. B.*, 6 A. c. 7. s. 30. [and see the same provision as to the parliament of U. K., 41 G. 3. c. 52. s. 3.]

192. No greater number of commissioners shall be constituted for the execution of any office than have been employed in its execution before the 1st day of this session, 4 & 5 A. c. 8. s. 28., 6 A. c. 7. s. 27. *Sp.*

193. This shall not extend to new commissions received by officers in the army or navy, being M. Ps, 4 & 5 A. c. 8. s. 29., 6 A. c. 7. s. 28. *Sp.*

194. No collector, supervisor, gauger, or other officer or person concerned in the charging, levying, or collecting the duties of excise, or any branch thereof, shall by any means endeavour to persuade or dissuade any elector to give, or from giving his vote for the choice of any member of parliament, on pain to forfeit 100*l.*, one moiety to the informer, and the other to the poor of the parish where such offence is committed, to be recovered by any person who shall sue in any court of record at *Westminster*, by action of debt or information, wherein no essoin, or more than one imparlance shall be allowed; and every officer so convicted shall be disabled ever to bear any office of trust under H. M., 5 & 6 W. & M. c. 20. s. 48.

195. No commissioner, officer, or other person employed in charging, collecting, receiving, or managing any duties, [hereby granted, *semb.* now *Exp.* and *Rep.*] shall, by word, message, or writing, or in any other manner, endeavour to persuade any elector to give, or dissuade him from giving, his vote for the choice of any person to be a knight of the shire, commissioner, citizen, Burgess, or baron, for any county, city, borough, or cinque port, on penalty of 100*l.*, one moiety to the informer, the other to the poor of the parish, or place where the offence is committed, to be recovered by any person suing for the same by action of debt, &c., or information in any court of record at *Westminster*, or in exchequer in *Scot.*, without essoin, &c., or more than one imparlance allowed; and every such convict shall be disabled to hold office under the crown, 9 A. c. 11. s. 49.

196. No commissioner, officer, or other person concerned in collecting or managing any of the duties granted by this act, [*viz.* duties on soap and paper, printed silk, &c., certain stamp duties, and additional hackney-coaches, *semb.* these duties *Exp.*] shall endeavour to persuade any elector to give, or dissuade him from giving, his vote for choice of any M. P., on penalty of 100*l.*; one moiety to the informer, the other to the poor of the parish, to be recovered by any person suing for the same in the courts at *Westminster*, or exchequer in *Scot.*; and every such convict shall be disabled of ever bearing office of trust under H. M., 10 A. c. 19. s. 182.

197. No person having any pension from the crown for any term of years, either in his own name, or in trust for him, shall be capable of being elected a member of the house of commons, 1 G. 1. S. 2. c. 56. s. 1.

198. If any person who has such pension at his election, or at any time after it, while he is a M. P., shall presume to sit or vote in that house, he shall forfeit 20*l.* for every day in which he shall sit or vote there, to be recovered with costs in any of the courts at *Westminster*, by action of debt, or information, without essoin, &c., or more than one imparlance, *id.* s. 2.

199. No commissioner of the revenue in *Ire.*, or commissioners of the navy or victualling offices, nor any deputies or clerks in those offices, or in those of the treasury, or of the auditor of the receipt of tellers, or of chancellor of exchequer, of admiralty, of paymasters of army or navy, of the principal secretaries of state, or of commissioners of salt, stamps, wine licences, hackney-coaches, or of hawkers and pedlars; nor any person having office, civil or military, in Minorca or Gibraltar, except only commissioned officers in any regiment there, shall be capable to be elected to, or sit or vote in, the house of commons, 15 G. 2. c. 22. s. 1.

200. The return of any person by this act disabled is void, and if he presumes to sit or vote as a M. P., he shall forfeit 20*l.* for every day of such sitting, &c., to be recovered with costs by any person suing for the same in any court at *Westminster*, by action of debt or information, without essoin, &c., and but one imparlance, and shall be disabled from holding office of honour or profit under H. M., *id.* s. 2.

201. Nothing herein shall exclude the treasurer or comptroller of the navy, the secretaries of the treasury, the secretary to chancellor of the exchequer, or secretaries of the admiralty, the under-secretary to any principal secretary of state, or deputy paymaster of the army, or any person holding office for life, *dum bene se gesserit*, *id.* s. 3.

202. FOR BETTER SECURING THE FREEDOM OF ELECTIONS OF MEMBERS TO serve in parliament, by disabling certain revenue officers

from voting at such elections, 22 G. 3. c. 41. [And. as to *Scot.*, 37 G. 3. c. 138. which see *SCOTLAND*; (Parliament) and by 51 G. 3. c. 84.]

203. No commissioner or other officer, or person soever, concerned or employed in the excise, customs, or stamp duties, or any person concerned in charging, collecting, levying, or managing any of the duties thereon, nor any distributor of stamps, nor any person employed in managing, collecting, &c. the salt, window, or house duties; nor any post masters-general or their deputies, or persons employed under them in the revenue of the post office or any part thereof, nor any captain, master, or mate, of any post-office packet, or other vessel employed by the post master-general, to convey the mail to and from foreign ports shall vote at any election soever for M. P. in *Eng.*, or for choosing any delegate in whom the right to elect members for *Scot.* is vested; and any vote given by such person during his holding such office, or in twelve calendar months after shall be void, and he shall forfeit 100*l.*; one moiety to the informer, and the other to be paid immediately to the treasurer of the county, riding, or division, where the offence was committed if in *Eng.*; and to the clerk of the justices of the county or stewarty in *Scot.*, to be applied as the next quarter sessions think fit, to be recovered by the party suing for same, by action of debt or information in any court of record at *Westminster*, without allowance of essoin, &c., or more than one imparlance, or by summary complaint before court of session in *Scot.*, and the person convicted shall be thereby disabled ever to hold office or place of trust under H. M., 23 G. 3. c. 41. s. 1.

204. The 15 coal and 10 corn meters of the city of *London* are excepted from the operation of 22 G. 3. c. 41. s. 1., provided they receive no fee or reward from the commissioners of customs, though they have a commission from them, 51 G. 3. c. 84.

205. Nothing in this act extends to commissioners of the land tax or persons acting under their appointment for assessing, levying, collecting, receiving, or managing the same, 22 G. 3. c. 41. s. 2.

206. Nor to any office now held or usually granted to be held by letters patent for estate of inheritance, as freehold, *id.* s. 3.

207. Actions for penalties under this act, shall be commenced in 12 months after the penalty incurred, *id.* s. 5.

208. FOR RESTRAINING ANY PERSON CONCERNED IN ANY CONTRACT, COMMISSION, or agreement made for the public service, from being elected or sitting and voting as a M. P., 22 G. 3. c. 45.

209. No person who shall directly or indirectly himself, or by any person in trust for him, or for his use or benefit or on his account undertake, execute, hold, or enjoy in the whole or in part, any contract, agreement, or commission, made or entered into with any one or more commissioners of the treasury, navy, or victualling office, or with the master-general or board of ordnance, or with any such commissioners or other person soever, on account of the public service; or shall knowingly furnish in pursuance of such agreement, &c. any money to be remitted abroad, or any wares to be used in the public service, shall be capable of being elected, or sitting and voting as a M. P., during the time he shall enjoy such contract, or any share or benefit thereof, *id.* s. 1.

210. If any member shall enter into any such contract, &c., in any mode described in s. 1., or having already entered into such contract, &c. shall, after commencement of the next session, continue to hold the same, his seat shall be void, 22 G. 3. c. 45. s. 2. [See 41 G. 3. U. K. c. 52. s. 4. *infra*, pl. 220.]

211. Nothing herein extends to any contract, &c., made by incorporated trading companies in their corporate capacities, nor to any company now established, consisting of more than ten persons where such contract is made, for the company's general benefit, *id.* s. 3.

212. Where any such contract is made with a provision for its continuance, till a year's notice is given of its intended dissolution, it shall not disable any person from sitting and voting in parliament, till one year after such notice given, *id.* s. 4.

213. If any person, disabled by this act, shall nevertheless be returned a M. P., his election is void, and if presuming to sit or vote as a M. P., shall forfeit 500*l.* for every day he so shall sit or vote, to be recovered with full costs, by any person suing for the same in any court at *Westminster*, by action of debt or information, without essoin, &c., or more than one imparlance, or by summary complaint in the court of session in *Scot.*, and shall be disabled from holding any such contract, &c. in future, *id.* s. 9.

214. In every such contract, &c., (as in s. 1.) an express condition shall be inserted, that no M. P. be admitted to a share thereof, or of any benefit to arise therefrom; and if any such contractor shall admit an M. P. to any such share, every such person and persons shall forfeit 500*l.* recoverable as in (s. 9.) *id.* s. 10.

215. Prosecutions under this act shall be commenced within 12 calendar months, *id.* s. 11.

216. FOR DECLARING WHAT PERSONS SHALL BE DISABLED FROM SITTING and voting in the house of commons of the U. K., and for

carrying into effect part of the 4th article of the Union of G. B. and Ire., [39 & 40 G. 3. c. 67.] by providing, in what cases persons holding offices or places of profit under the crown of Ire., shall be incapable of being members of that house, 41 G. 3. (U. K.) c. 52. [Exp. 54 G. 3. c. 16.]

217. All persons disabled from, or incapable of being elected or sitting, or voting, in the house of commons of any parliament of G. B., shall be disabled from being elected to, or sitting or voting in that of the U. K. for any county, &c. or place in G. B., 41 G. 3. (U. K.) c. 52. s. 1.

218. All persons disabled from or incapable of being elected, &c. in the Irish house of commons, shall be disabled from sitting in that of the U. K. as members for any county, &c., or place in Ire., *id.* s. 2.

219. No persons disabled by any British statutes from sitting, &c. or voting in the house of commons of G. B., shall by this act be enabled to sit or vote in that of the U. K. for any place in Ire.: and the converse, *id.* s. 3.

220. No person holding the offices hereinafter mentioned in Ire., shall be capable of being elected or sitting in the house of commons of the U. K. *id.* s. 4.

221. No person being a commissioner of customs, excise, or stamps, or directly or indirectly concerned in the collection or management of any sums granted to H. M. by parliament, (except the commissioners of the treasury and their secretary) or being a commissioner of appeals, concerning customs, excise, or stamp duties, or for auditing the account thereof, (except the auditor-general of exchequer); and no commissioner of imprest accounts [Qu. exp. since the appointment of commissioners of public accounts for Ire. by 44 G. 3. c. 58.] nor agent for a regiment, nor any person directly or indirectly undertaking, executing, holding, or engaging in the whole or in part, any contract, agreement, or commission under the Irish treasury, or with any other person soever, on account of the public service in Ire.; nor any person furnishing money in pursuance of such agreement, for remittance abroad, or merchandize to be used in the public service during his execution or share thereof, or any benefit or employment arising from it, except members of incorporated trading companies, now existing in Ire., consisting of more than 10 persons, in respect of any contracts entered into in corporate capacity and for general benefit; nor any deputies or clerks in the Irish treasury office, or in those of auditor, tellers, or chancellor of exchequer, except secretary to latter, or in those of commissioners of stamps or appeals, *id.* *ibid.*

222. No person, who shall have in his own name or in that of any person in trust for him or his benefit, any office or place of profit by appointment, or subject to approbation of the lord-lieutenant or chief governor of Ire., created after passing 33 G. 3. c. 41. Ire., shall be capable of being elected a member of the house of commons, *id.* s. 5.

223. If any member, who has accepted any such office of profit as in last *pl.* shall remain in or re-accept the same by appointment of, or subject to the approbation of any successor to such lord lieutenant or chief governor of Ire., by whom he was previously appointed or approved, his seat shall not be vacant nor a fresh writ issue, 54 G. 3. c. 16. s. 1.

224. But that provision does not extend to any person remaining in office, at the time of the decease, removal, or absence, of the lord lieutenant or other chief governor of Ire., *id.* s. 2.

225. If any person declared by this act disabled, but nevertheless returned for any place, shall presume to sit in parliament, he shall incur the penalties imposed by former British [6 A. c. 7. s. 29., *pl.* 191.] or Irish acts, for disabling such persons from sitting in the respective parliaments; and if disabled by holding any office in this act enumerated, shall forfeit 500*l.* for each day of such sitting or voting, recoverable by any person suing for same, by action of debt, bill, plaint, or information, without essoin, &c., and but one imparlance, 41 G. 3. (U. K.) c. 52. s. 6.

226. Nothing in this act extends to persons holding offices for life or during good behaviour, except commissioners of imprest accounts, [Exp. since commissioners of public accounts were appointed; see *ante*, *pl.* 221.] or persons concerned in managing, collecting, or farming duties granted to H. M., *id.* s. 8.

227. Members of the House of Commons accepting any office of profit whatever from H. M., or by appointment, or subject to the approbation of the lord lieutenant or chief governor of Ire., shall vacate their seats, but may be re-elected for the same or any other place, *id.* s. 9.

228. FOR SECURING THE FREEDOM OF PARLIAMENTS BY FURTHER QUALIFYING the members to sit in the H. of C., 9 A. c. 5. [Eny. 33 G. 2. c. 20.]

229. FOR REGULATING THE QUALIFICATION OF MEMBERS TO SERVE in the united parliament for Ire., 41 G. 3. (U. K.) c. 101. [s. 23. only is in force and applicable.]

230. FOR FURTHER REGULATING THE QUALIFICATION OF MEMBERS to serve in the united parliament of G. B. and Ire., 59 G. 3. c. 37.

231. No person shall be capable to sit or vote as a member of the H. of C. of the united parliament for any county, city, borough, or cinque port, town or place in Eng., Wa., Ber. [or Ire., 59 G. 3. c. 37. s. 1.] who shall not have an estate, freehold or copyhold, for his own life, or some greater estate in law or equity for his own benefit, in lands or heredita-

ments, over and above what will clear all incumbrances thereon, in Eng., Wa., Ber., [Scot., or Ire., 59 G. 3. c. 37. s. 1.] of the annual value of 600*l.* above reprises, for every knight of a shire, and of 300*l.* above reprises for every citizen, Burgess, or baron of cinque ports, and if any person elected or returned to serve in parliament shall not at the time of such election and return be seised of or entitled to such estate, such election and return shall be void, 9 A. c. 5. s. 1., 59 G. 3. c. 37. s. 1.

232. Every person (except as hereinafter excepted in *pl.* 235.) who shall be elected a member of the house of commons, before voting or sitting therein during any debate after their speaker is chosen, shall deliver in to the clerk, at the table of the house, during its sitting with the speaker in the chair, an account signed by such member, containing the name or names of the parish, township, or precinct, or of the parishes, &c. and of the county or counties in which the lands, &c. whereby he makes out his qualification, do lie, declaring them to be of the value required by 9 A. c. 5. s. 1., and shall take and subscribe this oath, *viz.*

'I, A. B., do swear, that I truly and *bonâ fide* have such an estate in law or equity, and of such value, to and for my own use and benefit, of or in lands, tenements, or hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, as doth qualify me to be elected and returned to serve as a member for the place I am returned for, according to the tenor and true meaning of the acts of parliament in that behalf, and that such lands, &c. do lie as described in the paper or account signed by me, and now delivered to the clerk of the house of commons. So help me God.'

And the house shall administer such oath and subscription to every person duly demanding the same, immediately after he has taken the oaths of allegiance, supremacy, and abjuration at the table; and such oath and subscription shall be entered on a parchment roll, provided by the clerk, and the above accounts shall be filed and carefully kept by him, 33 G. 2. c. 20. s. 1.

233. AFTER RECITING 59 & 40 G. 3. c. 67. art. 4., 9 A. c. 5. s. 1., and 33 G. 2. c. 20. s. 1., *viz.* the 2 last *placita.* The provision of the latter act is extended to every person (except as therein excepted) elected a member of parliament in Eng., Ire., Wa., or Ber.; and the qualification required may be situate either in Eng., Wa., Ber., [or Ire., or Scot., see 59 G. 3. c. 37. s. 1., *ante*, *pl.* 231.] 41 G. 3. (U. K.) c. 101. s. 23.

234. Any member presuming to sit and vote as above, before delivering the account, and taking and subscribing the oath in s. 1., shall not be qualified under 9 A. c. 5., or this act; and his election shall be void, and a new writ issued, 33 G. 2. c. 20. s. 2.

235. Nothing in these acts shall make the eldest son or heir apparent of any peer; [or lord of parliament, 41 G. 3. (U. K.) c. 101. s. 23.] or of any person qualified to serve as knight of a shire incapable of being elected a M. P., 9 A. c. 5. s. 2., and 41 G. 3. (U. K.) c. 101. s. 23.; or shall extend to the members for either university in Eng., [or for Trinity College in Dublin, 41 G. 3. (U. K.) c. 101. s. 23.] or the members for Scot., 9 A. c. 5. s. 3., 33 G. 2. c. 20. s. 3.

236. No person shall be qualified within the meaning of this act, by virtue of any mortgage whereof the equity of redemption is in any other, unless the mortgagee have been in possession 7 years before his election, 9 A. c. 5. s. 4.

237. Every person (except as above) who appears as a candidate, or is proposed to be elected, shall, on reasonable request (at the time of such election, or before the day prefixed in the writ of summons for the meeting of parliament,) by any other candidate, or by any two persons having right to vote at such election, take an oath to the effect following:—

'I, A. B. do swear that I truly and *bonâ fide* have such an estate in law or equity, to and for my own use and benefit, of or in lands, tenements, hereditaments, (over and above what will satisfy and clear all incumbrances that may affect the same) of the annual value of 600*l.* above reprises, as doth qualify me to be elected and returned to serve as a member for the county of —, according to the tenor and true meaning of the act of parliament in that behalf; and that my said lands, &c. are lying or being within the parish, township or precinct, or in the several parishes, &c. of —, in the county of —, or in the several counties of —, [as the case is.]'

9 A. c. 5. s. 5. [Qu. if not superseded by 33 G. 2. c. 20. s. 1., *supra*, *pl.* 233.]

238. Where such candidate is to serve for any city, borough, or cinque port, the oath shall relate only to the value of 300*l.* *per annum*, *id.* s. 6. [but see note to last *pl.*]

239. The oaths may be administered by the sheriff or under-sheriff of a county, or by the mayor, bailiff, or other officer for any city, borough, or port to whom it appertains to take the poll, or make return at the election, or by any 2 justices in Eng., Wa., and Ber.; and the respective persons administering such oaths shall certify the taking thereof into chancery or K. B., in 3 months after, on penalty of 100*l.*, in moieties to H. M. and the party suing by action of debt, bill, or information, in any court at Westminster; and if a candidate, on such request, at the time of his election, or before the day of the meeting of parliament, refuse to take such oath, his election and return are void, *id.* s. 7.

240. Only 1*s.* fee shall be taken for administering the oath, 2*s.* for making, and 2*s.* for filing the certificate, on penalty of 20*l.*, to be recovered and divided as in s. 7., *id.* s. 8.

241. PARLIAMENTS SHALL RESPECTIVELY CONTINUE FOR 7 YEARS AND NO LONGER, to be accounted from the day on which, by the writ of summons, they are appointed to meet, unless sooner dissolved by H. M., 1 G. 1. S. 2. c. 39. [Septennial act, repealing 6 & 7 W. & M. c. 2. s. 3., the triennial provision.]

242. FOR REGULATING THE QUARTERING OF SOLDIERS DURING THE TIME OF election of members of parliament, 8 G. 2. c. 30.

243. On any election of a peer or peers to represent the peers of Scot. in parliament, or of any member to serve in parliament, the secretary at war shall issue orders for removal of all soldiers quartered in the place where such election is appointed to be made, at least one day before the day of election, to the distance of 2 or more miles therefrom, and not to make nearer approach to the same till one day at least after the poll is ended and poll-books closed, *id.* s. 1.

244. If the secretary at war, or the person officiating in that office, omits to issue such orders, and is thereof convicted, on indictment preferred at the next assizes or sessions of *oyer* and *terminer*, for the county where such offence is committed, or on information exhibited in K. B., within 6 months, he shall forfeit his office, and be disabled to hold office, civil or military, in H. M.'s service, *id.* s. 2.

245. But he shall not be liable to such penalties, unless notice of a new writ of election be given to him by the clerk of the crown in chancery, or other officer making out the same, which notice he is required to give, *id.* s. 5.

246. Nothing in this act shall extend to *Westminster* or *Southwark*, in respect of H. M.'s guards, nor to any place where H. M., or any of the royal family happen to be, or are resident, at the time of such election, in respect of such troops only as are attendant on them as guards; nor to any castle, fort, or fortified place where any garrison is usually kept, in respect of the troops composing the same only, *id.* s. 3.

247. Any officer or soldier, having a right to vote at such election, may freely, and without interruption, attend and vote, notwithstanding this act, *id.* s. 4.

248. FOR BETTER REGULATING ELECTION OF M. P.s FOR ALL COUNTIES, cities, and towns in *Eng.*, 19 G. 2. c. 28.

249. Every person demanding to vote for the election of any M. P. for any city or town, being a county of itself, in *Eng.*, in respect of a freehold estate of 40s. a year, shall, before he is admitted to poll (if required by any candidate or other person having a right to vote) take the oath (or if a quaker, the affirmation) following, *viz.* : —

'You shall swear [or, being a quaker, you shall solemnly affirm] that you have a freehold estate, consisting of [specifying the nature of such freehold estate; and if it consists in messuages, lands, or tithes, then specifying in whose occupation the same are; and if rent, then the names of the owners or possessors of the tenements out of which it issues, or of some of them] lying or being in the city and county [as the case may be] of — of the clear yearly value of 40s. over and above all rents and charges payable out of, or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof, for your own use, above 12 calendar months, or that the same came to you within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office; and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at — in — and that you are 21 years of age, as you believe, and that you have not been polled before at this election.'

Which oath the sheriff, under-sheriff, or sworn clerk appointed for taking the poll, shall administer; and in case any person taking such oath or affirmation shall thereby commit wilful perjury, and be convicted, and if any person corruptly suborn another to take the same in order to be polled, whereby he shall commit wilful perjury, and shall be convicted, they shall incur the penalties of 5 *El.* c. 9. and 2 G. 2. c. 25., 19 G. 2. c. 28. s. 1.

250. No person shall vote for electing a member to serve in parliament for such a city or town, being a county of itself, in *Eng.*, in respect of any freehold messuages, lands, or tenements, of the yearly value of 40s., which have not been assessed to the land-tax in G. B. 12 calendar months next before such election; but nothing herein shall restrain any person from voting in any such election for cities and towns, counties of themselves, in respect of any rents, or any messuages or seats belonging to any offices, by reason that they have not been usually assessed to the land-tax; and the acting commissioners of land-tax, or any 3 of them, at their meetings, shall sign and seal one other duplicate of the copies of the assessment delivered to them by the assessors, after all appeals determined; and shall deliver the same to the persons officiating as clerks of the peace within the districts of the said cities and towns, being counties of themselves, to be by them kept among the records of the sessions, to which all persons may resort and inspect the same, paying 6d.; and the said persons officiating as clerks of the peace, or their deputies, shall give copies of the said duplicates, or any part thereof, to any person requiring the same, paying after the rate of 6d. for every 300 words, 19 G. 2. c. 28. s. 3. [as to voting where land-tax is redeemed, 42 G. 3. c. 116. s. 200. *supra*, pl. 160.]

251. No person shall vote in such election of a M. P. for any city or

town being a county of itself, in respect of lands or hereditaments, of the yearly value of 40s., unless he has a freehold estate in the city and county, or town and county, for which he votes, of the clear yearly value of 40s. above all rents and charges payable out of the same; and has been in possession or receipt of the rents and profits thereof, for his own use, above 12 calendar months, except they came to him within the time aforesaid by descent, marriage, marriage settlement, devise, or promotion to any benefice in the church, or by promotion to an office; and no person shall vote in respect of any freehold estate which was made to him fraudulently, on purpose to qualify him to give his vote, or shall vote more than once at the same election: and if any person vote in any such election, contrary to the intent hereof, he shall forfeit to any candidate for whom such vote shall not have been given, and who shall first sue for the same, 40*l.*, to be recovered by him, or his executors or administrators, with costs, by action of debt in any court of record at *Westminster*, without essoin, &c. or imparlance; and in such action the proof shall lie on defendant, unless the fact on which such action is grounded be the having polled more than once at the same election, 19 G. 2. c. 28. s. 4.

252. No public or parliamentary tax, church or parish rate, or any other tax, rate, or assessment to be levied within such cities or towns, being counties of themselves, shall be deemed any charge payable out of any freehold estate within this act, or of the oath or affirmation in s. 1., *id.* s. 5.

253. The sheriff or sheriffs of any county or town being a county of itself, in *Eng.*, or in his absence, the under-sheriff or under-sheriffs, or his deputy, shall at every election of a M. P., allow a cheque-book for every poll-book for each candidate, to be kept by their respective inspectors at the place where the poll shall be taken, *id.* s. 6.

254. The sheriff of every city or town being a county of itself, and having a right to elect a M. P., by virtue of writ issuing out of chancery, without precept thereupon, in *Eng.*, shall forthwith, on receipt of the writ, cause public notice to be given of the time and place of election; and shall proceed to election within 8 days next after that of his receipt of the writ, and give 3 days' notice thereof at least exclusive of the day of the receipt of the writ and of the day of election, *id.* s. 7.

255. Any sheriff or under sheriff, presiding at any election of a M. P. for any such city or town, being a county of itself, in *Eng.*, who shall wilfully offend against the meaning of this act, shall be liable to be prosecuted by information or indictment in K. B. in *Westminster*, or at the assizes for the city or town where such offence is committed, in which no *noli prosequi*, or *cessat processus* shall be granted, *id.* s. 8.

256. It shall be sufficient for plaintiff in any action of debt given by this act, to set forth in the declaration, that the defendant is indebted to him in the sum of —, and to alledge the particular offence for which the action is brought, and that defendant had acted contrary to this act; without mentioning the writ of summonses to parliament, or the return thereof: and in any indictment or information for any offence contrary to this act, to alledge the particular offence, and that defendant is guilty thereof, without mentioning the writ of summons to parliament, or return thereof; and on trial of any issue in any such action, &c., the plaintiff, &c. shall not be obliged to prove such writ of summons, or its return, or any warrant to the sheriff grounded upon such writ of summons, *id.* s. 9.

257. Every action, indictment, &c. given by this act, shall be commenced within 9 calendar months from the offence, *id.* s. 10.

258. All the statutes of jeofails shall extend to all the proceedings in any action, indictment, &c. given by this act, *id.* s. 11.

259. In case the plaintiff or informer, in any action, indictment, or information given by this act, shall discontinue or be nonsuited, or judgment is given against him, defendant shall recover treble costs, *id.* s. 12.

260. This act, or any thing therein contained, (except the clauses for allowing cheque-books, or for notice of the time and place of election, and proceeding to election thereon,) shall not extend to any city or town, being a county of itself, or to any person, where the right of voting for any member of such city or town is in respect of burgage tenure; or where the right of voting in respect of a freehold does not require the same to be of the yearly value of 40s., *id.* s. 13.

261. TO PREVENT OCCASIONAL FREEMEN FROM VOTING AT elections of members of parliament for cities and boroughs, 3 G. 3. c. 15.

262. TO REGULATE VOTES FOR SHIRES AND COUNTIES OF cities and towns in right of annuities or rent charges, *id.* c. 24.

263. TO PREVENT OCCASIONAL SCOT AND LOT MEN from voting at elections for cities and boroughs, 26 G. 3. c. 100. [Framed to shew the general object of these acts which do not in *totidem verbis* refer to one another.]

264. No person claiming only as a freeman to vote at any election of M. P.s in *Eng.*, *Wa.*, and *Ber.*, shall be admitted to vote as such, unless admitted to such freedom 12 calendar months before such election, on penalty of 100*l.* for every vote given contrary to the true intent and meaning of this act, 3 G. 3. c. 15. s. 1.; not to extend to *London* or *Norwich*, *id.* s. 8.; nor to any person entitled to his freedom

by birth, marriage, or servitude, according to the custom of such city, town, port, or borough, 3 G. 3. c. 15. s. 2.

265. Any mayor, &c., or officer of any corporation, or any other juror, wilfully antedating any admission to such freedom, shall forfeit 500*l.* to the informer suing for the same, *id.* s. 3.

266. The mayor, &c. or other officer of any corporation, having custody of the records thereof, shall, on demand of any candidate, or his agent, or any two freemen, on payment of 1*s.*, permit such candidate, &c. between 9 *a. m.* and 3 *p. m.* at any time before, and within a month after such election, to inspect the books and papers of entries of such admissions, and to have copies thereof, on paying him a reasonable charge for writing the same; and such books, &c. shall, on demand by such candidate, &c., be produced at every election, and referred to in case of a disputed vote, under penalty of 100*l.* to the informer suing for same, for every refusal to permit such inspection, or to produce such books, &c. on demand thereof and payment as above, *id.* s. 4.

267. The penalties in s. 1. & 2. shall be recovered, with full costs, by action of debt, &c., or information in any court of record at *Westminster*, without essoin or more than one imparlance, (s. 5.) and the prosecution must be commenced within one year, *id.* s. 6.

268. The returning officer shall cause this act to be read openly, immediately after reading 2 G. 2. c. 24., at the election for every such city, &c. (as in s. 2.) where the right of election is wholly or in part in such freemen as in s. 1., *id.* s. 7.

269. TO PREVENT FRAUDULENT AND OCCASIONAL VOTES IN ELECTIONS of knights of the shire, and of members for cities and towns which are counties of themselves, so far as relates to the right of voting by virtue of an annuity or rent-charge, 3 G. 3. c. 24.

270. No person shall vote at any such election in *Eng.* in respect of any annuity or rent-charge issuing out of freehold lands or tenements, and granted before 1 June 1763, unless a certificate on oath has been entered 12 calendar months at least before the first day of such election, with the clerk of the peace for the county, riding, or division, or with the clerk of the peace, town clerk, or other public officer, having the custody of the records within such city or town where such lands, &c. lie; *viz.*

‘ I *A. B.* of — am really and *bonâ fide* seised of an annuity or rent-charge for my own use and benefit, of 40*s.* clear yearly value above all rents and charges payable out of the same, wholly issuing out of freehold lands, tenements, or hereditaments belonging to *C. D.* of — situate, lying, and being in the parish, township, or place, or in the parishes, &c. of *E.* in the county of —, without any trust, agreement, matter, or thing to the contrary notwithstanding, and 1, or the person or persons under whom I claim, was or were seised of the said annuity or rent-charge before 1 June 1763.’ *id.* s. 1.

271. No person shall vote at any such election, as in s. 1., in *Eng.* in respect of any annuity or rent-charge arising out of freehold lands, tenements, or hereditaments, which shall come to him by descent, marriage, marriage settlement, devise, or presentation to a benefice in a church, or promotion to an office, within 12 calendar months next before such election respectively, unless a certificate on oath, or affirmation of a quaker, has been entered (as in s. 1.) before the 1st day of such election, *viz.*

‘ I *A. B.* of — am really and *bonâ fide* seised of an annuity or rent-charge to my own use and benefit, of the clear yearly value of 40*s.*, a year above all rents and charges payable out of the same, wholly issuing out of freehold lands, tenements, and hereditaments belonging to *C. D.* of — situate in the parish, township, or place, or in the parishes, &c. of — in the county of — without any trust, agreement, matter, or thing to the contrary notwithstanding, and I became seised of the said annuity or rent-charge on the — day of — last past, by descent or otherwise [as the case may happen], *id.* s. 2.

272. No person shall vote at any such election in *Eng.* (as in s. 1.) in respect of any such annuity or rent-charge, unless a memorial of the grant thereof has been registered with the proper officer (as in s. 1.) 12 calendar months at least before the first day of such election, which memorial shall be wrote on parchment, and directed to such officer, and shall be under the hand and seal of the grantor, and attested by two witnesses, one of whom shall be one of the witnesses to the execution of such grant, and shall, on oath before such officer, or his deputy, prove the sealing and delivery of such grant, and the signing and sealing of such memorial, which memorial shall contain the day and year of the date, the names, additions, and abodes of the parties and witnesses, and all the lands and tenements out of which such annuity &c. issues, and the parish, &c. where they lie, and every such grant shall, at the time of registering such memorial, be produced to such officer, or his deputy, who shall thereon indorse a certificate, in which the day and year of entering the memorial shall be mentioned, *id.* s. 3.

273. No person shall vote in any such election in *Eng.* (as in s. 1.) in right of an assignment of any such annuity or rent-charge made before 1 June 1763, unless a certificate thereof is entered with the proper officer 12 calendar months at least before such election; or in right of any assignment made after that day unless a memorial of such assignment, and of the original grant be attested and registered at least 12 calendar months before the first day of such election, in same manner as in s. 3., *id.* s. 4.

274. Such officers shall keep books for the entry of every such certificate and memorial, and shall take 1*s.* for entry of the former, and 2*s.* for that of the latter and no more; and for every search for either 1*s.* and no more; and such certificates, memorials, and books of entries thereof may be inspected at all seasonable hours, and the said officers shall furnish copies of any certificate or memorial, at 6*d.* for not more than 200 words, and so in proportion for a greater number, and they may administer an oath where required by this act, and true copies attested by the respective officers, or their deputies, shall, in all cases, be admitted as legal evidence, 3 G. 3. c. 24. s. 5.

275. Memorials of grants or assignments, executed above 40 miles from the office of any such officer, shall be entered and registered by the latter, in case an affidavit sworn, or affirmation of a quaker, before a judge at *Westminster*, or any master in chancery, ordinary or extraordinary, be brought by him with such memorial, wherein one of the witnesses to the execution of such grant, &c. shall swear he saw the same executed; and the same shall be sufficient authority to such officers to give to the party bringing such memorial a certificate of the registering such memorial, which shall be evidence of the registry thereof in all courts of record soever, *id.* s. 6.

276. Such officers, or their deputies, shall, on reasonable notice, attend at any such election with the books of entries of every such certificate and memorial at the request of any candidate, making them reasonable satisfaction for attendance, *id.* s. 7.

277. Any such officer who shall be guilty of neglect or fraudulent practices contrary to the meaning of this act, shall forfeit 100*l.* to the party suing, by action of debt, bill, plaint, or information in any court of record at *Westminster*, without essoin, &c. or more than one imparlance, *id.* s. 8.; but prosecutions for such penalties must be commenced within 12 months, *id.* s. 9.

278. TO PREVENT OCCASIONAL INHABITANTS FROM VOTING AT election of M. P.s for cities and boroughs in *Eng.* and *Wa.*, 26 G. 3. c. 100.

279. No person shall vote at any election of a M. P. for any city or borough in *Eng.* or *Wa.* as an inhabitant paying scot and lot, or as an inhabitant householder and keeper, and pot waller legally settled, or otherwise, or as an inhabitant householder resident, or inhabitant of such city or borough, unless he have been actually and *bonâ fide* such inhabitant, &c. 6 calendar months previous to the election at which he shall vote, and the vote of any person contrary hereto shall be void, and he shall forfeit 20*l.* to any party suing for same, recoverable by action of debt, commenced within 6 calendar months, in any court at *Westminster*, without essoin, &c. or imparlance; and the proof of inhabitancy shall lie on defendant, but nothing herein shall extend to any person acquiring an house in any such city or borough by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice, 26 G. 3. c. 100. s. 1.

280. This act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants, &c. (as in s. 1.) and not to any other description of persons, who may claim to vote at any such elections, by any other title or superadded qualification, *id.* s. 2.

281. TO REGULATE THE TRIALS OF CONTROVERTED ELECTIONS, 10 G. 3. c. 16. [Mr. George Grenville's act; royal assent given 12 April 1770, see 1 *Adolph. Hist. Eng.* 386-7.] [MADE PERP. 14 G. 3. c. 15. AMD. 11 G. 3. c. 42., 25 G. 3. c. 84. ss. 10-15., 28 G. 3. c. 52., 32 G. 3. c. 1., 36 G. 3. c. 59., 42 G. 3. c. 84., 47 G. 3. S. 1. c. 1. s. 2., 53 G. 3. c. 71., and as to *Ireland*, by 42 G. 3. c. 106., 47 G. 3. S. 1. c. 14., 60 G. 3. § 1 G. 4. c. 7. *IRELAND* (Parliament.)]

282. Whenever a petition complaining of an undue election or return of a member to serve in parliament shall be presented to the house of commons, a day and hour shall by that house be appointed for taking the same into consideration, and notice thereof, in writing, shall be forthwith given by the speaker to the petitioners and sitting members, or their respective agents, accompanied with an order to them to attend the house at the time appointed, by themselves, their counsel, or agents, 10 G. 3. c. 16. s. 1.; [in case of petition for no return made, see 25 G. 3. c. 84. ss. 10-12., &c. *infra*, pl. 525-327., or for undue election or return, &c. see 28 G. 3. c. 52. s. 1. *infra*, pl. 332.]

283. The house may alter the day and hour so appointed, to some subsequent day and hour, giving to the parties the like notice of such alteration, and order to attend as aforesaid, 10 G. 3. c. 16. s. 3.

284. At the time appointed for taking such petition into consideration, and previous to reading the order of the day for that purpose, the serjeant at arms shall be directed to go with the mace to the places adjacent, and require the immediate attendance of the members, and after his return the house shall be counted, and if less than 100 members are present, the order shall be immediately adjourned to a particular hour on the following day (*Sunday and Christmas day*, [and *Good Friday*, 28 G. 3. c. 52. s. 10.] always excepted); and the house shall then adjourn to the said day, and the proceedings of all committees, subsequent to such notice from the serjeant, shall be void: and on such following day the house shall proceed in the same manner, and so from day to day

till there is an attendance of 100 members at the reading the order of the day, 10 G. 3. c. 16. s. 4.

285. On the day appointed for taking any petition complaining of an undue election or return into consideration, the house shall proceed to no other business except swearing in members, previous to reading the order of the day for that purpose, 11 G. 3. c. 42. s. 4.

286. But the house, previous to reading such order, may receive reports from select committees appointed to try election petitions, under 11 G. 3. c. 42., or this act, and may enter the same on their journals, and give the necessary directions thereupon; and previous to reading such order, the clerk of the crown may alter any return of an order made on that or on a preceding day, and the house may postpone the reading such order, for the purpose of attending H. M. or his commissioners in the house of lords, in consequence of a message from H. M., &c. signified to them in the usual manner, 28 G. 3. c. 52. s. 12.

287. The house, previous to reading such order of the day, may also receive any message from the lords, or proceed on any business necessary to the purpose of carrying on any impeachment by them before the lords, the trial of which is fixed for that day, 32 G. 3. c. 1. s. 1.

288. If after summoning the members, and counting the house, 100 members are present, the petitioners by themselves, their counsel, or agents, and the counsel or agents of the sitting members, shall be ordered to attend at the bar; the door of the house shall then be locked, and no member suffered to enter or depart, till the petitioners, their counsel, or agents, and the counsel or agents for the sitting members are directed to withdraw as after mentioned; and when the door is locked as aforesaid, the order of the day shall be read, and the names of all the members of the house, written or printed on distinct pieces of parchment or paper, of an equal size, and rolled up in the same manner, shall be put in equal numbers into six boxes or glasses, to be placed on the table, and shall there be shaken together; and then the clerk or clerk's assistant shall publicly draw out of the said six boxes or glasses alternately, the said pieces of parchment or paper, and deliver them to the speaker, to be by him read to the house; and so shall continue to do, till 49 names of the members then present be drawn, 10 G. 3. c. 16. s. 5.

289. If, at time of such drawing by lot the names of the members, the number of 49 members not set aside or excused, as in 10 G. 3. c. 16. ss. 6—10. *pl.* 293—297. cannot be completed, the house shall proceed, as in s. 4. of that act, *pl.* 284., and 28 G. 3. c. 52. s. 11. *pl.* 290., where less than 100 members are present at the time prescribed for counting the house, and so from day to day, as often as it shall so happen, 11 G. 3. c. 42. s. 5.

290. If on the day immediately preceding *Christmas day*, *Whitsunday*, or *Good Friday*, after reading such order of the day, 100 members are not present, or 49 members not set aside or excused cannot be completed, the house may direct the order to be adjourned for any number of days, and the house shall be immediately adjourned to the hour and day to which such order is adjourned, 28 G. 3. c. 52. s. 11.

291. If 100 members are not present, or if 49 members not excused or set aside, cannot be completed, the house (after adjourning such order, as in 10 G. 3. c. 16. s. 4. *supra*, *pl.* 284.), may proceed (as if there had been no order for taking any such petition into consideration on that day) on any order of the day for a call of the house, if previously fixed for that day, and may direct the house to be called over in pursuance of such order, or adjourn the same, and may make any such orders as are usual therein, or as to them seems meet; or if no such call of the house has been previously fixed for that day, the house may order that the house be called over on such future day as they shall appoint, and may make such orders relative thereto as they shall think necessary, and in any case may make such other orders as to them may seem expedient, for enforcing attendance of the members on the business of the house; and shall then adjourn to the adjournment day of the order for considering the petition, and so from time to time, as occasion requires, and if no such proceedings as to any call of the house, or other matters above mentioned shall take place, or if in the course thereof the house be adjourned for want of members, its adjournment shall be taken to be to the adjournment day of such order; but if such 49 members cannot be completed, the house shall not proceed on any of the above matters till the door is unlocked, and the parties, their counsel, or agents withdrawn from the bar, 36 G. 3. c. 59. s. 1.

292. The house shall not proceed to any other business on a day when any such petition stands ordered for consideration, until 100 members attend, or such 49 members not set aside or excused are completed, except to the business allowed by statute to be done previous to reading the order of the day; see *pl.* 285., *id.* s. 2.

293. If the name of any member who shall have given his vote at any election, or who shall be a petitioner complaining, or against whose return a petition shall be then depending, or whose return shall not have been brought in 14 days, shall be drawn, his name shall be set aside, with those who are absent, 10 G. 3. c. 16. s. 6.

294. If the name of any member of 60 years or upwards be drawn,

he shall be excused from serving on the select committee, if he require it, and verify the cause of such requisition upon oath, 10 G. 3. c. 16. s. 7.

295. If the name of any member who has served in such select committee during the same session be drawn, he shall, if he require it, be excused from serving again, unless the house shall before have resolved, that the number who have not served on such select committee in the same session, is insufficient, *id.* s. 8.

296. No member, who after having been appointed, shall, on account of inability or accident, have been excused from attending throughout, shall be deemed to have served, *id.* s. 9.

297. If any other member shall offer and verify upon oath any other excuse, the substance thereof shall be taken down by the clerk, for entry on the journals, and the opinion of the house shall be taken thereon; and if they shall resolve that he is unable to serve, or cannot without great detriment, he shall be excused, *id.* s. 10.

298. Instead of the members set aside and excused, the names of others shall be drawn, till the whole number of 49 not liable to be set aside or excused is complete; and the petitioners or their agents shall then name one, and the sitting members or their agents another, from the members then present, whose names shall not have been drawn, to be added to those so chosen by lot, *id.* s. 11. [*As to the striking off members, and other proceedings, in forming a committee where there are more than two on a distinct interest, 11 G. 3. c. 42. ss. 6, 7. pl.* 321.]

299. Either of the members so nominated may be set aside, for the same causes as those chosen by lot; or shall, if he requires it, be excused from serving on the said select committee; and the party who nominated the member so set aside or excused, shall nominate another, until his nominee is admitted, *id.* s. 12.

300. As soon as the 49 members are chosen, and the two members nominated, the door shall be opened, and the house may proceed on other business; and lists of the 49 members shall then be given to the petitioners, their counsel or agents, and the counsel or agents for the sitting members, who shall immediately withdraw, with the clerk appointed to attend the select committee; and the said petitioners and sitting members, their counsel, or agents, beginning on the part of the petitioners, shall alternately strike off one of the said 49 members till the number is reduced to 15; and the said clerk, in one hour at farthest from the time of the parties withdrawing from the house, shall deliver in to the house the names of the 15 members then remaining; which 15 members, together with the two members nominated, shall be sworn at the table, well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence; and shall be a select committee to try and determine the merits of the return or election appointed by the house to be that day taken into consideration; and the house shall order them to meet at a certain time fixed by the house, within 24 hours of the appointment, unless a *Sunday* or *Christmas day* [or *Good Friday*, 28 G. 3. c. 52. s. 10.] intervene; and the place of their meeting and sitting shall be some convenient room adjacent to the H. of C. or court of requests, *id.* s. 13. [*as to returning officer not appearing, 25 G. 3. c. 84. s. 12. pl.* 327., *where no opposing party, 28 G. 3. c. 52. ss. 14, 15. pl.* 343—344.]

301. On the parties withdrawing, the house shall continue sitting; and the said 51 members, so chosen and nominated, shall not depart the house till the time for the meeting of the said select committee is fixed. *id.* s. 14.

302. If on drawing out the name of any member, the petitioners or sitting members, or their agents, shall declare that he is intended to be one of the two nominees, and if he shall consent to such nomination, the name of such member so drawn shall be set aside, and unless objected to as in s. 6. *pl.* 293., s. 12. *pl.* 297., he shall serve as such nominee, and the name of another shall be drawn to supply his place, to complete the 49; and if the petitioners or sitting members, or their agents, shall not nominate a member then present, who shall be admitted according to the directions of this act, then the want of such nomination shall be supplied, by drawing out instead thereof the name of one or two members as the case shall require, who shall be drawn in like manner, and subject to the like objections and excuses, as the other 49 members drawn by lot, and shall be added to the lists of the said 49 members, being liable to be struck off in the same manner; leaving always 15 members and no more, as a select committee, *id.* s. 15.

303. The names of all the members so written and rolled up, as in s. 5. *pl.* 288., shall, previous to the day appointed for taking any such petition into consideration, be prepared by the said clerk or clerk assistant, and by him put into a box or parcel in presence of the speaker, together with an attestation, signed by the said clerk or clerk assistant, purporting that the names of all the members were by him put therein the — day of — in the year —, which said box or parcel the speaker shall seal with his own seal; and to the outside thereof shall annex an attestation signed by himself, purporting that the said box or parcel was on the — day of — in the year —, made up in his presence, in the manner directed by this act; and as soon as the parties shall be with-

drawn as aforesaid, and before the house enters on other business, any member may require that the names of all the members which remain undrawn, shall be drawn and read aloud by the clerk, 10 G. 3. c. 16. s. 16.

304. The select committee shall, on their meeting, elect a chairman from among the members chosen; and if, in the election, there is an equal number of voices, the member whose name was first drawn shall have a casting voice; so in case there shall be occasion for electing a new chairman, on death or necessary absence, *id.* s. 17.

305. The select committee shall have power to send for persons, papers, and records, and shall examine all the witnesses who come before them upon oath; and shall try the merits of the return, or election, or both; and shall determine by a majority of voices, whether the petitioners or the sitting members, or either of them, be duly returned or elected, or whether the election is void; which determination shall be final; and the house, on being informed thereof by the chairman of the said select committee, shall order entry thereof to be made in their journals, and give the necessary directions for confirming or altering the return, or for issuing a new writ, or for carrying the said determination into execution, *id.* s. 18.

306. The said select committee shall sit every day (*Sunday, Christmas-day, [and Good Friday, 28 G. 3. c. 52. s. 10.,]* excepted), and shall never adjourn for longer than 24 hours, unless those days intervene, without leave first obtained from the house, on motion, and special cause assigned for a longer adjournment; and in case the house is sitting at the time to which the said select committee is adjourned, the business of the house shall be stayed, and a motion shall be made for a further adjournment, for any time to be fixed by the house, not exceeding 24 hours, *id.* s. 19.

307. Where the time prescribed by this act for the meeting, sitting, or adjournment of the select committee, shall, by intervention of a *Sunday, Christmas-day, [or Good Friday, 28 G. 3. c. 52. s. 10.,]* exceed 24 hours, such meeting, sitting, or adjournment shall be within 24 hours from the time of appointing or fixing the same, exclusive of any such days, *id.* s. 20.

308. No member of the select committee shall absent himself, without leave from, or excuse allowed by the house at the next sitting, on special cause shown and verified upon oath; and the said committee shall never sit, until all the members to whom such leave has not been granted, nor excuse allowed, are met; and if they shall not all meet in 1 hour after the time to which they have been adjourned, a farther adjournment shall be made as above and reported, with the cause thereof, to the house, *id.* s. 21.

309. The chairman of the select committee shall, at the next meeting of the house, always report the name of every member who has been absent without leave or excuse, who shall be directed to attend the house at the next sitting, and shall then be ordered into the custody of the serjeant at arms for such neglect, and otherwise punished or censured at discretion of the house; unless it appears to the house by facts specially stated and verified on oath, that he was, by a sudden accident, or necessity, prevented from attending the said select committee, *id.* s. 22., [*and see infra, 11 G. 3. c. 42. s. 5. pl. 320.*]

310. If more than two members of the select committee shall on any account be absent therefrom, the said committee shall adjourn as above; and so, from time to time, till 13 members are assembled, *id.* s. 23.

311. In case the members able to attend shall, by death or otherwise, be reduced to less than 13, and shall so continue for three sitting days, the committee shall be dissolved, and another chosen to try the petition; all proceedings of the former committee being void, *id.* s. 24.

312. If the select committee shall come to any resolution, other than the determination above-mentioned, they may report the same to the house for their opinion, at the time that the chairman shall inform the house of such determination; and the house may confirm or disagree with such resolution, and make such orders as to them seems proper, *id.* s. 25.

313. If any person summoned by the select committee, shall disobey such summons; or if any witness shall prevaricate, or misbehave in giving, or refuse to give evidence; the chairman of the committee, by their direction, may, in course of their proceedings, report the same to the house, for their interposition, as the case shall require, *id.* s. 26.

314. Whenever the committee think it necessary to deliberate amongst themselves, on any question arising in the trial, or on the determination thereof, or on any resolution concerning the matter of the petition; as soon as they have heard the evidence and counsel on both sides relative thereunto, the room wherein they sit shall be cleared, if they think proper, while they consider thereof; and all such questions, and determination, and other resolutions, shall be by a majority of voices; and if they are equal, the chairman shall have a casting voice, *id.* s. 27.

315. Provided, no such determination shall be made, nor any question proposed, unless 13 members are present; and no member shall have a vote who has not attended during every sitting, *id.* s. 28.

316. When a committee have sat for business 14 days, not including days of adjournment on account of any member's absence, nor *Sunday,*

Christmas-day, or Good Friday, they may proceed to business if 12 members are present; nor shall they then be dissolved for absence of members, unless the number, by death or otherwise, be unavoidably reduced to less than 12, and continue so for 3 sitting days; and when such committee have sat for business 25 days, 11 may proceed to business, and shall not be dissolved, except in case of a like reduction to less than 11, and continuing so for 3 sitting days, 28 G. 3. c. 52. s. 17.

317. The oaths by this act directed to be taken in the house, shall be administered by the clerk; and the oaths before the committee, by the clerk attending the same; and all persons guilty of perjury in evidence before the house, or committee, in consequence of the oath so taken, shall, on conviction, incur the penalties of perjury, 10 G. 3. c. 16. s. 29.

318. IF SEVERAL PARTIES, ON DISTINCT INTERESTS OR GROUNDS OF complaint, present separate petitions, complaining of an undue election, or return, the same notice and orders shall be given to all such parties, or their agents, as are directed by 10 G. 3. c. 16. s. 1. *pl. 282.* to be given to the sitting members, or the petitioners therein mentioned, or their respective agents, 11 G. 3. c. 42. s. 1.

319. No petition, complaining of an undue election, or return, shall be taken into consideration within 14 days after the commencement of the session in which it is presented, nor in 14 days after the return to which it relates is brought into the crown office, *id.* s. 2. [*And repealing 10 G. 3. c. 16. s. 2,* providing that no such petition be taken into consideration within 14 days after appointment of the committee of privileges.]

320. If the committee have occasion to apply or report to the house, in relation to adjournments, or to the absence of the members, or the non-attendance or misbehaviour of witnesses summoned to appear, or appearing before them, and the house is then adjourned for more than 3 days, the committee may also adjourn to the day appointed for the meeting of the house, *id.* s. 5.

321. If on complaint by petition of an undue election or return, there shall be more than two parties before the house, on distinct interests, or on different grounds, whose right to be elected or returned may be affected by the determination of the committee, each of them shall successively strike off a member from the 49 to be chosen by lot, until reduced to 13; and the lists of the 49 members chosen by lot shall, for this purpose, be given to all the parties, and the order in which the said parties shall so strike off the said members shall be determined by lot after they are withdrawn from the bar, and in such case neither of the said parties (there being more than two) shall be permitted to name a member to be added to the members so drawn by lot; but as soon as the 13 members shall be returned by the parties to the house, such 13 members shall immediately withdraw, and shall by themselves choose 2 members then present in the house, whose names shall not have been drawn, to be added to the said 13 members; and shall, within 1 hour from withdrawing, report the names of such 2 members to the house; which 2 members shall be liable to be set aside on the like objections for which nominees may, (*pl. 299, &c.*), and in case such 2 members, or either of them are set aside, the 13 members shall choose 1 or 2 other members, till 2 are chosen; and their names shall be then added to the 13; and all the 15 shall be sworn at the table, and shall be the select committee appointed for the purposes in this act & 10 G. 3. c. 16., *id.* s. 6. Where the said nominees are by this act directed to be named by the 13 members, no member present at the time of the ballot shall depart from the house until the meeting of the said select committee shall be fixed, *id.* s. 7.

322. Either nominee so chosen by the members may be set aside, for the same reasons as if chosen by lot, 53 G. 3. c. 71. s. 20.

323. Such choice shall not be proceeded in till all the other committees to be balloted for that day, and their nominees in addition to those chosen by lot, have been sworn, if they or any of them can be completed; but such choice shall have precedence of any second committee entitled to choose such nominee, as in 11 G. 3. c. 42. s. 6. *pl. 321.*, on that day, 47 G. 3. s. 1. c. 1. s. 2.

324. TO REMOVE DIFFICULTIES ARISING FOR WANT OF RETURNS OF MEMBERS, 25 G. 3. c. 84. ss. 10—15. [*See s. 4. and s. 16. ante, pl. 126. & 132., and rest of title, and ss. 1—9. infra, pl. 403—412.*]

325. If on any writ for election of members no return is made to the same, on or before the return day thereof, or if such a writ is issued during any session, or prorogation, and no return is made to the same within 52 days after the test thereof, or if the return made in either such case shall not be a return of members, but contain special matters only concerning such election, any person having had a right to vote, or claiming to be returned as duly elected thereat, may petition the H. of C. concerning the same; and on its being presented, a day and hour for its consideration shall be fixed, and notice thereof in writing given by the speaker to the petitioners and returning officer, with an order to them to attend the house at the time appointed, according to 10 G. 3. c. 16., and 11 G. 3. c. 42., which committee shall try whether the persons named in such petition, ought to have been returned, or whether a new writ ought to issue, which determination shall be final, and the house

being informed thereof by the chairman of the committee, shall order entry thereof on their journals, and give the necessary directions for ordering a return to be made, for altering it if made, or for issuing a new writ for a new election, or for carrying such determination into execution as the case requires, 25 G. 3. c. 84. s. 10.

326. The rules prescribed by 10 G. 3. c. 16. and 11 G. 3. c. 42. shall be in full force as to committees appointed for the objects of and under this act, *id.* s. 11.

327. If the returning officer cannot be found to be served with such notice or order (as in s. 10.), or being served, shall not appear by himself, counsel, or agents, at the day appointed for considering the petition, the house may authorise any person to appear in his stead; and if more petitions than one are presented, complaining of such return, or omission of return, on distinct interests, or different grounds, the house shall determine whether the returning officer, or such person appearing in his stead, shall, with such petitioners, be entitled to strike off from the list of members drawn by lot, (as in 11 G. 3. c. 42. s. 6. *ante*, *pl.* 321.), or whether such list shall be reduced by the parties severally presenting such petitions only, *id.* s. 12.

328. Every sheriff, or other returning officer, presiding at any election, who shall wilfully act contrary hereto, may be prosecuted by information or indictment in K. B., or at any local great sessions, or courts of *oyer and terminer*, &c., in which no *nolle prosequi* or *cessat processus* shall be granted, *id.* s. 13.

329. Or if he shall wilfully delay, neglect, or refuse duly to return any person entitled thereto, such person may, if the committee appointed (as in s. 10. *pl.* 325.) decide in his favour, recover against him double the damages sustained, with costs, *id.* s. 14.

330. Every indictment, information, or action, for any offence against this act shall be found, filed, or commenced in one year after the fact, or one month after conclusion of the proceedings in the H. of C., *id.* s. 15.

331. FOR FURTHER REGULATION OF THE TRIALS OF CONTROVERTED ELECTIONS or returns of members to parliament, 28 G. 3. c. 52.

332. No petition complaining of an undue election or return, or of the omission or insufficiency of a return, shall be proceeded on unless subscribed by some person claiming therein to have a right to vote at the election or to be returned, or alledging himself to have been a candidate thereat; provided that where a writ has been issued for election of a member for any district of burghs in *Scot.* such petition may be proceeded on if subscribed by any person claiming therein to have had a right to vote at the election of any delegate or commissioner for choosing a burghess for such district, *id.* s. 1.

333. If at any time before the day appointed for taking such petition into consideration, the speaker is informed, by a certificate in writing, subscribed by 2 members, of the death of the sitting member, or of any member returned on a double return, whose elections or returns are complained of in such petition, or that a writ of summons has been issued, under the great seal, to summon such member as a peer; or if the H. of C. have resolved, that the seat of such member is by law become vacant; or if the house shall be informed, by a declaration in writing, subscribed by such member, delivered in at the table, that it is not his intention to defend his election or return; in every such case notice thereof shall immediately be sent by the speaker to the sheriff, or returning officer, who shall cause a copy of the same to be affixed on the doors of the county or town hall, or of the parish church nearest to the place where such election is usually held, and such notice shall also be inserted by order of the speaker, in the next *London Gazette*; and the order for taking such petition into consideration shall, if necessary, be adjourned, so that 30 days may intervene between the day on which such notice shall be inserted in the *Gazette*, and the day on which such petition shall be taken into consideration, *id.* s. 2.

334. At any time within 39 days after the day on which such notice has been inserted in the *Gazette*, any person claiming to have had a right to vote, may petition the house, praying to be admitted a party in room of such member, and he shall be admitted a party, and considered as such, *id.* s. 3.

335. Whenever the member whose election or return is complained of in such petition, shall have given notice of his intention not to defend the same, he shall not appear as a party against such petition, in any subsequent proceedings thereon, and shall not be restrained from sitting in the house, or voting in any question, till such petition is decided upon as under 10 G. 3. c. 16., 11 G. 3. c. 42., and 25 G. 3. c. 84., *id.* s. 4.

336. No proceeding shall be had on any petition unless the persons subscribing the same, or one of them, shall, within 14 days [28 days for recognizances from *Ire.*, 47 G. 3. s. 1. c. 14. s. 8.] after the same are presented to the house, personally enter into a recognizance to H. M. according to the form annexed, [see *pl.* 384.] in 200*l.* with 2 sureties in 100*l.* each, to appear before the house at the times fixed for considering such petition, and also to appear before any committee appointed for its trial, and to renew it in every subsequent session till a select committee shall have been appointed by the house for trial of the

same, or until the same shall have been withdrawn by the permission of the house; and if, at the expiration of the 14 days, such recognizance shall not have been entered into, or shall not have been received by the speaker, the speaker shall report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless, on matter specially stated, and verified to the satisfaction of the house, the house shall see cause to enlarge the time for entering into such recognizance; and whenever such time shall be enlarged, the order for taking such petition into consideration shall be postponed, so that no petition shall be considered, till after such recognizance entered into and received by the speaker: provided that the time for entering into such recognizance shall not be enlarged more than once, nor for any days exceeding 30, 28 G. 3. c. 52. s. 5.

337. The said recognizances shall be entered into before the speaker, who is to take the same; and the sufficiency of the sureties shall be allowed by the speaker, on the report of 2 persons appointed by him to examine the same, of which 2 persons the clerk or clerk assistant of the house shall always be one; and one of the following officers, not being a member, shall be the other; *viz.* masters of chancery, clerks in the court of K. B., prothonotaries in C. P., and clerks in exchequer: which persons are to examine the same, and report their judgment thereupon; and are also to receive such fees as shall be fixed by any resolution of the H. of C., *id.* s. 6.

338. Where the parties, or their sureties, shall reside more than 40 miles from *London*, such parties or sureties may enter into such recognizance before any justice, which being certified under his hand, and transmitted to the speaker, shall have the same effect as if entered into before the speaker; and the persons to whom it is referred by the speaker to examine the sufficiency of such sureties, may receive as evidence, in their examination, any affidavits relating thereto, which shall be sworn before any master in chancery or justice; and such master or justice is to administer such oath, and certify such affidavit under his hand, *id.* s. 7.

339. The house shall not permit such petition to be withdrawn, except so far as it may relate to the election or return of any member who, since the same has been presented, has vacated his seat by death, or otherwise, *id.* s. 8.; but see 53 G. 3. c. 71. s. 8. *infra*, *pl.* 384.

340. If the petitioners, who have entered into such recognizance, shall not appear before the house, by themselves, their counsel, or agents, in one hour after the time fixed for calling in the parties, for proceeding to appoint a select committee, or if the committee appointed for the trial of such petition, shall inform the house that they did not appear before them to prosecute their petition; or if they shall not renew their petition within 4 sitting days after the commencement of every session, subsequent to that in which the petition was first presented, and until a select committee appointed, or until the same has been withdrawn by permission of the house; they shall be held to have made default in their recognizance; and the speaker shall certify such recognizance into the court of exchequer, and shall also certify that they have made default therein, and such certificate shall be conclusive evidence of such default, which recognizance so certified shall have the same effect as if estreated from a court of law: provided that such recognizance and certificate shall be delivered by the clerk or clerk assistant of the house, into the hands of the lord chief baron, or of one of the barons, or of such officer of the court of exchequer as shall be appointed to receive the same, *id.* s. 9.

341. *Sunday* and *Christmas Day* being excepted from the regulations of the acts, *Good Friday* shall also be excepted therefrom, *id.* s. 10.

342. If, within one hour after the time fixed in pursuance of the acts for calling in the parties, their counsel, or agents, for the appointment of a select committee, the petitioners shall not appear by themselves, their counsel, or agents, the order for taking such petition into consideration shall be discharged, and it shall not be any further proceeded upon, *id.* s. 13.

343. If, in one hour after the time appointed, the sitting member or other parties opposing the petition, shall not appear by themselves, their counsel, or agents, or if, at the time appointed, there is no party before the house opposing the petition, the house shall proceed to appoint a select committee, to try the merits of such petition in the following manner, *viz.* the names of 49 members shall be drawn as prescribed in the acts, but in reducing the list to 13, the place of a party opposing the petition shall be supplied by the clerk appointed to attend the committee, who, as often as it shall come to his turn, as supplying the place of the party opposing the petition, to strike out a name, shall strike out that name which then shall be first in the list; and where the party opposing would be empowered, by the acts, to nominate one member to be added to the 13, the said 13 shall, from among the persons present in the house at the time of drawing the names of the members, choose one person to supply the place of the member to have been nominated, in the same manner as is directed by the 11 G. 3. c. 42. ss. 6, 7. *pl.* 321., where there are more than 2 parties on distinct interests, *id.* s. 14.

344. The same method of reducing the list drawn to 13, and of nominating a member to be added to the 13 remaining on the list, shall be followed, whenever any party shall waive his right of striking off names or nominating a member to be added to the 13, 28 G. 2. c. 52. s. 15.

345. If any person summoned to attend the committee, by warrant of the speaker, or order of the committee, shall disobey such summons, or give false evidence, or shall prevaricate, or otherwise misbehave in giving, or in refusing to give evidence before the committee, they shall have power, by warrant, signed by the chairman, and directed to the serjeant at arms, or his deputy, to commit such person (not being a peer or lord of parliament) to the custody of the serjeant, without bail, for not exceeding 24 hours if the house shall then be sitting, or if not, then for not exceeding 24 hours after the hour to which the house shall be adjourned, *id.* s. 16.

346. Such committee, at the time they report to the house their final determination on the petition, shall also report to the house, whether such petitions did or did not appear to them to be frivolous or vexatious; and shall in like manner report, with respect to every party who shall have appeared before them in opposition to such petition, whether the opposition did or did not appear to be frivolous and vexatious; and if no party has appeared before them in opposition to such petition, they shall then report to the house whether such election or return, or such alleged omission, or insufficiency of a return, did or did not appear to be vexatious or corrupt, *id.* s. 18.

347. Whenever such committee shall report to the house, that a petition appeared to be frivolous or vexatious, the parties who shall have appeared before the committee in opposition to it, shall be entitled to recover, from the persons who have signed the same, the costs and expenses which such parties shall have incurred in opposing it, to be ascertained (as in s. 22.), *id.* s. 19.

348. Whenever such committee shall report to the house, with respect to the opposition to such petition, that such opposition appeared frivolous or vexatious, the persons who shall have signed such petition shall be entitled to recover from such parties, with respect to whom such report shall be made, the costs and expenses which such petitioners shall have incurred, to be ascertained (as in s. 22.), *id.* s. 20.

349. Whenever, in any case where no party shall have appeared in opposition to such petition, such committee shall report to the house, with respect to the election or return, or to the alleged omission, or insufficiency of a return, that the petition appeared vexatious or corrupt, the person who shall have signed the same shall be entitled to recover from the sitting member (if any) whose election or return is complained of, such member not having given notice of his intention not to defend the same, or from any other person whom the house shall have admitted, to be a party to oppose such petition, the costs incurred by the petitioners in prosecuting their petition, to be ascertained (as in s. 22.), *id.* s. 21.

350. In the cases before-mentioned, the costs of prosecuting or opposing such petition shall be ascertained thus: On application to the speaker, by such petitioner, for ascertaining such costs, he shall direct the same to be taxed by two such persons, (as in s. 6. *ante*, pl. 337.) who shall examine the same, and report the amount to the speaker, who shall, on application made to him, deliver to the party a certificate, signed by himself, expressing the amount of costs allowed in such report; and such two persons shall receive, for such taxation and report, such fees as shall be fixed by any resolution of the house, *id.* s. 22.

351. The party entitled to such costs, may demand the whole amount certified, from any one of the persons liable to payment thereof; and in case of non-payment thereof, may recover the same by action of debt, in any court of record at Westminster; in which action plaintiff may declare, that the defendant is indebted to him (in the sum to which the costs ascertained shall amount) under this act; and the certificate of the speaker, under his signature, of the amount of such costs, together with an examined copy of the entries in the journals of the house, of the resolution of the committee, shall be sufficient evidence in support of such action, and no wager of law, or more than one imparlance, shall be allowed; and the party in whose favour judgment is given, shall recover costs, *id.* s. 23.

352. Where the amount of such costs has been recovered from any person, the latter may recover from such other persons liable to pay the said costs a proportionable share thereof, *id.* s. 24.

353. Whenever such committee is of opinion, that the merits of such petition do wholly or in part depend on any question which is before them, respecting the right of election, or the right of appointing the returning officer, they shall require the counsel or agents for the parties, or if none such are before them, then the parties themselves, to deliver to the clerk of the committee, statements in writing of the right of election, or of appointing returning officers, for which they contend; and the committee shall come to distinct resolutions on such statements, and shall, at the time they report to the house their final determination on the merits of such petition, also report such statement, with their

judgment in respect thereof; which report shall be entered in the journals, and notice thereof sent by the speaker to the sheriff, or returning officer; and a true copy of such notice shall, by such sheriff or returning officer, be affixed to the doors of the county or town hall, or of the parish church nearest to the place where such election has usually been held; and shall also be inserted, by order of the speaker, in one of the next two *London Gazettes*, 28 G. 3. c. 52. s. 25., and 53 G. 3. c. 71. s. 17.

354. If on the appointment of such last-mentioned committee, the name of any member is drawn who served on the former committee, and was present at the time of the determination, his name shall be set aside, 53 G. 3. c. 71. s. 16.

355. Any petition opposing any right of election or of appointing returning officers, may be presented, within [12, 28 G. 3. c. 52. s. 26.] 6 calendar months from the day on which the report has been made to the house; or if such 6 months expire between the time when the parliament shall be dissolved or shall expire, and that on which the next shall meet, [and see 54 G. 3. c. 83. s. 1. *infra*, pl. 358.] or if such 6 months expire during any recess, either by prorogation or adjournment of the H. of C. for 14 days intervening between the day of adjournment, and that to which the house is so adjourned, then within 14 days next after the 1st day of the next parliament or of the next session of the same parliament, or of the next meeting of the H. of C., as the case may be, to petition the house to admit the petitioner as a party to oppose any of those rights which have been deemed valid in the judgment of the committee; and such petition, when presented, shall be ordered by the house to lie on the table, till such 6 months or 14 days are expired; and within 21 sitting days after expiration of such 6 months or 14 days, a day and hour shall be appointed by the house for taking the same into consideration, and may be altered as it shall think fit, so that the space of [40, 28 G. 3. c. 52. s. 28.] 14 days at least shall always intervene between the day on which such order shall be made, and that appointed by the house for considering the petition: and notices of such day and hour and of alteration thereof shall be sent to the several petitioners as in other cases, 53 G. 3. c. 71. s. 15., [altering 28 G. 3. c. 52. s. 26. and s. 28. in part as above, and *semble* superseding 54 G. 3. c. 83. s. 1., which however follows, pl. 358, 359.]

356. Notice of such day and hour shall be inserted by the speaker's order in the next *London Gazette*, [one of the two next, 53 G. 3. c. 71. s. 17.] and sent by him to the sheriff or returning officer; and a true copy shall by the latter be affixed to the doors of the county or town-hall, or of the nearest parish, 28 G. 3. c. 52. s. 28., as *AMD.* 53 G. 3. c. 71. s. 17.

357. If no such petition is presented within the time above limited, the judgment of such committee on such question shall be conclusive in all subsequent elections for that place to which it relates, 28 G. 3. c. 52. s. 27.

358. EVERY PETITION RENEWED IN A SESSION subsequent to that of its original presentment, shall be presented to the house in 14 days after the commencement of such subsequent session; and when so presented, a day and hour at not less than 14 days distance, shall be appointed by the house for taking it into consideration, 54 G. 3. c. 83. s. 1., altering 28 G. 3. c. 52. ss. 26—28. [This appears to have been enacted for the dispatch of the particular petitions here alluded to: and Qu. if not superseded by the more general enactment of 53 G. 3. c. 71. s. 15. *supra*, pl. 355.]

359. If any such petition shall not, from time to time, and in every session, till it is taken into consideration, be so renewed within such limited time, the determination of the committee shall be final in all subsequent elections of members for the place to which it relates, *id.* s. 2.

360. Any person, before the day appointed for taking such petition into consideration, may petition the house to be admitted as a party, to defend such right of election, or of appointing the returning officer, and shall thereupon be admitted and considered as such, 28 G. 3. c. 52. s. 29.

361. At the hour appointed for considering such petition, the house shall proceed to appoint a select committee to try the merits thereof, according to the directions of the statutes, which committee shall be sworn to try and determine such merits, so far as they relate to the rights of election, or of appointing the returning officer; and their determination on such question shall be entered on the journals, and shall be conclusive in all subsequent elections for that place to which the same shall relate, *id.* s. 30.

362. 2 G. 2. c. 24. s. 4. pl. 88. is repealed, as to any determination to be made in the H. of C. subsequent to this act, *id.* s. 31.

363. The regulations prescribed by the recited acts, or this act, to select committees, for trial of controverted elections or returns, shall be in full force with respect to committees appointed by this act for trial of such question of right; provided that the rules before enacted, by which persons are required to enter into recognizances, and by which they are liable to payment of costs, in the cases before specified, shall not apply to the case of any petition relating solely to any question respecting the right of election, or of appointing returning officers, *id.* s. 32.

364. Whenever parliament shall be prorogued, while any select committee is sitting for trial of such petition as aforesaid, and before they

have reported to the house their final determination thereon, such committee shall not be dissolved by such prorogation; but shall be thereby adjourned to 12 o'clock on the day immediately following that on which parliament shall meet again for the dispatch of business, (*Sunday, Good Friday, and Christmas Day* excepted,) and all their former proceedings shall remain of the same effect as if parliament had not been prorogued; and such committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforward continue to sit from day to day, until they have reported to the house their determination on the merits of such petition, 28 G. 3. c. 52. s. 53.

Form of RECOGNIZANCE referred to in 28 G. 3. c. 52. s. 5.

'Be it remembered that on the — day of — in the year of our Lord — before me, A. B. [speaker of the house of commons, or, one of H. M.'s justices of the peace for the county of —] came C. D., E. F., and J. G., and severally acknowledged themselves to owe to our sovereign lord the king, the following sums; that is to say, the said C. D. the sum of 200*l.*, and the said E. F. and the said J. G. the sum of 100*l.* each, to be levied on their respective goods and chattels, lands and tenements, to the use of our said sovereign lord the king, his heirs and successors, in case the said C. D. shall fail in performing the condition hereunto annexed. The condition of this recognizance is, that if the said C. D. shall duly appear before the house of commons at such time or times as shall be fixed by the said house for taking into consideration the petition signed by the said C. D. complaining of an undue election or return for the — of — [here specify the county, city, borough, or district of burghs,] [or complaining that no return has been made for the said — of — within the time limited by act of parliament, or, that the return made for the said — of — is not a return of a member or members according to the requisition of the writ,] and shall appear before any select committee which shall be appointed by the house of commons for the trial of the same, and shall renew his said petition in every subsequent session of this present parliament, until a select committee shall have been appointed by the said house for the trial of the same, or until the same shall have been withdrawn by the permission of the said house, then this recognizance to be void; otherwise to be of full force and effect.'

365. FOR FURTHER REGULATION OF TRIALS OF CONTROVERTED elections or returns of members to serve in parliament, and for expediting proceedings relating thereto, 42 G. 3. c. 84. [MADE PERP. 47 G. 3. S. 1. c. 1. s. 1.]

366. Where 2 or more petitions under 10 G. 3. c. 16., 11 G. 3. c. 42., 14 G. 3. c. 15., 25 G. 3. c. 84., and 28 G. 3. c. 52. or any of them, are to be taken into consideration by the house on the same day, the petitioners, after summoning the members, and counting the house, as directed in those acts, may be ordered to attend, and after the list of 49 members hath been [ballotted, s. 6.] drawn by lot and completed in order to form the first committee, according to those acts, the house may forthwith, and before the door shall be opened, except for the purposes in s. 6., proceed to draw by lot and complete in like manner, out of the same boxes or glasses, a 2d, 3d, 4th, or such other number of committees as may be requisite; and the select committees and nominees shall then be severally appointed, according to the above acts, 42 G. 3. c. 84. s. 1.

367. But the house shall not proceed to form successive lists in order to form more than one of such committees unless 120 members are present in the house at counting the same, nor more than 2 unless 200 members are then present; nor more than 3 unless 270; nor more than 4 unless 360; nor more than 5 committees unless 460 members are then present, *id.* s. 2.

368. The name of any member drawn, who is excused for some reason which applies specially to one petition, may be put into the box, so that it may be drawn again, by lot, on any of the other petitions, *id.* s. 3.

369. If the name of any member be drawn who shall be declared one of the two nominees [see *ante*, pl. 321.] named by the petitioners or sitting members, or their agents appointed to attend the house on any other petition, it shall be set aside, and another drawn, if the member consents to the nomination, *id.* s. 4.

370. Lists may be formed and select committees appointed on one or more petitions which stand ordered for one day as far as under s. 2. pl. 367., the house is enabled so to do by the number of members present; and other business may then be proceeded in and the remaining orders shall be adjourned, as in pl. 290, 291. directed in case of no sufficient attendance, *id.* s. 5.

371. Petitioners and other parties, their counsel or agents, may withdraw from the house as soon as the 49 names are drawn for the committee for trial of the petition; and the clerk of the committee may return the reduced list in the time intervening between two ballots, and the members remaining on every such reduced lists, with their 2 nominees, being sworn at the table, may forthwith leave the house, *id.* s. 6.

372. When on any such petition there shall be more than 3 parties before the house, on distinct interests, or complaining or complained of on different grounds, the 13 members returned to the house under 11 G. 3. c. 42. shall not choose their nominees till all the other select committees to be ballotted for on that day have been sworn; and if 2 or more committees on such first-named petitions are appointed in one day, that first ballotted for shall have the choice of nominees, *id.* s. 7.

373. Every such committee shall or may be attended by a good short-

hand writer specially appointed by the clerk of the house of commons, and sworn by the chairman faithfully to take down in short hand the evidence adduced before them, and, as occasion requires, to transcribe the same in words at length for the use of the committee, 42 G. 3. c. 84. s. 8.

374. FOR AMENDING AND RENDERING MORE EFFECTUAL THE LAWS for trials of controverted elections and returns of M. P.s, 53 G. 3. c. 71.

375. In all controverted elections or returns of M. P.s for G. B. all the parties complaining of or defending the same shall deliver in to the clerk of the H. of C. lists of the voters intended to be objected to, stating therein the several heads of objections distinguished against their respective names, to be kept in his office open to the inspection of all parties concerned; which lists shall be delivered in on all controverted elections and returns for Scot. or for any county in Eng. or Wa. 10 days at least before the day appointed for considering the petition; and within 5 days for all other places in Eng. or Wa.; or if postponed by order of the house to another session, then within the same periods before the respective committees are actually appointed, *id.* s. 1.

376. No evidence shall be adduced before the select committee appointed for trial of the petition on which such list shall have been delivered in against the validity of any vote on any head of objection not stated therein; and if any ground of objection so stated is unsubstantiated by evidence, and shall, in the opinion of the committee, be frivolous or vexatious, they shall report the same to the house, with their opinion on the other matters relating to such petition, in which case the opposite parties may recover the full costs incurred by reason of such frivolous, &c. objections, to be ascertained and recovered according to the law in such cases, *id.* s. 2.

377. No proceeding shall be had on any such petition unless some one or more persons subscribing the same shall, within 14 days after presenting it to the house, or within any further time limited by the house, personally enter into recognizance to H. M. in 1000*l.* and 2 sureties in 500*l.* each [see the end of this pl.], for paying all costs, expences, and fees becoming due to any witness summoned in behalf of the persons subscribing such petition, or to any officer of the house on trial of such petition, or to the party who shall appear in opposition to the same before the house or committee, in case such person shall not appear at the appointed times fixed by the house for considering the same; or in case the petition is withdrawn by leave of the house, or in case the committee report it to be frivolous or vexatious; and if not entered into or received by the speaker within that time, the latter shall report the same to the house, and the order for considering the petition shall be discharged, unless upon matter specially stated, and verified on oath to their satisfaction, the house see cause to enlarge the time for entering into such recognizance; in which latter case, the order for considering the petition shall, if necessary, be postponed, so that no such petition is considered till such recognizance has been entered into and received by the speaker; but such time shall not be enlarged more than once, or for more than 30 days, *id.* s. 3.

The form of recognizance is the same as that in pl. 364., substituting "1000*l.*" for "200*l.*," and "500*l.*" for "100*l.*" The condition is as follows: — "The condition of this recognizance is, that if the said C. D. shall well and truly pay all costs and expences, and fees due and payable from the petitioner to any witness who shall be summoned to give evidence in his behalf, or to any clerk or officer of the H. of C. on the trial of the petition, signed by the said C. D., complaining of an undue election or return for the [here state the county, city, borough, or district of burghs,] [or complaining that no return has been made for the said — within the time limited by act of parliament, or that the return made for the said — is not a return of a member or members according to the requisition of this writ,] and if the said petitioner shall also well and truly pay the costs and expences of the party who shall appear before the house in opposition to the said petition, in case the said petitioner shall fail to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration; or in case the said C. D. shall withdraw his said petition, by permission of the house; [or in case the select committee appointed by the house to try the matter of the said petition shall report to the house that the said petition appeared to them to be frivolous or vexatious,] then this recognizance to be void, otherwise to be of full force and effect."

378. Eight days at least before the petitioners shall enter into such recognizance, they shall, by themselves or agents, deliver in writing to the clerk of the house, the names of the sureties proposed to enter into such recognizance, which shall be entered in a book kept by the latter in his office, open to inspection of all parties concerned, *id.* s. 4.

379. The recognizance shall be entered into, and the sufficiency of the sureties thereon allowed and judged, under the regulations enacted by 28 G. 3. c. 52. s. 6., *id.* s. 5.

380. The same persons, if sufficient, may become sureties in the recognizance in s. 3. directed, and in that mentioned in 28 G. 3. c. 52. s. 5. pl. 336. and their names shall be in like manner delivered to the clerk of the house for entry, as in s. 4., *id.* s. 6.

381. Where any question shall arise as to the amount of reasonable costs or fees, payable to any witness or clerk, or officer of the house, on trial of any such petition, the speaker shall, on application, direct the

same to be taxed as in 28 G. 3. c. 52. s. 22., *pl.* 350.; and shall deliver to those concerned a certificate, signed by himself, of the amount of the fees, costs, and expences allowed, which shall be conclusive evidence of the amount; and a receipt shall be given at the foot of such certificate, by the party claiming under it; and the fees for such taxation and report may be demanded and received as from time to time may be fixed by any resolution of the house, 53 G. 3. c. 71. s. 7.

382. Such costs shall be taxed as between attorney and client, *id.* s. 10.

383. The taxers, and any master of chancery or justice of peace, may take any affidavit relative to such costs, or the taxation or nonpayment thereof, and administer the oath for taking the same; and each of the persons authorized to examine the sufficiency of sureties to be named in the recognizances mentioned in either act, may take affidavit relative to such sureties, or entering into any recognizances, and administer the oath for taking such affidavit, and perjury therein shall be punished as such, *id.* s. 11.

384. The house may permit any petition presented in pursuance of 28 G. 3. c. 52., or this act to be withdrawn, on matter arising since the same was presented, and specially stated and verified on oath to the satisfaction of the house, 53 G. 3. c. 71. s. 9. [Ext. 28 G. 3. c. 52. s. 8. *pl.* 339.]

385. Where the petitioner fails to appear before the house by himself, or counsel, or agents, at the time affixed for appointing the select committee, the house not having permitted such petition to be withdrawn, and the order for its consideration shall be thereupon discharged, as in 28 G. 3. c. 52. s. 13. *pl.* 342., the party opposing the petition may recover from such petitioner their full costs thereby incurred, *id.* s. 9.

386. If the petitioner who entered into such recognizance, as in s. 3. *pl.* 377., shall neglect, for 7 days after demand, to pay to any witness summoned on his behalf before the house, or committee on trial of his petition, the sum by the speaker certified to be due to him, with the further sum of 40s. *per diem*, for each day which he shall delay to satisfy the same; or if he shall refuse for 6 months after demand, to pay to any officer of the house, or opposite party, any sum certified by the speaker, under 28 G. 3. c. 52. s. 23. *pl.* 351., or s. 9. of this act, to be due to them for fees, costs, expences, and such neglect or refusal is proved to the speaker's satisfaction, by affidavit sworn before and certified under the hand of a master in chancery, default is made in the recognizance, and the speaker shall certify the same, and the default thereon into exchequer, which certificate shall be conclusive evidence of the default, and shall have the effect of an estreat of the recognizance from a court of law, provided such recognizance and certificate shall be delivered by a clerk of the house into the hands of the L. C. Baron, or of a baron of exchequer, or any officer appointed by that court to receive the same, *id.* s. 12.

387. In any action for recovery of any costs or fees, certified by the speaker, as in last *pl.*, the latter's certificate, signed as above, shall have the effect of a warrant of attorney to confess judgment; and the court shall accordingly, on motion and production thereof, enter up judgment for the sum specified therein to be due from defendant in such action, *id.* s. 13.

388. The above regulations of *this act*, by which persons are directed to enter into recognizances, and are made liable to payment of costs to the opposite parties, shall not apply to petitions presented under 28 G. 3. c. 52., and relating solely to any question respecting the right of election, or of choosing or appointing a returning officer, *id.* s. 14.

389. Committees appointed under either act, shall be taken to be legally appointed, from the time of their being sworn at the table, *id.* s. 18.

390. And may examine any person subscribing such petition, except it otherwise appears to them that he is an interested witness, *id.* s. 19.

391. TO INCAPACITATE CERTAIN PERSONS FROM VOTING AT ELECTIONS OF M. P.s, AND FOR PREVENTING BRIBERY AND CORRUPTION in the election of M. P.s for borough of *New Shoreham, Sussex*, 11 G. 3. c. 55. [See Index, *NEW SHOREHAM ELECTION.*]

392. FOR BETTER REGULATING ELECTIONS OF CITIZENS TO SERVE in parliament for the city of *Coventry*, 21 G. 3. c. 54. [See Index, tit. *COVENTRY ELECTION.*]

393. FOR PREVENTING BRIBERY AND CORRUPTION in the election of M. P. for *Cricklade* in *Wills*, 22 G. 3. c. 31. [See Index, tit. *CRICKLADE ELECTION.*]

394. FOR REPEALING 10 G. 3. c. 41., AND 15 G. 3. c. 36. ss. 1—3. (s. 1.) AND FOR AUTHORIZING THE SPEAKER to issue a warrant to the clerk of the crown, for making out writs for election of members, in room of those dying in any recess, [framed from s. 2.] 24 G. 3. S. 2. c. 26.

395. The speaker, during any recess of the house, whether by prorogation or adjournment, shall issue his warrant to the clerk of the crown, to make out a new writ for electing a member of the H. of C., in the room of any member dying, or becoming a peer of G. B., either during or previous to such recess, as soon as he shall receive notice by certificate, under the hands of two M. P.s, of the death of such M. P. in the first case, and in the second, that a writ of summons under the great seal has been issued to summon such peer to parliament, *id.* s. 2.

'We whose names are under-written, being two members of the H. of C. do hereby certify, that M. P. late a member of the said house, serving as one of the knights of the shire for the county of — [or, as the case may be] died upon the — day of — [or is become a peer of G. B., and that writ of summons has been issued under the great seal of G. B. to summon him to parliament, as the case may be] and we give you this notice, to the intent that you may issue your warrant to the clerk of the crown, to make out a new writ for the election of a knight to serve in parliament, for the said county of — [or as the case may be] in the room of the said M. P. Given under our hands this — day of — To the speaker of the house of commons.'

'Note, that in case there is no speaker, or of his absence out of the realm, such certificate may be addressed to any one of the persons appointed according to the directions of this act.'

396. The speaker shall forthwith cause notice of his receipt of such certificate [QU. warrant issued, see s. 9.] to be inserted in the *London Gazette*, and shall not issue his warrant till 14 days after such insertion, 24 G. 3. S. 2. c. 26. s. 3.

397. The speaker shall not issue his warrant, unless the return of the writ, by virtue whereof such member deceased, or become a peer of G. B., was elected, shall have been brought into the office of the clerk of the crown, 15 days at least before the end of the last sitting of the H. of C., immediately preceding the time when such application is made to the speaker to issue such warrant, nor unless such application is made so long before the then next meeting of the H. of C. for dispatch of business as that such writ may be issued before such meeting; nor if the application is made with respect to any seat vacated in either of the above methods by any member, against whose return any petition was depending at the time of the last prorogation of parliament, or adjournment of the house, *id.* s. 4.

398. Every speaker shall, at the beginning of any parliament, by instrument under his hand and seal, appoint from 3 to 7 M. P.s, authorizing them, or any one of them, to execute all his powers of issuing warrants under this act, subject to the regulations in ss. 6—8. hereof, which instrument of appointment of appointment and authority shall be valid for that parliament, notwithstanding the speaker's death, absence, or vacating his seat in parliament, *id.* s. 5.

399. When the number is reduced to less than 3, the existing speaker may make a new appointment (as in s. 5.) *id.* s. 6.

400. Every such appointment shall be entered in the journals of the H. of C., and published once in the *London Gazette*; and the instrument thereof shall be preserved by the clerk of the H. of C., and a duplicate filed in the office of the clerk of the crown in chancery, *id.* s. 7.

401. No person so appointed shall have power to act, except in case of there being no speaker, or in his absence, nor for longer than such person so appointed continues an M. P., *id.* s. 8.

402. The existing publisher of the gazette, on receiving notice of the issuing any such warrant, signed by any person so appointed, shall give a receipt for the same, specifying the day and hour of its receipt; and if more than one such notice is brought to him, shall insert only the one first received, *id.* s. 9.

403. TO LIMIT THE DURATION OF POLLS AND SCRUTINIES, AND TO regulate elections in *Eng., Wa., and Ber.*, 25 G. 3. c. 84. ss. 1—9. [See rest of title, and ss. 10—15., *pl.* 324—330.; s. 4., *pl.* 126., and s. 16. *pl.* 132.]

404. Every poll demanded at any election within *Eng., Wa., or Ber.*, shall commence on the day on which it is demanded, or on the next day at farthest (unless it be a *Sunday*, and then on the day after); and shall be proceeded in from day to day (*Sundays* excepted) till finished, so as no poll continue more than 15 days; and if it continue till the 15th day, then it shall be finally closed at or before 3 p. m. of that day; and the returning officer shall immediately, or on the day next after the final close of the poll, declare the names, and shall forthwith make a return of the persons having a majority of votes, unless the returning officer, on a scrutiny being demanded by any candidate, or 2 electors, shall deem it necessary to grant the same; in which case he may do so, and proceed thereupon, but so that in all cases of a general election he shall cause a return of members to be filed in the crown office on or before the return of the writ; and every other returning officer, acting under a precept, shall make a return at least 6 days before the return of the writ; and so that on a writ issued during a session or prorogation, and a scrutiny being granted, a return shall be made within 30 days after the close of the poll, or sooner if convenient, *id.* s. 1.

405. Whenever a scrutiny shall be granted, and more parties than one object to votes on such scrutiny, the returning officer shall decide alternately on the votes given for the different candidates, *id.* s. 2.

406. Every returning officer, unless prevented by accident, shall, during the poll, on every day cause the said poll to be kept open for 7 hours at the least, between 8 a. m. and 8 p. m., *id.* s. 3.

407. On every election within *Eng., Wa., or Ber.*, in all cases where no oath or affirmation of qualification, other than against bribery, or of allegiance, supremacy, and abjuration, can now be required, every voter shall (if required by any candidate or voter) before admitted to poll, take the oath (or affirmation) following; viz.

'I do swear [or being a quaker, do affirm] that my name is A. B. and that I am — [specifying the addition, profession, or trade of such person], and that the place of my abode is at — in the county of — [and if it is a town, consisting of more streets than one, specifying what street], and that I have not before polled at this election; and that I verily believe myself to be of the full age of 21 years.'

Which the returning officer, and his deputies, and poll clerks shall administer, 35 G. 3. c. 84. s. 5.

408. At every such election, as in s. 5., the returning officer, if they see cause during any scrutiny, may administer an oath to any person consenting to take the same, touching the right of any person having voted at such election, or touching any other matters material to such scrutiny, *id.* s. 6.

409. At every such election, as in s. 5., every poll-clerk shall, before beginning to take the poll, be sworn by the returning officer, truly and indifferently to take the same, and to set down the name, addition, and abode of each voter, and for whom he shall poll, and to poll no person not sworn, or put to his affirmation, where such oath, &c. is by statute required, *id.* s. 7. [and see 10 A. c. 23. s. 5. *pl.* 135., and 7 G. 4. c. 25. s. 3. *pl.* 128.]

410. Every person taking such oath or affirmation before any returning officer, and who shall commit wilful perjury, or suborn any other person to take the same, whereby he shall commit perjury, shall incur the pains inflicted by 5 Ed. c. 9. and 2 G. 2. c. 25., *id.* s. 8. [seem not subject to the limitation of 12 months in s. 15. *ante.* *pl.* 330.]

411. Nothing herein shall affect elections for places, where particular regulations as to polls and scrutinies are specially enacted by statute, *id.* s. 9.

412. FOR BETTER SUPPORT OF THE DIGNITY OF THE SPEAKER of the H. of C., and for disabling him from holding office during pleasure under the crown, 30 G. 3. c. 10.

413. The secretary of the speaker of the H. of C. for the time being, or such other person as the speaker shall appoint, shall, as soon as may be after the quarter ending 5 Ap. 1790, deliver to the commissioners of the treasury an account, signed by the speaker, of the fees received on his account, between 25 Dec. 1789, and 25 Mar. 1790; also an account of such sum as shall have been received, or be due at the exchequer, out of H. M.'s civil list, on the allowance of 5*l.* per day usually made to the speaker, for the same period; and the secretary of the speaker, or person the speaker shall appoint, shall also, seven days before the expiration of the quarters ending 5 July, 10 Oct. 1790, and 5 Jan. 1791, deliver a like account of the fees received on account of the speaker, and of the sum received, or due, on the allowance of 5*l.* per day, between 25 Mar. and 24 June, between 24 June and 29 Sep., and between 29 Sep. and 25 Dec. 1790, and so in like manner in every succeeding quarter, *id.* s. 1.

414. If at any time the amount of the sums received under the head of fees, and of the sum received, or due at the exchequer, on the allowance of 5*l.* per day, within any of the said periods for which the accounts hereby directed to be delivered in are required to be computed, shall exceed clear 1500*l.*, such excess shall be carried to the account to be delivered in, previous to the next ensuing quarter, as so much money received by the speaker, to be added to the receipts under the head of fees, or sums received or due at the exchequer, within the period of the next ensuing account; and if the amount of the sums received under the head of fees, and which shall have been received, or due, at the exchequer, on the allowance of 5*l.* per day, within any of the said periods, for which the accounts are to be computed, together with such excess as shall be brought forward in manner herein directed from any preceding account, shall exceed clear 1500*l.*, such last excess shall also be carried forward to the account to be delivered in previous to the next ensuing quarter, *id.* s. 2.

415. If at any future time the whole amount of the sums received by the speaker, or which shall have been brought to his account, in manner before directed, within any of the periods for which the accounts hereby directed to be delivered in are required to be computed, shall be less than clear 1500*l.* the treasury shall, by warrant under their hands, direct the auditor to make forth and pass debentures for paying to the speaker, or to his order, out of the consolidated fund, such money as shall, together with the sums received by the speaker, or which shall be due to him, or brought to his account within any of the said periods, make up clear 1500*l.*, *id.* s. 4.

416. Such payments shall be made out of the said consolidated fund, after paying, or reserving sufficient to pay, all money directed by any former act to be paid out of the same, but with preference to all other payments hereafter charged upon such fund; and such warrant and debenture shall be authority to the officers of the exchequer for the payment of such money to the speaker; and the receipt of the speaker shall be a discharge, *id.* s. 5.

417. Payments out of the consolidated fund to be free from all taxes, *id.* s. 6.

418. The speaker shall not hold in his own name, or in the name of

any person in trust for him, or for his benefit, any office or place under the crown during pleasure, 30 G. 3. c. 10. s. 7.

419. FOR DIRECTING THE APPOINTMENT OF COMMISSIONERS to administer certain oaths and declarations required by law to be taken and made by persons offering to vote at the election of a M. P., 34 G. 3. c. 73. [Ext. in all its powers and penalties to the provisions of 42 G. 3. c. 63. *id.* s. 2., and AMD. by that act.]

420. When a poll shall be demanded at any election of a M. P. for any county or other place in Eng., Wa., or Ber., the returning officer shall, at and immediately after the request in writing of any candidate under his hand, before proceeding further in the poll, appoint two or more persons to administer [all the oaths, and take all the declarations and affirmations now required by law, to be taken and made by voters at elections of M. P.s, 42 G. 3. c. 62. s. 1.] and to certify the names of such voters as shall take, &c. the same as prescribed in 34 G. 3. c. 73. s. 2. next *pl.*, which persons shall have power to administer the same, and immediately after and before taking on them to act under such appointment, shall take the following oath; *viz.*

'I do swear that I will faithfully and impartially administer the oaths, and take the declarations and affirmations now required by law, to be taken or made by voters at elections for M. P.s, to and from such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election; and that I will, on being thereunto requested, fairly and truly give to every such person, or any of them who shall take such oaths, or make such declarations or affirmations respectively, or any of them before me, a certificate thereof; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or made such declaration or declarations, affirmation or affirmations respectively, as shall be mentioned in such certificate, before me and in my presence.'

34 G. 3. c. 73. s. 1., as AMD. by 42 G. 3. c. 63. s. 1. [the above oath is provided by 42 G. 3. c. 63. s. 1. and seems to supersede the more particular oath in 34 G. 3. c. 73. s. 1.]

421. After the persons so appointed have respectively taken such oath, any voter may, before voting, apply to any one of them to take, make, or subscribe such oaths or declarations, or any of them, who shall accordingly administer the same, and immediately sign and deliver a certificate thereof to such voter, containing his name, addition, and place of abode; *viz.* if he has taken the oaths in these terms; "A. B. [naming the person taking the oath] of [naming his place of abode, addition, or occupation] has taken the oath (or oaths) of [naming the oath or oaths administered] before me this — day of —." Or if to a quaker, having subscribed the declaration of fidelity, or made affirmation of the effect of the oath of abjuration in these terms; *viz.* "A. B. [naming the person subscribing or affirming] of [naming his abode, addition, or occupation] has made and subscribed the declaration of fidelity, and affirmed the effect of the oath of abjuration [or if only one of these acts has been done, then naming such one act only] before me this — day of —." On production of which certificate to the returning officer, or other person taking the poll, such person shall be entitled to vote, 34 G. 3. c. 73. s. 2.

422. Persons offering to vote without producing such certificate, shall not be sworn, &c. by the returning officer or poll-takers, but shall withdraw and take such oaths, and make such declarations or affirmations respectively, before one of the persons appointed and sworn, as in *pl.* 420., *id.* s. 3.

423. If the number of persons so appointed is found insufficient, the returning officer shall, on like request by any candidate, appoint more such persons, who shall respectively take the oath in *pl.* 420. prescribed, *id.* s. 4.

424. The returning officer shall provide a proper place for every such person so appointed, to execute his duty separately, and to which the electors may have free access without interrupting the poll; which places shall be open, and such persons shall attend for 8 hours per day, between 8 a. m. and 8 p. m., till the final close of the poll: any number not exceeding twelve voters may be sworn, &c. at a time; and the returning officer shall provide each person so appointed with a sufficient number of printed forms of the declaration of fidelity to be made by quakers before voting, with blanks for their names, to be filled up as required; and also with sufficient printed certificates, with blanks to be filled up as required, and delivered, not in the act, to each elector so taking such oaths, or subscribing or affirming, as in *pl.* 420., *id.* s. 5.

425. The returning officer, on 3 days' notice in writing from the candidates previous to the election, shall provide proper places, to be ready by the day of election; and if no convenient places can be had, he shall erect temporary booths for administering the said oaths, declarations, &c. to the voters, the expenses of which, and of the printed forms, and the allowance to the persons so appointed for their attendance, not exceeding 1*l.* 1*s.* per day, shall be defrayed and repaid by the candidates, in equal proportions, to such returning officer, and may be recovered by him in any court of record at Westminster, by action of debt, or on the case, bill, suit, or information, without essoin, &c., or more than one impurance, *id.* s. 6.

426. To shorten the time for giving notice of the royal intention for the meeting of parliament for dispatch of business, 37 G. 3. c. 127. s. 1. [see rest of this statute and title, *ante*, pl. 108., and 113—115., by mistake printed as 4 & 5 A. c. 8. ss. 3—5.]

427. To empower H. M. to shorten the time for such meeting in cases of adjournment, 39 & 40 G. 3. c. 14.

428. A proclamation by H. M. in council, giving notice of his royal intention, that parliament shall meet for dispatch of business on any day, not less than 14 days from the date thereof, shall be full notice to all persons of such intention, and parliament shall thereby stand prorogued to that day, notwithstanding previous prorogation to any longer day, 37 G. 3. c. 127. s. 1.

429. Where both houses stand adjourned for more than 14 days from the date of the proclamation, H. M. in council may issue a proclamation declaring that parliament shall meet on a day not less than 14 days from the date of such proclamation, to which day (notwithstanding any previous longer adjournment) both houses shall stand adjourned, 39 & 40 G. 3. c. 14. s. 1.

430. All orders made by either house, and appointed for the day to which it has been adjourned, or to a day subsequent thereto, except any order specially fixed for particular days by either house, notwithstanding any meeting of parliament under this act, and all orders made under provisions of a statute, shall be taken to be appointed for the day of the meeting of parliament, *id.* s. 2.

431. THE U.K. SHALL BE REPRESENTED BY ONE PARLIAMENT, styled "The parliament of the united kingdom of Great Britain and Ireland," 39 & 40 G. 3. c. 67. article 3. [see the rest of this act, IRELAND, Parliament.]

432. FOR MORE REGULAR CONVEYANCE OF WRITS FOR ELECTION OF members to serve in parliament, 55 G. 3. c. 89.

433. When any new parliament is summoned, and in all cases of the vacancy of seats, the messenger of the great seal shall carry the writs directed to the sheriffs of London, or sheriff of Middlesex, to their respective offices, and all other such writs to the post-masters general, or their deputy, who shall give a receipt for them, expressing the time of their delivery, and shall keep a duplicate thereof, signed by himself and the messenger, and shall dispatch them, free of postage, by the first mail, under covers, directed to the officers to whom the writs are directed, with proper directions to the country post-master, to deliver them to such officers, [or their deputies,] at their office, who shall give the postmaster a memorandum in writing, acknowledging the receipt of the writ, and expressing the day and hour of its delivery by him, signed by them and the postmaster, who shall transmit the same by the 1st or 2d post to the general post office, where it shall be entered in the proper book, and filed with the duplicate of the acknowledgment signed by the messenger, for the inspection of parties interested, 55 G. 3. c. 89. s. 1.

434. The chancellor of the county palatine of Lancaster, the bishop or temporal chancellor of that of Durham, and the chamberlain of that of Chester, the warden of the cinque ports, the sheriffs and stewards of cities, counties, and stewartries, and all other returning officers, shall send up to the post-masters general an account of the particular place where they hold their offices, for the purposes in s. 1., and so when they change the same, or of the post town or place nearest to such offices, (if not held in any post town); and a list thereof shall be hung up in some public place in the general post-office, *id.* s. 2.

435. Where any such returning officer holds his office in London, Westminster, Southwark, or within 5 miles of them, he shall send the account thereof to the messenger of the great seal, who shall carry the writs thither, *id.* s. 3.

436. The allowance of mileage to the messenger shall cease after the present messenger's death, except an allowance of 2l. 2s. on every writ to fill up a vacancy, and 50l. on a new parliament, to be payable from the hanaper office, *id.* s. 4.

437. All other fees on conveyance and delivery of writs for elections shall cease, and 500l. per ann. shall be paid to the messenger of the great seal, from the consolidated fund in compensation, *id.* s. 5.

438. Any person convicted on information or indictment in K. B. of neglect to deliver such writ, or of accosting any fee, or doing any thing in violation hereof, is guilty of a misdemeanor, with fine and imprisonment at discretion of the court, *id.* s. 6.

439. Every person committing such misdemeanor in Scot. shall be punished by fine and imprisonment as the judges before whom he shall be tried and convicted may direct, *id.* s. 7.

440. To EXCLUDE PERSONS HOLDING CERTAIN JUDICIAL OFFICES in Ire. from being members of the H. of C., 1 & 2 G. 4. c. 44.

441. No lord chancellor, master of the rolls, or judge in K. B., C. P., or exchequer, or master in chancery in Ire., shall be capable of being elected, or sitting or voting as a member of the H. of C., 1 & 2 G. 4. c. 44. s. 1.

442. If any person disqualified as in s. 1., is nevertheless returned as a member, his election and return are void, and if he presumes to sit or vote as such, he shall forfeit 500l. for every day in which he shall so

sit, &c. to the person who shall sue for the same in any court at Westminster, to be recovered with full costs by action of debt, bill, plaint, or information, in which but one imparlance, and no essoin, &c. shall be allowed, and shall be thenceforth incapable of holding any office of honour or profit under H. M., 1 & 2 G. 4. c. 44. s. 2.

443. Nothing herein shall make void any election had before 28 May 1821, or disable from sitting and voting in the house, or subject to any penalty soever any person elected to serve therein before that time, *id.* s. 3.

444. To EXCLUDE THE borough of Grampound, co. Cornwall, from sending burgesses to serve in parliament, and to enable the county of York to send two additional knights to serve in parliament in lieu thereof, 1 & 2 G. 4. c. 47.

445. The borough of Grampound shall cease to return burgesses to parliament, *id.* s. 1. and if during the present parliament, the election of either of the burgesses now sitting therein for Grampound becomes void, an additional knight shall be returned to serve in parliament for the co. York, which co., after the end of this parliament, shall return 4 instead of 2 knights of the shire, who shall be elected by H. M.'s writ to the sheriff, and in like manner to all intents as knights have been heretofore returned for that county, *id.* s. 2.

446. All statutes now in force touching the qualification, election, and return of knights of the shire, shall extend to the qualification, &c. of the knights to be returned under this act, as they have heretofore been held to extend to the knights returned for co. York, *id.* s. 3.

PARTITION.

1. CONCERNING JOINT tenants, and tenants in common, 31 H. 8. c. 1. and s. 1. [EXT. to such tenants holding for life or years, and for different estates, 32 H. 8. c. 32. See 33 H. 8. st. 1. c. 10., *Ir.*]

2. All joint-tenants or tenants in common of any estate of inheritance, in their own or their wives' right, of any manors, lands, &c. within Eng. or Wa., may be compelled by this act to make partition between them, of all such houses, lands, &c. as they shall hold as joint-tenants, or tenants in common, by writ *de participatione faciendâ*, to be devised in chancery, in like manner as coparceners may be compelled by the common law, and the same writ to be pursued as at common law 31 H. 8. c. 1. s. 2.

3. Each of such joint-tenants and tenants in common, and their heirs, after partition made, shall have aid of the other, or their heirs, to intent to dereign the warranty paramount, and to recover for the rate as is used between coparceners, after partition made, by the common law, *id.* s. 3.

4. All joint-tenants and tenants in common, which shall hold jointly or in common for a term of life or years, or such tenants, where one or some of them has an estate for life or years, with the other that has an estate of inheritance, or freehold in any manors, lands, &c. may be compelled by writ of partition out of chancery, to make partition of all such manors, lands, &c. which they hold jointly or in common for life or years, where one or some of them hold jointly or in common for life or years, with other that has an estate of inheritance or freehold, 32 H. 8. c. 32. s. 1.

5. No such partition made under this act shall be prejudicial to any lessee, or their heirs or successors, other than such which be parties thereto, their executors or assignees, *id.* s. 2.

6. FOR THE EASIER OBTAINING PARTITIONS OF LANDS in coparcenary, joint-tenancy, and tenancy in common, 8 & 9 W. 3. c. 31. [MADE PERF. 3 & 4 A. c. 18. s. 2.]

7. After process of *pone*, or attachment returned upon a writ of partition, affidavit being made of due notice of such writ given to the tenants to the action, and a copy thereof left with the occupier or tenant, or if they cannot be found, to the wife, son, or daughter, being 21 years old, of the tenant, or to the tenants in actual possession by virtue of any estate of freehold, or for term of years, or uncertain interest, or at will of the manors, lands, &c. whereof the partition is demanded, (unless such tenant in possession be the defendant in such action,) 40 days before the return of such *pone* or attachment, if the tenant to such writ, or the true tenant to such messuages, lands, &c. shall not, within 15 days after the return of such *pone* or attachment, cause an appearance to be entered in the court where such *pone*, &c. is redeemable, the demandant having entered his declaration, the court may examine the demandant's title, and quantity of his part and purport, and accordingly, as they find it, give judgment by default, and award a writ of partition, whereby such part, &c. may be set out, which writ being executed after 8 days' notice given to the occupier or tenant of the premises, and returned, and final judgment entered, the same shall be good, and conclude all persons after notice as aforesaid, whatever right, &c. they have or may have to such manors, lands, &c. although all persons concerned are not named in such proceedings, nor the title of the tenants truly set forth, 8 & 9 W. 3. c. 31. s. 1.

8. If such tenant or person concerned, against whom, or whose right or title such judgment by default is given, shall, within one year after

such first judgment entered, or in case of infancy, coverture, non *esse* *memoria*, or absence out of the kingdom, within one year after his return, or the determination of such disability, apply by motion to the court, and shew a probable bar of such partition, or that the demandant has no title to so much as he hath recovered, then the court may suspend, or set aside such judgment, and admit the tenants to appear and plead, and the cause shall proceed as if no judgment had been given; and if the court, on hearing thereof, adjudges for the first demandant, then the first judgment shall be confirmed, and be good against all, except persons, &c. absent or disabled, and the appellant shall pay the costs; or if within such times the tenants or persons concerned, admitting the demandant's title, parts, and purparts, shall shew to the court any inequality in the partition, the court may award a new partition to be made in the presence of all parties if they will appear, notwithstanding the return and filing on record the former; which second partition returned and filed, shall be good against all persons, except as before excepted, 8 & 9 W. 3. c. 51. s. 2.

9. No plea in abatement shall be admitted in any suit for partition, nor shall the same abate by reason of the death of any tenant, *id.* s. 3.

10. Where the high-sheriff, by reason of distance or other hindrance, cannot be present at the execution of any judgment in partition, then the under-sheriff, in the presence of 2 justices for the county where the lands, &c. to be divided lie, may execute such writ by inquisition, as if the high-sheriff were present, and the high-sheriff shall make the same return as if he were personally present; and in case such partition be made, returned, and filed, the tenants of any of such messuages, lands, &c. or any part or purpart thereof before they were divided, shall be tenants for such part, set out severally to the respective owners thereof, under the same conditions, rents, covenants, and reservations when so divided, and such owners shall covenant unto such tenants the said several parts severally after such partition, as they were bound to do by any copy, leases, or grants, before partition made, and if any demandant is tenant in actual possession to the tenant to the action for his part, or any part thereof in the messuages, lands, &c. to be divided by a writ of partition for any term of life or years, on uncertain interest, such tenant shall stand and be possessed of such purparts for the like term, and under the like conditions and covenants, where it is set out severally under this or any other act, *id.* s. 4.

11. The sheriffs and their under-sheriffs and deputies, and in case of sickness or disability in the high-sheriff, all justices within their respective divisions, shall give due attendance to the execution of such writ of partition, unless cause is shewn to the court, on oath, and there allowed, or otherwise shall be liable, each of them, to pay to the demandant such costs and damages as shall be awarded by the court, not exceeding 5*l.*, for which the demandant may bring his action in any of the courts of record at Westminster, wherein no essoin, &c. and only one imparlance allowed, and in case the demandant shall not agree to pay unto the sheriffs or under-sheriffs, justices, and persons such fees as they demand, then the court shall award what each person shall receive, having respect to the distance of the place from their habitations, and the time spent, for which they may severally bring their actions as aforesaid, *id.* s. 5. [see as to partition of an advowson, 7 A. c. 18. ADVOWSON, pl. 8—9.]

PAWNBROKER.

(STATUTES repealed and expired.)

1. TO PREVENT THE UNLAWFUL PAWNING OF GOODS, 30 G. 2. c. 25. ss. 3—13. [see the rest of this statute CHEAT. GAMING.] AMD. 24 G. 5. S. 2. c. 42., which is CON. 26 G. 5. c. 92., both EXP. [The 30 G. 2. c. 24. ss. 3—13., seems to be virtually REV. by the effect of the 39 & 40 G. 5. c. 99.]

2. FOR FURTHER REGULATING the trade and business of a pawnbroker, 27 G. 5. c. 57. [which is CON. and AMD. 28 G. 5. c. 80.] 29 G. 5. c. 37., [which is CON. 31 G. 5. c. 52., 33 G. 5. c. 53.] 36 G. 5. c. 87. [which is CON. 39 & 40 G. 5. c. 99. s. 1.] all EXP.

(STATUTES in force.)

1. ACT AGAINST BROKERS, 1 J. 1. c. 31. and s. 1—4.

2. No sale, exchange, pawn, or mortgage of any jewel, plate, apparel, household stuff, or other goods, wrongfully taken or stolen from any person, and sold, exchanged, or pawned within the city of London and liberties thereof, or within Westminster and Southwark, or two miles of London, to any broker or pawn-taker, shall work any change or alteration in the property of and from any person or body corporate from whom the same were stolen, &c., *id.* s. 3.

3. If any such persons or bodies shall require of such broker or pawn-taker, whether any such goods be come to him, and to show the same, and how he got them, and to whom he hath delivered same, and such broker or pawn-taker shall refuse so to do, he shall forfeit to the

true owners of such stolen, &c. jewels, &c., double the value thereof, to be recovered by action of debt in the courts of record at Westminster, or within the city of London, in which no essoin, &c., 1 J. 1. c. 31. ss. 6—7.

4. This act shall not be hurtful to the brokers in London, using the ancient trade of brokers between merchant and merchant, or other occupiers therein, and the liberties thereof, *id.* s. 9.

5. FOR REGULATING THE BUSINESS OF PAWNBROKERS, 39 & 40 G. 5. c. 99. PUNISHING clause, s. 26.

6. All pawnbrokers may demand and take of all persons applying or offering to redeem any goods or chattels pledged with such pawnbroker, a profit after the following rates, above the principal sum which has been lent upon the respective pledges, before any such pawnbrokers shall be obliged to re-deliver the same; *viz.*

s. d.		d.
2 6	For any time during which	+
5 0	such pledge remains in	1
7 6	pawn, not exceeding one	1½
10 0	calendar month, and the	2
12 6	same for every month	2½
15 0	afterwards, including the	3
17 6	current month wherein	3½
20 0	redeemed, though unex-	4
40 0	pired.	
40	and sums ex-	42s.
42	ceeding	10 <i>l.</i> , after the rate of 5 <i>d.</i> per 1 <i>l.</i> per cal
		month including the current month,
		and so in proportion for fractions.

which several sums shall be taken in full satisfaction for all interest due, and charges for warehouse room, *id.* s. 2.

7. In all cases where any intermediate sum lent upon any pledge, shall exceed 2*s.* 6*d.* and not exceed 10*s.*, the person lending the same may take, by way of profit, after the rate of 4*d.* and no more, for the loan of 20*s.* by the calendar month, including the current month as aforesaid, *id.* s. 3.

8. In all cases where the sum to be demanded by any pawnbroker, or his servant or agent, from any persons offering to redeem any goods pledged with him, either as profit upon any sum lent, or as part principal and part profit, amounts to a total sum of which the piece of money of the lowest denomination is one farthing; and where the persons so offering to redeem, has paid down the sum due for such principal and profit, or for such profit only (as the case may be) except the last farthing, and cannot pay a current farthing, and which is to the satisfaction of such person to receive the same, but shall in lieu thereof tender to such person one halfpenny, in order to discharge such farthing, such pawnbroker, to whom such tender is made, shall, in exchange thereof, deliver unto such person so redeeming, one good and lawful farthing of the current coin of this kingdom, or in default thereof, shall wholly abate the same from the total sum to be received by him of such person so redeeming them, *id.* s. 4.

9. In all cases where the party entitled to and applying for the redemption of goods pawned within 7 days after the expiration of the first calendar month after the same have been pledged, [QU., some words wanting here in the act.] he may redeem the same, without paying any thing by way of profit for such 7 days; and in all cases where the party so entitled, after the expiration of such first 7 days, and before the expiration of the first 14 days of the second calendar month, [same QU.] he may redeem such goods upon paying the profit payable for one calendar month and the half of another, but in all cases where the party so entitled, after the expiration of such first 14 days, and before the expiration of such second calendar month, [same QU.] the pawnbroker may demand the profit of the whole 2*d.* month; and the like regulation shall take place in every subsequent calendar month, wherein application is made for redeeming goods pawned, *id.* s. 5.

10. All persons who shall take by way of pawn or pledge, any goods, and whereon shall be lent any sum exceeding 5*s.*, shall, before they advance any money upon such pledge, enter in a book a description of the goods so received in pawn, pledge, or exchange, and also the sum advanced thereon, with the day of the month and year on which, and the name of the person by whom such goods were so pawned, &c. and the name of the street and number of the house where such person shall abide, and whether such person is a lodger in, or the keeper of such house, by using the letter "L" if a lodger, and "H" if a housekeeper, and also the name and place of abode of the owner of such goods, according to the information of the person pawning, &c. the same, into all which circumstances the pawnbroker shall enquire of the party pawning, before the money is advanced, and in all cases where the money lent on any such goods shall not exceed 5*s.*, such entry shall be made in such book within 4 hours next after such goods have been so pawned, &c., and every pledge upon which is lent any sum above 10*s.*, shall be entered in like manner, in a book kept separate from the other pledges whatever; and every such entry of such pledge shall

lent any sum exceeding 10s., shall be numbered in such book progressively as received in pawn, as follows; viz. the first pledge that is received in each calendar month shall be numbered No. 1, and the second No. 2, and so on progressively until the end of the month, and so on throughout the year; and on every note or memorandum respecting any such pledge wherein is lent any sum exceeding 10s., shall be legibly written or printed the number of the entry of such pledge so entered in such book; and such person shall, at the time of the taking of every pawn, &c., give to the persons so pawning, &c. the same, a note or memorandum, containing therein in like manner a description of the goods so received in pawn, &c., and also the sum advanced thereon, with the day of the month and year on which, and the name and place of abode, and number of the house, of the person by whom such goods were so pawned, &c. and whether such person is a lodger or housekeeper, by using the letter "L" if a lodger, and "H" if a housekeeper, and also the name and place of abode of the owner thereof, according to the information aforesaid, and upon which note, or on the back whereof, shall be written the name and place of abode of the pawnbroker giving the same, which note the party pawning, &c. such goods shall accept, and the pawnbroker shall not retain such pledge unless the party pledging shall take such note; and every such note, where the sum lent is less than 5s., shall be delivered *gratis*; and where it is 5s., or upwards, and less than 10s., such pawnbroker may take one halfpenny for the same; and where 10s., and less than 20s., one penny; and where 20s., and less than 5l., two-pence; and where 5l. four-pence and no more; and which note shall be produced to the pawnbroker before he shall be obliged to re-deliver the goods, except as in s. 16. is excepted, 39 & 40 G.3. c. 99. s. 6.

11. In all cases where any goods pawned, &c. are redeemed, the pawnbroker shall, at the time of such redemption, indorse upon every duplicate respecting such pledge, the amount of the profit taken by him, or on his account, on the money lent upon such goods so redeemed, and shall keep such duplicate for one year, *id.* s. 7.

12. If any person shall knowingly and designedly pawn, pledge, or exchange, or unlawfully dispose of the goods of any other person, not being authorized by the owner thereof so to do, any justice may grant his warrant to apprehend any person so offending, and if he shall be thereof convicted, by the oath of any witness, or by confession before any justice or justices of the peace for the county, riding, division, city, liberty, town, or place where the offence was committed, every such offender shall forfeit not exceeding 5l. nor less than 20s., and also the full value of the goods so pawned, &c., such value to be ascertained by such justice; and in case such forfeitures are not forthwith paid, such convicting justice shall commit the party to the house of correction, or some other public prison of the county, &c. wherein the offender resides or is convicted, there to be kept to hard labour for not exceeding 3 calendar months, unless such forfeitures are sooner paid; and if within three days before the expiration of such term of commitment, such forfeitures are not paid, such justice, at his discretion, may order the person so convicted to be publicly whipped in the prison to which the offender has been committed, or some other public place of the county, &c., and forfeitures, when recovered, shall be applied towards making satisfaction to the party injured, and defraying costs of the prosecution, as shall be adjudged reasonable by the convicting justice, but if the party injured shall decline to accept of such satisfaction and costs, or if there is any overplus, after making such satisfaction and paying such costs, the same shall be applied to the use of the poor of the parish or place where such offence was committed, and be paid to the overseers thereof for that purpose, *id.* s. 8.

13. If any person shall counterfeit, forge, or alter, or cause or procure to be counterfeited, &c. any such note or memorandum, (as in s. 6.) or shall utter, vend, or sell any such note, knowing the same to be counterfeited, &c. with intent to defraud any person, he shall be punished as herein mentioned; and any person, or his servants or agents, to whom any note is uttered or offered, which he suspects to have been counterfeited, &c. may seize and detain such person uttering, &c. the same, and deliver him to a constable or other peace officer, who shall convey him before some justice for the county, city, or place wherein the offence is supposed to have been committed; and if upon examination it appears to the satisfaction of such justice that the person so charged is guilty, then he shall commit the party offending to the common goal or house of correction of the county, city, or place, for not exceeding 3 calendar months, at the discretion of such justice, *id.* s. 9.

14. In case any person who shall offer by way of pawn, pledge, exchange, or sale, any goods, shall not be able or shall refuse to give a satisfactory account of himself, or of the means by which he became possessed thereof, or shall wilfully give any false information to the pawnbroker, or to his servant, as to whether such goods are his own property or not, or of his name and place of abode, or of the name and place of owner of such goods, or if there shall be any other reason to suspect that such goods are stolen, or otherwise illegally or clandes-

tinely obtained, or if any person not entitled, nor having any colour of title by law to redeem goods in pawn, shall attempt to redeem the same, any person, or his servants or agents, to whom such goods shall be so offered, or with whom such goods are in pledge, may seize and detain such person and such goods, and deliver such person immediately into the custody of a peace officer, who shall convey him and such goods before some justice for the county, city, or place; and if such justice shall, upon examination, suspect that such goods were stolen, or illegally or clandestinely obtained, or that the person offering to redeem the same has not any pretence or right so to do, such justice may commit such person into safe custody, for such time as shall be necessary for the obtaining proper information on the subject, in order to be further examined; and if upon either of such examinations it appears to the satisfaction of such justice that such goods were stolen, &c. or that the person offering to redeem the same hath not any pretence or right so to do, such justice shall commit the party offending to the common goal or house of correction for the county, city, or place, there to be dealt with according to law, where the nature of the offence shall authorize such commitment by any other law, and where not, such commitment shall be for not exceeding 3 calendar months, at the discretion of such justice, 39 & 40 G.3. c. 99. s. 10.

15. If any persons shall knowingly buy or take in as a pledge or pawn, or in exchange, any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials whatsoever, plainly intended for the composing or manufacturing of any goods, after such goods or materials respectively are put into a state or course of manufacture, or into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials are completed or finished for the purposes of wear or consumption; or any linen or apparel, which goods, materials, linen, or apparel are entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, and shall be convicted of the same on the oath of one witness, or on confession, before one justice, every such person shall forfeit double the sum given for or lent on the same, to be paid to the poor of the parish where the offence is committed, to be recovered in the same manner as any other forfeitures are by this act directed to be recovered, (*see* s. 8.) and shall likewise be obliged to restore such goods and materials to the owners thereof, in the presence of such justice, *id.* s. 11.

16. If the owner of any goods of any manufacture, or any materials (as in s. 11. described), and before such goods or materials are completed or finished for the purposes of wear or consumption, or any linen or apparel, which goods, materials, linen, or apparel so intrusted as aforesaid, are unlawfully pawned, pledged, or exchanged, shall make out, either on his oath, or by the oath of any witness, or by affirmation before any justice within his jurisdiction, that there is cause to suspect that any person hath taken to pawn, or by way of pledge or in exchange, any such goods, &c. so intrusted, of such owner, and without his privity, and shall make appear, to the satisfaction of any such justice, probable grounds for such suspicion, then any such justice may issue his warrant for searching, within the hours of business, the house, warehouse, or other such person who is so charged and suspected to have received or taken in pawn, &c. any such goods, &c. without the privity of the owner thereof; and if the occupier of any house, warehouse, or other place wherein any such goods, &c. shall on oath or affirmation be charged or suspected to be, shall, on request made by any peace officer authorized to search there, by warrant from any justice for the county, city, or place in which such house, &c. is situate, refuse to open and permit the same to be searched, any peace officer may break open the same, within the hours of business, and search as he thinks fit therein for the goods, &c. suspected to be there, doing no wilful damage; and no pawnbroker or other person shall oppose any such search; and if upon the search of the house, &c. of any such suspected person, any of the goods, &c. which have been so pawned, &c. are found, and the property of the owner thereof made out to the satisfaction of any such justice, by the oath of one witness, or by affirmation or confession, any such justice shall cause the goods, &c. found on any such search, and so pawned, &c. to be forthwith restored to the owner, *id.* s. 12.

17. If the owner of any goods unlawfully pledged, &c. shall make out, either on his oath or by the oath of witness, or by affirmation, before any justice within his jurisdiction, that such owner hath had his goods unlawfully obtained or taken from him, and that there is cause to suspect that any person hath taken to pawn, or by way of pledge or in exchange, any goods of such owner, and without his privity, and shall make appear to the satisfaction of any such justice probable grounds for such suspicion, then any such justice may issue his warrant for searching, within the hours of business, the house, warehouse, or other place of any such person who shall be so charged as suspected to have received or taken in pawn, &c. any such goods, without the privity of the owner; and if the occupier of any house, &c. wherein any such goods, on oath or affirmation, are charged or suspected to be, shall, on request made by any peace officer authorized to search there by warrant from a justice for the

county, city, or place in which such house, &c. is situate, refuse to open and permit the same to be searched, any peace-officer may break open any such house, &c. within the hours of business, and search therein for the goods suspected to be there, doing no wilful damages; and no pawnbroker or other person shall oppose any such search; and if upon the search of the house, &c. of any such suspected person, any of the goods which have been so pawned, &c. are found, and the property of the owner from whom the same were unlawfully obtained, made out to the satisfaction of any such justice, by the oath of one witness, or by affirmation, or confession, such justice shall cause the goods so found on any such search, and so pawned, to be forthwith restored to the owner thereof, 39 & 40 G. 3. c. 99. s. 15.

18. If any goods are pawned for securing any money lent thereon, not exceeding in the whole the principal sum of 10*l.*, and the profit thereof, and if within one year after the pledging thereof, (proof having been made on oath or affirmation by one witness, and by producing the note by s. 6. directed to be given, before any justice, to his satisfaction, of the pawning of any such goods within one year, or one year and 3 months, as the case may be,) any such pawnor, who was the real owner of such goods at the time of the pawning thereof, his executors, administrators, or assigns, shall tender unto the person who lent, on the security of the goods pawned, his executors, &c. the principal money borrowed thereon, and the profit according to the rates by this act established, and if the person who took such goods in pawn, his executors, &c. shall thereupon, without shewing cause for so doing to the satisfaction of such justice, refuse to deliver back the goods so pawned to the person who borrowed the money thereon, his executors, &c. then on oath or affirmation thereof made by such pawnor, his executors, &c. or some other person, any justice for the county, city, or place where the person who took such pawn, his executors, &c. shall dwell, on the application of the borrower, his executors, &c. shall cause such person who took such pawn, his executors, &c. within the jurisdiction of the justice, to come before him, and such justice shall examine on oath or affirmation the parties themselves, and such other person as shall appear before him, touching the premises; and if tender of the principal money due, and all profit thereon, is proved by oath or affirmation to have been so made within such one year, or one year and 3 months, as the case may be, after such pawning of the goods, then on payment by the borrower, his executors, &c. of such principal money, and the profit due thereon, to the lender, his executors, &c. and in case the lender, his executors, &c. shall refuse to accept thereof, on such tender before any such justice, such justice shall thereupon, by order under his hand, direct the goods so pawned forthwith to be delivered up to the pawnor, his executors, &c.; and if the person who lent any principal money, not exceeding in the whole 10*l.* on any goods pawned, his executors, &c. shall refuse to deliver up or make satisfaction for the goods which shall be so proved to have been so pawned, as any such justice shall order, then any such justice shall commit the party so refusing to the house of correction or some other public prison for the county, city, or place wherein the offender shall reside or be convicted, there to remain, without bail, until he shall deliver up such goods, according to the order of such justice, or make such compensation as such justice shall adjudge reasonable, for the value thereof, to the party entitled to the redemption of such goods, *id.* s. 14.

19. Any person who shall produce any such note (as in s. 6.) to the person with whom the goods therein specified were pawned, as the owner thereof, or as authorized by the owner to redeem the same, and shall require a delivery of such goods to him, shall be deemed, so far as respects the person having such goods in pledge, the real owner of such goods, and the pawnbroker shall, after receiving satisfaction pursuant to the provisions of this act respecting principal and profit, deliver such goods to the person who shall so produce such note to him, and shall be indemnified for so doing, unless he has had previous notice from the real owner thereof not to deliver the same to such person producing such note, or unless notice has been given to him that the goods pawned have been or are suspected to have been fraudulently or feloniously taken or obtained, and unless the real owner thereof proceeds in manner (in s. 16) directed for the redeeming of goods pledged, where such note hath been lost, mislaid, destroyed, or fraudulently obtained from the owner, *id.* s. 15.

20. In case any pawnbroker has had such previous notice (as in s. 15.), or in case any such note shall be lost, mislaid, destroyed, or fraudulently obtained from the owner, and the goods mentioned therein remain unredeemed, then the pawnbroker with whom such goods were so pledged shall, at the request of any person who shall represent himself as the owner of the goods in pledge, deliver to such person a copy of the note so lost, &c. with the form of an affidavit of the particular circumstances attending the case, written on such copy, as the same are stated to him by the party so applying, for which copy and form, in case the money lent shall not exceed the sum of 5*s.*, the pawnbroker shall receive one half-penny; and in case it shall exceed 5*s.* and not 10*l.*, one penny; and in case it shall exceed 10*l.* the pawnbroker shall receive the like sum as on giving the original note, such money to be paid by the party applying at

the time of application; and the person having so obtained such copy and form, shall thereupon prove his property in or right to such goods, to the satisfaction of some justice for the county, city, or place where such goods were pledged, &c. and shall also verify on oath or affirmation, before such justice, the truth of the particular circumstances attending the case mentioned in such affidavit or affirmation to be made as aforesaid, the caption of such oath or affirmation to be authenticated by the hand writing thereto of the justice before whom the same is made, and who shall so authenticate the same; whereupon the pawnbroker shall suffer the person so proving such property and making such affidavit, &c. on leaving such copy of such note, and affidavit, &c. with him, to redeem such goods, 39 & 40 G. 3. c. 99. s. 16.

21. All goods pawned or pledged, shall be deemed forfeited, and may be sold at the expiration of one whole year, exclusive of the day whereon pawned; and all goods so forfeited on which above 10*s.* and not exceeding 10*l.* has been lent shall be sold by public auction, and not otherwise, by the order of the person having the same in pawn, at the expiration of such year; but the person employed to sell such goods by auction shall cause the same to be exposed to public view, and catalogues thereof to be published, containing the name and place of abode of the pawnbroker, and also the month such goods were received in pawn; and the number of such pledge as entered in the book at the time the same were pawned, and an advertisement giving notice of such sale, and containing the name and place of abode of the pawnbroker with whom such goods were in pledge, and also the month such goods were received in pawn, shall be inserted on two several days in some public newspaper, 2 days at least before the first day of sale; and the goods pledged with every pawnbroker shall be inserted in every catalogue, separate and apart from each other, on pain of forfeiting to the owners of such goods, any sum not exceeding 10*l.* nor less than 40*s.*, *id.* s. 17.

22. All pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical, and philosophical instruments, and china, which shall be so sold by public auction, shall be sold by themselves, and without other goods, four times only in every year, (that is to say), on the first Monday in the months of January, April, July, and October, and on the following days if the sale shall exceed one day; and the person who shall be employed to sell the same by auction, shall cause the same to be exposed to public view, and catalogues thereof to be published, and an advertisement giving notice of such sale, and containing the name of the pawnbroker with whom such goods were in pledge, to be inserted two several days in some public newspaper three days at the least before the first day of sale, upon pain of forfeiting to the owners of such goods, any sum not exceeding 5*l.*; nor less than 40*s.*, *id.* s. 18.

23. In case any person entitled to redeem goods in pledge, shall, before or upon the expiration of one year from the time of pawning the same, give notice in writing, or in the presence of one witness, to the person having the same in pledge, or leave the same at his usual place of abode, not to sell the same at the end of such one year, then such goods shall not be disposed of until after the expiration of three calendar months to be computed from the expiration of such year, during which term of 3 calendar months, the owner of such goods may redeem the same, upon the terms provided by this act, *id.* s. 19.

24. All persons with whom any goods have been pawned, shall enter in a book a true account of the sale of all goods pawned with them for upwards of 10*s.* which shall be so sold, expressing the day of the month when such goods were pledged, and the name of the person pledging the same, according to the entry made at the time of receiving the same in pawn; and also the day when, and the money for which such goods were sold, together with the name and place of abode of the auctioneer by whom the same were sold; and in case any such goods shall be sold for more than the principal money and profit due thereon at the time of such sale, the overplus shall, by such pawnbroker, be paid on demand, to the person on whose account such goods were pawned, his executors, administrators, or assigns, in case such demand is made within three years after such sale, the necessary costs and charges of such sale being first deducted; and such person who pawned such goods, or for whom such goods were so pawned, his executors, &c. shall for his satisfaction, be permitted to inspect such entry of sale, paying for such inspection one penny and no more; and in case any person shall refuse to permit any such person who pawned such goods, or who is entitled to such overplus money, to inspect such entry, (such person, if an executor, &c., at such time producing his letters testamentary, letters of administration or assignment;) or in case the goods were sold for more than the sum entered in any such book, or if any such person shall not make such entry, or shall not have *bona fide*, according to the directions of this act, sold the same, or shall refuse to pay such overplus, upon demand, to the pawnor or owner, his executors, &c., every such person so offending shall forfeit 10*l.*, and treble the sum such goods were originally pawned for, to the person on whose account such goods were pawned, his executors, &c., to be levied by distress and sale of the of-

finder's goods, by warrant under hands and seals of any two justices for the county, &c. where the offence was committed; 39 & 40 G. 3. c. 99. s. 20.

25. No person having any goods in pledge shall, under any pretence, either by himself or any other person, purchase the same, during the time the same remain in his custody as such pledge, save at such public auction, nor shall suffer the same to be redeemed with a view to purchase; nor shall any such person having any goods in pledge, make any contract with any person offering to pledge the same with the owner of the pledge for the purchase, sale, or disposition thereof, before the expiration of one whole year from the time of pawning the same; nor shall any pawnbroker purchase or take any goods in pledge from any person who shall appear to be under the age of twelve years, or to be intoxicated; or purchase or take in pawn, or exchange, such note as in s. 6. of any other pawnbroker; nor buy any goods in the course of his trade, before 8 in the forenoon or after 7 in the evening throughout the year; nor employ any servant, or any other person under the age of 16 years, to take in any pledge; nor receive or take in any goods by way of pawn, or in exchange, before 8 in the forenoon or after 8 in the evening between *Michaelmas Day* and *Lady Day* following, or before 7 in the forenoon or after 9 in the evening during the remainder of the year, excepting only until 11 on the evenings of *Saturday* throughout the whole year, and the evenings preceding *Good Friday* and *Christmas Day*, and every fast or thanksgiving day to be appointed by H. M., nor shall any person exercise the business of a pawnbroker on any *Sunday*, *Good Friday*, *Christmas Day*, or on any fast or thanksgiving day to be so appointed, *id. s. 21.*

26. All persons who shall follow the business of a pawnbroker, shall cause to be painted in large characters, the rate of profit allowed by this act to be taken by them, and also the various prices of the notes to be given according to such rates, and an account of what notes are to be delivered *gratis*, and of the expence of obtaining a second note where the former one has been lost, mislaid, destroyed, or fraudently obtained, and place the same in a conspicuous part of the shop wherein they shall carry on such business, so as to be legible by the persons pledging goods standing in the several boxes or places provided for such persons coming to pawn or redeem goods there, *id. s. 22.*

27. All persons who shall follow the business of a pawnbroker, shall cause to be painted, in large characters, over the door of each shop or other place by them made use of for carrying on that business, their christian and surname, and the word "pawnbroker" or "pawnbrokers," as the case may be, following the same, upon pain of forfeiting 10*l.* for every shop or place which is so made use of for one week, without having such names and word so painted thereon, to be recovered by distress and sale of the offender's goods, by warrant under the hands and seals of any two justices acting within the county, city, or place, (which warrant such justices shall grant), upon confession, or upon the information of any witness, upon oath or affirmation; and in case sufficient distress is not found, or such penalty is not forthwith paid, such justices may, by like warrant, cause the offender to be committed to the county gaol or house of correction, for not exceeding 3 calendar months nor less than 14 days, unless the penalty and all reasonable charges are sooner paid, *id. s. 23.*

28. If in the course of any proceedings before any justice or justices in pursuance of this act, it is proved upon oath or affirmation, that any of the goods so pawned have been sold before the time allowed, or otherwise than according to this act, or have been embezzled or lost, or are become of less value than the same were at the time of pawning, by the default, or wilful misbehaviour of the person with whom the same were so pawned, his executors, administrators, or assigns, agents, or servants, then such justices may award a reasonable satisfaction to the owner of such goods in respect thereof, or of such damage; and the sum so allowed, in case the same shall not amount to the principal and profit due to any person with whom the same were so pawned, his executors, &c. shall be deducted out of such principal and profit; and in all cases where the goods so pawned have been so damaged, it shall be sufficient for the pawner, his executors, &c., to pay or tender the money due upon the balance, after deducting out of the principal and profit for the goods pawned, such reasonable satisfaction in respect to such damage as any such justices award; and upon so doing, the justices shall proceed, as if the pawner, his executors, &c. had paid or tendered the whole money due for the principal and profit; and if the satisfaction to be awarded to the owner of such goods is equal to or exceeds such principal and profit, then the person to whom the same were so pawned, his executors, &c. shall deliver the goods so pledged to the owner thereof, without being paid any thing for principal or profit in respect thereof, and shall also pay such excess to the person entitled thereto, under the penalty of 10*l.*, to be recovered and applied as hereinafter mentioned, *id. s. 24.*

29. Any justice, upon complaint made to him on the oath or affirmation of one witness, wherein any information is laid against any pawnbroker for having offended against this act, or respecting any

dispute between any pawnbroker and person having pawned goods, or the owner of goods pawned, or respecting any felony or other matter, or on any other occasion whatsoever, which in the judgment of any justice shall make the production of any book, note, voucher, memorandum, duplicate, or other paper necessary, which ought to be in the custody of any pawnbroker, may summon such pawnbroker before him, with any book, note, &c. which he ought to have in his custody relating to the same, which he shall produce before such justice in the state the same were made at the time the pawn was received, without any alteration or obliteration; and in case such pawnbroker shall refuse to attend, or to produce the same in its true state, he shall, in case he doth not show good cause for such refusal, to the satisfaction of such justice, forfeit not exceeding 10*l.* nor less than 5*l.*, to be levied and applied as herein-after mentioned, 39 & 40 G. 3. c. 99. s. 25.

30. In case any pawnbroker shall offend against this act, he shall, for every offence in neglecting to make in such books any such entry as is required by s. 6. to be made, forfeit such sum as to the justice by whom any information thereon is heard and determined seems reasonable, not exceeding 10*l.*; and for every other offence against this act, where no forfeiture or penalty is imposed on any particular or specific offence against any part of this act, not less than 40*s.* nor more than 10*l.*; and all forfeitures incurred by any offence against this act, shall be levied by distress and sale of the goods of the offender, by warrant under the hand and seal of any justice or justices for the county, city, or place where the offence was committed; and the justices shall award one moiety of such penalties to the party complaining, and the remainder not otherwise disposed of, shall be applied to the use of the poor of the parish or place where the offence was committed, and shall be paid to the overseers thereof for that purpose, *id. s. 26.*

31. No person exercising the business of a pawnbroker shall be liable to any prosecution or information before any justices by virtue of this act, for any offence against this act, unless information is given thereof within 12 calendar months next after the offence committed; and all such informations shall be given and prosecuted before such justices as shall act near to the place where such offence was committed, unless the same was committed within the city or liberties of *London*, *id. s. 27.*

32. The churchwardens and overseers of the poor of any parish where any offence is supposed to have been committed by any pawnbroker against this act, or one of such officers, at the direction of any justice, on having notice from such justice of such offence, or one of them nominated by such justice, shall prosecute every offender for every offence so to be suggested by such justice to have been committed against this act, at the expence of the parish whereof they are such officers or officer, *id. s. 28.*

33. No person who has been convicted of any fraud, or of obtaining money under false pretences, or of any felony, shall be allowed to prosecute or inform for any offence against this act, *id. s. 29.*

34. This act shall not extend to any person who shall lend money to any person upon pawn or pledge, at the rate of 5 per cent. per ann. interest, without taking any greater profit for the forbearance of such money, *id. s. 30.*

35. Every provision, regulation, and clause in this act shall extend to and include the executors, administrators, and assigns of deceased pawnbrokers, in the same manner as the same extend to and include the pawnbroker when living, save that no such executor, &c. shall be answerable for any penalty or forfeiture personally, or to be paid out of his own monies or estate, unless the same shall be incurred by his own act or neglect, *id. s. 31.*

36. If any person is prosecuted for any thing done in pursuance of this act, he may plead the general issue, and give the special matter in evidence, and if a verdict pass for the defendant, or the plaintiff is nonsuited, then such defendant shall have double costs, *id. s. 32.*

37. In all actions, informations, and other proceedings in pursuance of this act, or in relation to any matter herein, any inhabitant of the parish, town, or place in which any offence is committed contrary to this act, shall be deemed a competent witness, notwithstanding his being an inhabitant of the parish, &c. wherein any such offence was supposed to have been committed, *id. s. 33.*

38. The justice before whom any person is convicted under this act, shall cause such conviction to be drawn up in the form, or to the effect following:—

— { Be it remembered, that on this — day of — in the — year of to wit. { H. M.'s reign, A. B. is convicted before — of H. M.'s justices of the peace for the said county of — [or, for the — riding or division of the said county of — or, for the city, liberty, or town of — as the case shall happen to be] for — and the said — do adjudge him [or, her] to pay and forfeit for the same the sum of —. Given under — the — day and year aforesaid. And such justice before whom such conviction is had, shall cause the same, so drawn up, to be fairly written upon parchment, and transmitted to the next general or quarter session to be held for the county, city, or place wherein such conviction was had, to be filed amongst the re-

cords of such session; and in case any person so convicted shall appeal from the judgment of such justice to such session, such session shall, upon receiving such conviction, proceed to the determination of such appeal at such next session, and not afterwards, according to this act; and no *certiorari* shall be granted to remove any conviction or other proceedings had thereon in pursuance of this act, 59 & 40 G. 5. c. 90. s. 34.

59. Any person convicted of any offence punishable by this act may appeal to the justices at the next general or quarter session held for the county, city, or place where such judgment was given, and the execution of such former judgment shall in such case be suspended, the person so convicted entering into a recognizance at the time of such conviction, with two sureties, in double the sum which he was adjudged to pay, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of such session, and to pay such costs as such sessions award; which recognizance such justice before whom such conviction is had shall take; and such session shall hear and finally determine such appeal, and award such costs as appear just to be paid by either party; and if upon the hearing of such appeal, the judgment of the justice before whom the appellant was convicted is affirmed, such appellant shall immediately pay the sum which he was adjudged to forfeit, together with such costs as such session shall award for defraying the expenses sustained by the defendant in such appeal, or in default of making such payment shall suffer the pains by this act inflicted upon persons respectively who neglect to pay the sums or forfeitures by this act imposed on persons convicted under this act, *id.* s. 35.

PEACE (*Surety of*).

1. TO PREVENT AND PUNISH THE ABUSES in procuring process and *superedeas* of the peace and good behaviour, out of H. M.'s courts at Westminster, [viz. Chancery and K. B.] [21 J. 1. c. 8. ss. 1—5. [See ss. 6—7. and rest of this title, CERTIORARI, *pl.* 1—3.]

2. All process of the peace or good behaviour to be granted out of Chancery or K. B. shall be void, unless granted on motion in open court, and on declaration in writing on their corporal oaths, by the parties desiring such process, of the causes for which it shall be granted, and unless such motion and declaration be mentioned to be made on the back of the writ: the said writings there to be entered and remain of record; and if it afterwards appears to the court that the causes expressed in such writings are untrue, they shall award costs and damages to the party grieved, and the offender may be committed till the same are paid, *id.* s. 2.

5. All writs of *superedeas* to be granted by either court shall be void, unless such process is granted on motion, and on such sureties as shall appear on oath to be assessed at 5*l.* lands, or 10*l.* goods, in the subsidy book, which oaths and names of sureties, with their places of abode, and where they stand assessed, shall be entered of record; and unless it also appear to the court that such process of the peace, &c. is prosecuted therein, by some party grieved against the person *bona fide* desiring such *superedeas*, *id.* s. 3.

4. "Whereas common bailers, or knights of the post, being beggarly persons, often procure themselves to be assessed at high rates in the subsidy books, or falsely take on them the names of other men of good ability, in order to be accepted as bail, and are ready for gain to be bound by recognizance, as sureties for persons who procure themselves to be bound to the peace, (*s.* 5.), as in *preamble* to s. 4. is recited, viz. on insufficient sureties or colourable prosecution of some person who will at pleasure release them." The courts, in s. 2. *pl.* 2., on proof of any misdemeanors committed in obtaining writs of *superedeas* or procuring surety, may likewise punish the false and insufficient sureties, and procurers thereof, so as such punishment extend not to life or member, *id.* s. 4.

PEERS.

1. DUCHESSSES, COUNTESSSES, AND BARONESSSES, indicted of any treason or felony, whether married or sole, shall be put to answer before such judges and peers as peers should be if indicted of such crimes, 20 H. 6. c. 9.

2. CONCERNING PLACING OF THE LORDS in the parliament chamber, and other assemblies and conferences of council, 31 H. 8. c. 10.

3. No persons except H. M.'s children shall sit at any side of the cloth of estate in the parliament chamber, *id.* s. 1.

4. H. M.'s vicegerent for the ecclesiastical jurisdiction shall sit in all parliaments on the right side of the parliament chamber, and on the same form with and above the archbishop of Canterbury, and shall have voice in parliament as other lords, *id.* s. 2.

5. Next to the vicegerent shall sit the archbishop of Canterbury, next to him on the same form the archbishop of York, and next to him the bishop of London, next the bishops of Durham and Winchester, and then all the other bishops according to their antienties, *id.* s. 3.

6. The lords chancellor, treasurer, president of the council, and privy seal, being of the degree of baron or above, shall sit in all parliaments on the left side of the parliament chamber, on the higher part of the form, above all dukes, except such as shall be the king's son, brother, uncle, or nephew, 31 H. 8. c. 10. s. 4.

7. The great chamberlain, constable marshal, lord admiral, great master or lord steward, and the king's chamberlain, shall sit one after the other, after the lord privy seal, and above all other personages of the same degrees of which they are, *id.* s. 5.

8. The king's chief secretary, being a baron or bishop, shall sit above all other barons or bishops not having any of the offices aforesaid, *id.* s. 6.

9. Dukes, marquesses, earls, viscounts, and barons, not having any of the offices aforesaid, shall sit after their antienty, *id.* s. 7.

10. If the lords chancellor, treasurer, president of the council, privy seal, or chief secretary, be under the degree of a baron, by reason whereof they have no vote, they shall sit at the uppermost part of the sacks in midst of the parliament-chamber, either on one form or the uppermost sack in order, as in s. 4., *id.* s. 8.

11. In trials of treasons by the peers, if any of the peers called to be witnesses shall have any of the offices aforesaid, they shall sit according to their offices, above all other peers called to such trial, *id.* s. 9.

12. In all other assemblies and conferences of council, the officers mentioned in ss. 4—5. shall sit in the order there appointed, *id.* s. 10.

13. IN ALL CASES WHERE ANY OF H. M.'s SUBJECTS may on prayer, have his privilege of clergy, as a clerk convict that may make purgation, in those cases, and also in cases of felony wherein the benefit of clergy is taken away by this act, (wilful murder and poisoning of malice prepensed excepted), a lord of parliament, and peer of the realm having voice in parliament, shall, on his request, alleging that he is a peer of the realm, and claiming the benefit of this act, though he cannot read, without burning in the hand, loss of inheritance or corruption of blood, be adjudged as a clerk convict, and shall be in case of a clerk convicted and admitted to make purgation, 1 E. 6. c. 12. s. 14.

14. If any lord of parliament or any peer of the realm shall be indicted of any offence herein limited, he may have his trial as in cases of high treason, *id.* s. 15.

PENITENTIARY HOUSES.

(STATUTES *expired*.)

1. For the erection of a penitentiary house or houses, 19 G. 3. c. 71. ss. 5—69. [CON. 39 G. 3. c. 52. EXP.]

2. FOR ERECTING A PENITENTIARY HOUSE or houses for confining and employing convicts, 34 G. 3. c. 84. [Now, the purposes of this act were never executed farther than the purchase of the land whereon to build, which appears by the preamble of the 52 G. 3. c. 44., and as its provisions are confined to directions for purchasing the land and building the penitentiary, it seems now EXP.]

(STATUTES *in force*.)

1. FOR THE ERECTION OF A PENITENTIARY HOUSE for the confinement of offenders convicted within the city of London and county of Middlesex, and for making compensation to Jeremy Bentham, Esq. for the non-performance of an agreement between him and the treasury respecting the custody and maintenance of convicts, 52 G. 3. c. 84. [REP. as to so much (viz. s. 47.) as allows persons convicted of felony without clergy to be confined in penitentiary houses, 53 G. 3. c. 162. and to so much (viz. ss. 6—46.) as relates to the number of convicts who may be confined therein, and to their confinement, employment, and management, and the establishment and duties of the officers, 56 G. 3. c. 65. s. 1.]

2. H. M. may appoint 5 persons to execute the purposes of this act viz., to erect a penitentiary to confine offenders convicted of transportable offences within the city of London and the county of Middlesex, [or capitally convicted, and pardoned on condition of being confined under this act, *QU. see last pl.*] and to be supervisors of the house and buildings to be so erected, and appoint others in the room of such as shall die, resign, or be removed, and allow them such compensation as he thinks proper, 52 G. 3. c. 44. s. 1.

3. All lands, houses, &c. purchased by, or now vested in, Jeremy Bentham, Esq., under 34 G. 3. c. 74., at Millbank, near Tothill-fields, shall be vested in H. M. for the purposes of this act, (*s.* 2.), and such supervisors shall erect such penitentiary, subject to the approbation of the treasury, (*s.* 3.), arbitrators to be appointed to settle the dispute between Mr. Bentham and the government, *id.* ss. 2—4.

4. TO REGULATE THE GENERAL PENITENTIARY for convicts at Millbank, in the county of Middlesex, 56 G. 3. c. 65. [REP. as to ss. 7. 22. 29 35—56. 40. 43. by ss. 14—16. of, and AMD. by 59 G. 3. c. 156.]

5. The supervisors appointed under 52 G. 3. c. 44. may make accom-

modation in the penitentiary for the confinement and employment of 400 male, 56 G. 3. c. 63. [increased by 59 G. 3. c. 136. s. 1. to 600 male] and 400 female convicts, who may, with the approbation of the home secretary, be imprisoned at one time in such penitentiary, and confined, employed, and managed therein under this act, 56 G. 3. c. 63. s. 1.

6. The committee appointed under 52 G. 3. c. 44. by H. M. shall remain the committee, unless any or all of them are altered by H. M., who may appoint others in their places (s. 2.), but shall not consist of less than 10, or more than 20 persons, (s. 3.), and any 3 of such committee may make bye-laws for classing, clothing, &c. the convicts, and add to and alter them, but subject nevertheless to the confirmation of the court of K. B. (s. 4.) and shall also appoint one of their body to be visitor in the intervals of their meetings, *id.* s. 5.

7. Such committee may elect a governor, a chaplain, a secretary and examiner of accounts, a surgeon or apothecary, a master-manufacturer, a steward, and for the female convicts a matron, together with such task-masters and other servants as they with the approbation of the home secretary, judge necessary; and every person elected to such offices shall be removable by such committee, and any vacancy shall be supplied by like authority; and such salaries shall be annexed to such offices as such committee, with such approbation, think proper, *id.* s. 6.

8. Such committee may require any persons employed in such penitentiary to give such security to the governor thereof, for the due performance of their duties, in such sums, and sureties, and forms as they direct; and if any person appointed to any office therein, who is removed by such committee, shall neglect to quit such penitentiary, or to give up possession of any house or apartment therein, within the period fixed by an order in writing of such committee, not being less than 48 hours after the delivery of such order, any justice of peace for *Middlesex*, on application of 3 of such committee, may, by warrant under hand and seal, direct the sheriff to remove such person; and he shall thereupon do so, and clear the possession thereof, as upon an *habere facias possessionem*, *id.* s. 8.

9. Such governor shall be a body corporate, and sue and be sued by the name of "the governor of the general penitentiary at *Millbank*, in the county of *Middlesex*," *id.* s. 9.

10. Such governor may contract for clothing, diet, &c. for the convicts, with the approbation of the committee, and carry on trade, &c. in such penitentiary, and sell the goods made there, (s. 10.); the committee may direct how the accounts shall be kept, and appoint a sub-committee for their examination, (s. 11.) and may examine on oath such governor and other the servants of the penitentiary, and persons to whom any thing belonging to the penitentiary was sold, or any of the convicts touching such accounts; and in case of fraud, the offenders shall make satisfaction, and be dismissed, and may be indicted at the sessions, and fined and imprisoned, *id.* s. 12.

11. H. M., by order in writing notified to the home secretary, may direct any person who may be under sentence of transportation for any offence committed within *Eng.* or *Wa.*, and who, having been examined by a surgeon or apothecary, appears free from any infectious distemper, and fit to be removed, to be removed to such penitentiary for 5 years, in case such offender was sentenced to be transported for 3 years; and for 7 years if so sentenced for 14 years; and for 10 years if so sentenced for life, *id.* s. 13.

12. Any number of convicts not exceeding 600 male and 400 female, may, with the approbation of one of the principal secretaries of state, be at one time imprisoned, employed, and managed in such penitentiary, under 56 G. 3. c. 63. and this act, 59 G. 3. c. 136. s. 1.

13. All the provisions of 56 G. 3. c. 63. relating to persons under sentence of transportation for any offence committed in *Eng.* or *Wa.*, and confined in any gaol, shall extend to any person under like sentence for offences committed in any part of *G. B.*, whether confined in gaol or on board of any ship, under 19 G. 3. c. 74., or 25 G. 3. c. 36., *id.* s. 2.

14. The powers of 56 G. 3. c. 63. relating to sheriffs or gaolers, shall extend to the superintendant or other commander of any vessel, or other person having the custody of any person who may be confined on board any such vessel, *id.* s. 3.

15. If any convict is removed to such penitentiary, who, having been under sentence of transportation for 7 years, previous to his removal, has been confined in gaol for part of such term, he shall be confined in such penitentiary under this act for five-seventh parts of the residue of his term of 7 years, excluding the fractional part of a week; and if sentenced to 14 years transportation, and has been so confined before such removal, he shall be confined for one half of the residue of 14 years, excluding the fractional part of a day; and if under sentence of transportation for life, the term of such convict's imprisonment in such penitentiary for 10 years, shall be computed from the time of his reception there, 56 G. 3. c. 63. s. 14.

16. The sheriff or gaoler having the custody of any convict whose removal is so ordered, shall, on the notification of such order, convey him to the penitentiary, and there deliver him to the governor, to-

gether with a copy attested by the sheriff or gaoler, of the caption and order of the court where the convict was tried, containing the sentence of transportation, by virtue whereof he was in custody, and also a certificate of his age, and an account of his behaviour in prison before and after trial, and the gaoler's observations of his temper and disposition, and such information on his connections and former course of life as he may know; and such governor shall give a receipt to such sheriff or gaoler for his discharge, 56 G. 3. c. 68. s. 15.

17. All expences which such sheriff or gaoler shall incur in such removal, shall be paid by the county, city, or place for which the court convicting the party was held, and they shall receive the money of the treasurer of the county, &c., the same expences being first allowed by the quarter or other general sessions, who shall make order in that behalf, *id.* s. 16.

18. After the delivery of any such convict into the custody to which he was ordered, such governor, or other person having the custody of convicts under his direction, shall have the same power over such convict as are incident to the office of sheriff or gaoler; and in case of any abuse of such custody, or other misbehaviour or negligence in his office, shall be liable to the same punishment as a gaoler by law is liable to, *id.* s. 17.

19. If any convict confined in the penitentiary becomes insane during such confinement, and is so reported by the committee to the home secretary, such secretary may have such convict removed to a proper place of confinement, on recovery to be returned to the penitentiary in like manner, as any prisoner becoming insane after and while under sentence in any other gaol, *id.* s. 18.

20. Such penitentiary, and all buildings, &c. belonging thereto shall be exempt from all public or parochial taxes, rates, &c., and no person employed therein, or no child born therein shall thereby gain a settlement in the parish where such penitentiary is, *id.* s. 41.

21. Every convict when first brought, shall be separately lodged and washed, and afterwards examined by the surgeon, and his clothes burnt or sold, and he shall not be dismissed at the expiration of his term of confinement, if then suffering under any dangerous disease. And when finally discharged, decent clothing shall be furnished to him, and likewise a sum not exceeding 3*l.*, and if taken into service and retained for one year, he shall be entitled to a further sum not exceeding 3*l.* (s. 19.), and he shall be kept to hard labour, and if necessary be previously instructed in the nature of his work (s. 20.), and all the convicts shall be kept and lodged separate, both at work and at rest, except where necessity requires them to be together (s. 21.), and shall have certain allowances for diligence (s. 23.), and be divided into two classes according to the terms they have each been confined in the penitentiary, and may be transferred from 1st to 2d class for merit (s. 24.), and the committee shall recommend those who show extraordinary diligence to H. M. as fit objects of mercy (s. 25.), and they shall be fed and clothed with wholesome food and coarse apparel, and shall be allowed none other, *id.* s. 26.

22. No person, except the officers or servants of the penitentiary, or such person as may be authorized according to the regulations established by such committee, shall be permitted to enter any of the apartments or court-yards allotted to the prisoners, or to hold communication or conversation with any of them, *id.* s. 27.

23. The governor may, with consent of committee, employ any convicts of the second class as overseers of works, and for care of fellow convicts, *id.* s. 28.

24. The chaplain shall read prayers and preach a sermon in the morning and the evening (s. 30.), and shall baptise all persons born, and bury such as die within such penitentiary, and keep a register of the same, and transmit a copy thereof to the incumbent of the church of *St. John the Evangelist*, in *Westminster* (s. 31.), and the convicts shall walk and air themselves (s. 32.), and when sick be visited by the surgeon, and if necessary, sent to the infirmary (s. 33.), and the committee shall examine the penitentiary, and inspect the accounts, *id.* s. 34.

25. The committee may administer oaths where inquiry is hereby directed (s. 37.); the governor shall keep a list of persons in his custody, and their offences, and note down all such as are discharged, or such as die in his custody, or escape, and shall report the same in every term to K. B. (s. 38), and the committees shall report the state of the buildings, &c. (s. 38.), and their bye-laws, to H. M. and parliament, *id.* s. 39.

26. Such penitentiary, and all the buildings thereof, shall be exempt from all public and parochial taxes, but no person belonging to such penitentiary, or employed therein, and no child born therein, shall thereby gain a settlement (s. 41.), and the expences attending the execution of the act shall be laid before the house of commons, *id.* s. 42.

27. If any person shall rescue any convict ordered to be confined within such penitentiary, either during his conveyance there, or whilst he is in custody of the person under whose charge he is so confined, or if any person shall aid or assist in such rescue, such person shall be adjudged guilty of felony, and may be confined within such penitentiary for any term not less than one year or more than 5; and if any person

having the custody of such convict, or being employed by such person having such custody as a keeper, turnkey, &c. shall voluntarily permit such convict to escape, or if any person shall, by supplying arms or tools, or instruments of disguise, or otherwise by aiding, &c. in any such escape, or in any attempt to escape, though no escape be made, or shall attempt to rescue any such offender, or shall aid, &c. therein, though no rescue be made, such person shall be guilty of felony; and if any person having such custody, or being so employed, shall negligently permit any such convict to escape, he shall be guilty of a misdemeanor, and on conviction liable to fine or imprisonment, or both in discretion of the court, 56 G. 3. c. 63. s. 44.

28. Any convict escaping, breaking prison, or being rescued as aforesaid, shall be tried before the justices of *oyer and terminer*, or gaol delivery, or at the great sessions, either for the county where he is apprehended, or where the offence was committed; and in case of prosecutions for any such offences, a copy, properly attested, of the order of commitment to such penitentiary, shall, after proof made that the person in question before the court is the same that was delivered with such order, be sufficient evidence to the court and jury that such person was so ordered to such confinement, *id.* s. 45.

29. Such committee or visitor may direct any person, not being an officer or servant of such penitentiary, or a convict, to quit the same, by order in writing, and in case he neglect to quit within six hours after such order served on him, a justice of peace for *Middlesex* may have him removed (s. 46.); and such penitentiary shall be regulated by this act, and no other act relating to gaols, &c. shall extend to it, *id.* s. 47.

30. Any pecuniary penalties created by this act, for the recovery of which no mode is before prescribed, shall be recoverable before two justices for the county, city, or place where the offence was committed, on proof of the offence by the oath of one witness, or a confession; and one moiety thereof shall go to the use of the penitentiary, and the other to the informer, and in case of non-payment, shall be levied by distress and sale of the offender's goods, by warrant under the hands and seals of such justices, rendering overplus, after penalty and expences deducted, to the owner; and for want of such distress, the offender shall be sent to the gaol of the county, &c. for not less than 1, or more than 6 months, in the discretion of the justices, *id.* s. 48.

31. The provisions of the 24 G. 3. c. [so in the act, but *QU.* if not 24 G. 2. c. 44.], and all other acts, for rendering justices safe in the execution of their offices, shall extend to all persons members of such committee, and such governor; so as no action shall be brought against them for any thing done under this act, without notice, to enable them to tender amends; and if any action or suit is prosecuted against any person, for any thing done in pursuance hereof, they may plead the general issue, and give this act and the special matter in evidence, and if a verdict shall pass for the defendants, or the plaintiff is nonsuited, or discontinued after issue proved, or has judgment against him, on demurrer, or otherwise, the defendant shall have treble costs, with the usual remedy to recover the same, and such plaintiff shall not have costs in such actions if he obtains a verdict, unless the judge will certify his approbation of the verdict, *id.* s. 49.

32. All actions or prosecutions against any person for any thing done in pursuance hereof, shall be laid and tried in the county or place where the fact was committed, and shall be commenced within 6 months afterwards, *id.* s. 50.

33. Officers and servants may be increased or diminished by the committee, with consent of the secretary of state (s. 11.), days and hours of work of convicts, proviso for voluntary labour, 59 G. 3. c. 156. ss. 11, 12.

34. No officer or servant of such penitentiary, nor other person, shall supply or bring in to any convict therein, any money, clothing, provisions, or diet, or other article, or any spirituous or other liquors, except such money, &c. as the governor may permit, and except such diet and liquors, as the surgeon shall think proper in case of illness, and shall not bring in, do, or carry out from any convict, otherwise than according to the rules, &c. any letter or paper, on pain that if such person shall be an officer, or servant of such penitentiary, he shall be suspended, and the governor shall report the same to the committee, who shall enquire thereof by oath, and punish him by forfeiture of office, and prosecute him before a justice, who may, on conviction, fine him 10*l.* and if he be not such officer, he shall forfeit from 40*s.* to 5*l.*, at the discretion of convicting justice, *id.* s. 13.

35. The governor may hear complaints of certain offences arising within such penitentiary, and punish the offenders to a certain extent (s. 14.), and for offences which he cannot punish, he may confine the offenders till the next meeting of the committee, who may examine on oath, and determine the same, and extend the punishment inflicted by the governor (s. 15.), and shall report to H.M. and the parliament all bye-laws, *id.* s. 16.

36. If any convict so ordered to be confined in such penitentiary, shall break prison, or escape from his place of confinement, or in his conveyance there, or from the person having the custody of him, he

shall be punished by an addition of 3 years to the term for which he shall be at such time subject to be confined, and if he shall afterwards be convicted of a second escape or breach of prison, he shall be adjudged guilty of felony, without clergy; and if any convict so ordered into such confinement, shall, during the term thereof, attempt to break prison, or escape from such place of confinement, or shall forcibly break out of his cell, or make any breach therein, he shall be punished by an addition, not exceeding 6 calendar months, to the term for which he is then liable to be confined, 56 G. 3. c. 63. s. 17.

37. Committee empowered to reward meritorious convicts on and after discharge, *id.* s. 18.

38. Persons taking an oath under this act, and wilfully forswearing themselves in such oath, shall, on conviction, suffer such punishment as by law may be inflicted on persons guilty of wilful and corrupt perjury, *id.* s. 19.

39. All the powers, &c. contained in the 56 G. 3. c. 63. shall be in force where not hereby altered, *id.* s. 20.

PERJURY.

(STATUTE *expired.*)

AGAINST PERJURY, unlawful maintenance and corruption in officers, 11 H. 7. c. 25. [CON. 12 H. 7. c. 2. EXP.]

(STATUTES *in force.*)

1. FOR THE PUNISHMENT OF SUCH PERSONS as shall procure or commit any wilful perjury, 5 El. c. 9. and ss. 1—2. [CON. 15 El. c. 25. s. 14., 14 El. c. 11. s. 8. MADE PERP. 29 El. c. 5. s. 1.; but CON. 1 J. 1. c. 25. s. 29.; and again MADE PERP. 21 J. 1. c. 28. s. 8.]

2. All persons who shall corruptly procure any witness by letters, rewards, promises, or other sinister means, to commit wilful and corrupt perjury, in any matter depending in suit, by writ, action, bill, complaint, or information, concerning lands and hereditaments, goods, debts, or damages, in the court of chancery or any of the courts of record, or in any leet, view of frankpledge, or law day, ancient demesne court, hundred court, court baron, or in the courts of the stannary in *Devon* and *Cornwall*, or shall corruptly procure or suborn any witness sworn to testify in *perpetuam rei memoriam*; shall, being convicted, forfeit 40*l.*, 5 El. c. 9. s. 3.

3. If such offender have not goods or lands to the value of 40*l.* he shall suffer imprisonment one half-year, and stand upon the pillory one hour in some market town adjoining, in open market there, or in the town itself where the offence was committed, *id.* s. 4.

4. No person so convicted shall be received as a witness in any court of record, until the judgment given against such person be reversed; and upon every such reversal the parties grieved shall recover their damages, against such as did procure such judgment to be first given against them, by action upon the case, *id.* s. 5.

5. If any person, either by subornation, unlawful procurement, or means of any other, or by their own act, wilfully and corruptly commit wilful perjury, in any of the courts in s. 3. mentioned, or on being examined *ad perpetuam rei memoriam*, every person so offending, and being convicted, shall forfeit 20*l.* and have imprisonment for 6 months, and the oath of such person shall not be received in any court of record, until the judgment be reversed by attain or otherwise; and upon such reversal the parties grieved may recover their damages, as in s. 5. directed, *id.* s. 6.

6. If the offender have not goods to the value of 20*l.* he shall be set on the pillory in some market place, by the sheriff, if without any city or town corporate, and if within such city, &c. by the head officer, and there have both his ears nailed, and be disabled for ever to be sworn in any of the courts of record aforesaid, until the judgment be reversed, and thereupon to recover his damages as in s. 5., *id.* s. 7.

7. The one moiety of which money forfeited shall be to H.M., and the other to such person grieved by reason of the offence, that will sue for the same by action of debt, &c. or information, wherein no *essoins*, &c., *id.* s. 8.

8. As well the judges of such courts where such perjury shall be committed, as also the justices of assize and gaol delivery, and the justices of peace within *Eng.* or *Wa.* at their quarter sessions, shall enquire of all offences contrary to this act, by inquisition, presentment, bill or information, or otherwise lawfully hear and determine the same, and shall give judgment and award process, *id.* s. 9.

9. The justices of assize shall in every county twice in the year, in their sittings, make proclamation of this statute, *id.* s. 10.

10. This act shall not extend to any ecclesiastical court, but that such offenders may be punished by such laws as heretofore used in the ecclesiastical courts, *id.* s. 11.

11. If any person upon whom process out of any court of record is served, to testify concerning any matter depending in the same court,

and having tendered according to their calling such costs as are necessary, regarding the distance of the place, do not appear according to the process, having not a reasonable impediment; the party making default shall forfeit 10*l.* and yield such further recompence to the party grieved, as by the discretion of the judge of the court the party which procured the process shall sustain; such sums to be recovered by the party grieved by action of debt, &c. or information in any court of record, wherein no essoin, &c., 5 *El. c. 9. s. 12.*

12. This act shall not restrain the power given by 11 *H. 7. c. 25.* to the lord chancellor and others of H. M.'s council to examine and punish riots, routs, and perjuries, and other offences and misdemeanors commonly heard, &c. in the star-chamber [abolished 16 *C. 1. c. 10.*] nor the power of the lord president of the marches of *Wa.* [abolished 1 *W. & M. S. 1. c. 27. s. 2.*] nor of any judge having absolute power to punish perjury; but that they may proceed as heretofore, so that they do not set less punishment on the offender than herein contained, *id. s. 13.*

13. FOR THE MORE EFFECTUAL PREVENTING and further punishment of perjury and subornation of perjury, 2 *G. 2. c. 25. ss. 2. 4, 5.* [REV. and MADE PERT. 9 *G. 2. c. 18. s. 1.* See rest of this act, *s. 6.* FORGERY, *s. 3.* FELONY.]

14. Besides the punishment already to be inflicted by law for wilful and corrupt perjury, or subornation of perjury, the court before whom any person is convicted of such crimes may order such person to be sent to the house of correction within the same county for not exceeding 7 years, there to be kept to hard labour; or to be transported for 7 years to H. M.'s plantations, as the court shall think proper; and judgment shall be given, and the offender so punished over and above the ordinary punishment accordingly; but if transportation be directed, the same shall be executed as by law provided for transportation of felons; and if any person so committed or transported shall voluntarily escape or break prison, or return from transportation before his term is expired, he shall, on conviction, suffer death as a felon, without clergy, and be tried for such felony in the county where he so escaped or is apprehended, *id. s. 2.* [Not to extend to *Scot.*, *id. s. 4.* No attainer for felony under this act shall work corruption of blood, *id. s. 5.*]

15. TO RENDER PROSECUTIONS FOR PERJURY and subornation of perjury more easy and effectual, 23 *G. 2. s. 11.*

16. In every information or indictment for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged, and by what court, or before whom the oath was taken (averring such court or person to have authority to administer the same), together with the proper averment to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding; and without setting forth the commission or authority of the court or person before whom the perjury was committed, *id. s. 1.*

17. In every information or indictment for subornation of perjury, or for corrupt bargaining with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged, without setting forth the bill, answer, &c. and without setting forth the commission or authority of the court or person before whom the perjury was committed, or agreed to be committed, *id. s. 2.*

18. Any justice of assize, or *nisi prius*, or general gaol delivery, or at any of the great sessions of *W. & A.*, or of the counties palatine (sitting the court or within 24 hours after) shall direct any person examined as a witness before them to be prosecuted for perjury, in case there appear a reasonable cause; and assign the party injured, or other person undertaking such prosecution, counsel, who shall do their duty without fee; and every prosecution so directed shall be carried on without payment of any tax, or fees in court, or to any officer of the court; and the clerk of assize, or his associate or prothonotary, or other officer of the court attending when such prosecution is directed, shall, without fee, give the party injured, or other person undertaking such prosecution, a certificate of the same being directed, with the names of the counsel assigned him; which certificate shall be deemed sufficient proof of such prosecution having been so directed. Provided that no such direction or certificate shall be given in evidence upon any trial against any person upon a prosecution so directed, *id. s. 3.*

PHYSICIAN AND SURGEON.

(STATUTE expired.)

FOR BETTER SEARCHING AND EXAMINING OF ALL DRUGS, medicines, waters, oils, or compositions used or to be used as medicines, in all places where the same are exposed to sale or kept for that purpose within *London* and its suburbs, or 7 miles circuit of the city, 10 *G. 7. c. 20.* [CON. for 3 years by 15 *G. 1. c. 27. s. 3.* but now EXP. See title APOTHECARY.]

(STATUTES in force.)

1. CONCERNING PHYSICIANS AND SURGEONS, 3 *H. 8. c. 11.*

PHYSICIAN AND SURGEON.

2. No person within the city of *London*, or 7 miles thereof, shall exercise as a physician or surgeon except he be examined and approved by the bishop of *London* or dean of *St. Paul's*, calling to them 4 doctors of physic, and for surgery other expert persons in that faculty; and after the first examination, 4 of them that have been so approved, on pain of forfeiture for every month that they shall so practise, 5*l.*; one half to H. M. and the other to any that will sue by action of debt, 5 *H. 8. c. 11. s. 1.*

3. No person out of the said city and precinct of 7 miles, except approved as above, shall exercise as a physician or surgeon in any diocese, unless first examined and approved by the bishop, or his vicar-general in his absence from the diocese, calling to them such proper persons as their discretion shall think convenient, and giving their letters testimonials on like pain, *id. s. 2.*

4. Nothing herein shall prejudice the universities of *Oxford* or *Cambridge*, *id. s. 3.*

5. THE WARDENS AND FELLOWSHIP OF SURGEONS in *London* shall be discharged of constableness and of all manner of office bearing armour, and also of inquests and juries in *London*, [to extend to barbers surgeons admitted according to 3 *H. 8. c. 11.* now REP. by 18 *G. 2. c. 15.*] 5 *H. 8. c. 6.*

6. CONCERNING PHYSICIANS, 14 & 15 *H. 8. c. 5. (& s. 1.)* [CONF. 1 *M. S. 2. c. 9. s. 2.*]

7. The corporation of the commonalty and fellowship of the faculty of physic erected by letters patent at *Westminster*, 22d Sep. 10 *H. 8.* and every thing contained in such letters patent are confirmed in parliament, [14 & 15 *H. 8. c. 5. s. 1.*] and the 6 persons therein named, choosing to them 2 or more of the commonalty, shall be called elects, who shall yearly choose one of them president; and as often as any of their places shall be void by death or otherwise, the survivors of the elects (within 40 days) shall choose more of the faculty in *London* to supply the number of 8; so that they be first by the said survivors straightly examined after a form devised by the elects, and approved by the survivors, *id. s. 2.*

8. No person shall be suffered to practise in physic through *Eng.* until he be examined at *London* by the president and 3 of the elects, and have from them letters testimonials of their approving and examination, except he be a graduate of *Oxford* or *Cambridge*, having accomplished all things for his form without any grace, *id. s. 3.*

9. CONCERNING THE PRIVILEGES OF PHYSICIANS, 32 *H. 8. c. 40.*

10. The president of the commonalty and fellowship of physicians, and the commons and fellows thereof, shall be discharged to keep watch or ward in *London* or its suburbs, and shall not be chosen constable or any other officer therein, *id. s. 1.*

11. Such president, commons, and fellows, may yearly elect 4 of the said commons and fellows, who, after oath ministered by the president or his deputy, shall have power to enter the house of every apothecary within the said city to search such apothecary's wares and drugs as they have in their houses, and all such drugs as they shall find defective they, calling to them the wardens of the mystery of the apothecaries, [see 55 *G. 3. c. 194. s. 3.* as to like power of search by the latter,] shall cause to be burnt or otherwise destroy the same; and if the apothecaries do obstinately or willingly refuse the said 4 persons to enter their houses for the purpose before rehearsed, they shall forfeit 100*s.*; one half to H. M. and the other to him that will sue; and if the 4 persons elected refuse to be sworn, or obstinately refuse to make the search once in the year, having no lawful impediment, every of them shall forfeit 100*s.* for such default, *id. s. 2.*

12. Any of the fellowship of physicians, being admitted by the said president and fellowship, may practise the science of physic, including surgery, *id. s. 3.*

13. CONCERNING BARBERS AND SURGEONS TO BE OF ONE company, 32 *H. 8. c. 42.* [IN FORCE, *semble*, as to *s. 2.*, but *semble* REP. as to *s. 1.* and *s. 5.* by 18 *G. 2. c. 15.*, and EXP. as to *s. 4.* and *ss. 6, 7.*]

14. The masters or governors of the commonality of [barbers and] surgeons of *London* [semble of the latter only since 18 *G. 2. c. 15.*] may yearly, at their pleasure, take 4 persons put to death for felonies, and make dissection thereof, for advancing the science of surgery, *id. s. 2.*

15. THAT PERSONS BEING NO COMMON SURGEONS MAY administer outward medicines, 34 & 35 *H. 8. c. 8.*

16. Every subject having knowledge of the nature of herbs, roots, and waters, may minister to any outward sore, wound, apostemations, outward swelling or disease, any herbs, ointments, baths, poultice, or plasters or drinks, for the stone, strangury, or agues, according to their experience, *id. s. 1.*

17. TOUCHING THE INCORPORATION OF THE PHYSICIANS IN *LONDON*, 1 *M. S. 2. c. 9.*, [and recital in *s. 1.* and *s. 3.*]

18. Whenever the president of the college of physic of *London*, or such as they shall yearly authorize to correct offenders in that faculty, shall commit any offenders against that act to any gaol within such city and precinct, (except the Tower) the gaoler shall secure them till discharged by the president and persons authorized by the college, on pain

that every such gaoler doing the contrary shall forfeit double such fines as such offender is assessed to pay, so that the same be not at one time above 20*l.*, one moiety to H. M., the other to the president and college, 1 M. 6. 2. c. 6. s. 4.

19. The wardens of the grocers may go with the physicians in their search, and every person resisting the same shall forfeit 10*l.*, *id.* s. 5.

20. All justices, mayors, sheriffs, constables, and other officers, on request, shall assist the president of the college, and all persons by them authorized for due execution of 14 & 15 H. 8. c. 5., on pain to run in contempt of H. M., *id.* s. 6.

21. FOR MAKING THE SURGEONS OF LONDON, AND BARBERS OF London 2 separate and distinct corporations, 18 G. 2. c. 15. [only ss. 9—11. are given, the rest of the act being of a personal nature, and s. 21. EXP.]

22. The examiners of the company of surgeons established by this act, shall, on request, examine every candidate to serve as a surgeon or surgeon's mate of any regiment, troop, company, hospital, or garrison of soldiers in H. M. S., in like manner as they examine any surgeon appointed to serve on board any ship in H. M. S., *id.* s. 9.

23. All freemen of this company, examined and appointed pursuant to its rules, as long as they shall use the science of surgery, shall be exempted from the office of constable, scavenger, overseer of poor, and all other parish, ward, and leet offices, and from serving on any jury or inquest; and any person chosen into any of the said offices, or returned to serve on any jury, leet, or inquest, or disturbed by reason thereof, shall, on producing a testimonial under the corporation common seal, of his examination, approbation, and freedom, to the person by whom he shall be so appointed, or by or before whom he shall be summoned, shall be discharged therefrom, *id.* s. 10.

24. This act shall not prejudice any privilege heretofore granted, by any act or letters patent, to the president and college, or commonalty of the faculty of physic, in London, *id.* s. 11.

PILLORY.

1. TO ABOLISH THE PUNISHMENT OF THE PILLORY EXCEPT IN certain cases, 56 G. 3. c. 138.

2. Judgment shall not be awarded against any person convicted of any offence, that such person do stand in the pillory, except as hereinafter mentioned; but all laws now in force, whereby any person is subject to punishment for taking any false oath, or committing wilful and corrupt perjury, or for the procuring or suborning any other person so to do, or for wilfully, falsely, and corruptly affirming or declaring, or procuring or suborning any person so to affirm or declare any thing, which, if the same had been deposed in the usual form, would have amounted to wilful and corrupt perjury, shall continue in force, and persons guilty of such offences shall incur the same punishment and penalties as before this act, *id.* s. 1.

3. In all cases where the punishment of the pillory has hitherto formed the whole or part of the judgment to be pronounced, the court may pass such sentence of fine or imprisonment, or both, in lieu of the sentence of pillory, as seems most fit; but nothing herein shall change or affect any punishment which may by law be inflicted, except the pillory, as by law enacted, *id.* s. 2.

PILOTAGE.

(STATUTES expired and repealed.)

1. FOR THE BETTER REGULATING OF PILOTS FOR CONDUCTING OF ships and vessels from Dover, Deal, and the Isle of Thanet up the rivers Thames and Medway, 3 G. 1. c. 13. [further regulated 7 G. 1. st. 1. c. 21. s. 14., both acts CON. 10 G. 1. c. 17. s. 2., 8 G. 2. c. 21. s. 2., 25 G. 2. c. 26. s. 1., 4 G. 3. c. 12. s. 1., 18 G. 3. c. 45. s. 7., 52 G. 3. c. 26. s. 1., 47 G. 3. s. 2. c. lxx. s. 1.; AMD. 43 G. 3. c. 152., and all REP. 48 G. 3. c. 104., which is CON. 52 G. 3. c. 39. s. 1., and now EXP.; but all these acts continue REP. by 52 G. 3. c. 39. s. 1.]

2. FOR THE BETTER REGULATION AND GOVERNMENT OF PILOTS licensed by the corporation of the Trinity House of Deptford Strond, in Kent, 5 G. 2. c. 20. ss. 1. 8, 9, 12. [REP. 48 G. 3. c. 104., and 52 G. 3. c. 39. s. 1. (see the rest of this act, GUNPOWDER, LONDON, (Ships).]

3. FOR THE BETTER REGULATION OF PILOTS FOR THE CONDUCTING OF ships and vessels into and out of the port of Liverpool, 6 G. 3. c. 61. [REP. 37 G. 3. c. 78.]

4. FOR THE BETTER REGULATION OF PILOTS, AND OF THE PILOTAGE OF ships and vessels navigating the British seas, 48 G. 3. c. 104. [CON., and also REP. by 52 G. 3. c. 39. s. 1., and now EXP.]

(STATUTES in force.)

1. FOR THE MORE EFFECTUAL REGULATION OF PILOTS AND THE pilotage of ships and vessels on the coast of Eng., 52 G. 3. c. 39. PUBLIC clause, s. 8. [AMD., and the boatmen employed in supplying vessels with

pilots REGULATED, so far as relates to the coast of Kent, within the limits of the cinque ports, 53 G. 3. c. 140. PUBLIC clause, s. 18.]

2. All and every the clauses, provisions, powers, penalties, forfeitures, matters, and things relating as well to pilots appointed by the corporation of Trinity House of Deptford Strond, as to pilots of the fellowship of Dover, Deal, and the Isle of Thanet, and to the pilotage by, and regulation of all such pilots, and also as to the conduct of all persons in matters of pilotage within the jurisdiction of such corporation of the Trinity House, and the liberty of the cinque ports, which are contained in any act of parliament heretofore made, shall be REP., 52 G. 3. c. 39. s. 1. [see ss. 32, 34. and 66. 68.]

3. The corporation of Trinity House of Deptford Strond may appoint and license, under their common seal, competent persons, duly skilled as pilots, for the purpose of conducting all vessels passing up and down the rivers of Thames and Medway, and all the several channels, creeks, and docks thereof, leading or adjoining thereto, as well between Orfordness and London Bridge as from London Bridge to the Downs; and from the Downs westward as far as the Isle of Wight, and in the English channel from the Isle of Wight up to London Bridge; and the lord warden of the cinque ports, and constable of Dover Castle, or his lieutenant, may appoint and license competent persons, duly skilled as pilots, for conducting all vessels passing from the westward up the Thames and Medway, i. e. from Dungeness up to London Bridge and Rochester Bridge, and from the buoy of the brake to the westward, i. e. from such buoy to the west end of the Owers; all which vessels shall be conducted and piloted by such pilots so appointed, &c. and by no other; and also except all colliers, ships, and vessels trading to Norway, and to the Cuttegat and Baltic, and likewise round the North Cape and into the White Sea; and all constant traders inwards from the ports between Boulogne inclusive and the Baltic, such ships and vessels having British registers, and coming up the north channel by Orfordness, but not otherwise; and likewise except all coasting vessels, and all Irish traders using the navigation of the river Thames as coasters: provided any pilot heretofore appointed by such corporation, or by such lord warden and constable, or his lieutenant, may pilot any vessel within such limits as he might have piloted the same before this act, under the licences or authorities granted to such pilots respectively; which respective licences shall continue in force notwithstanding this act, so that such pilots respectively do conform themselves to this act, and the rules established under it, *id.* s. 2.

4. Rates in schedule (A), to act annexed, may be demanded by pilots appointed by such corporation, and no other rates or other reward for piloting vessels from place to place, as herein expressed, shall be paid, *id.* s. 3.

5. Every pilot already appointed, or to be appointed by such corporation, under this act (except only such pilots as shall be appointed by such corporation upon their receiving certificates of examination by any sub-commissioners of pilotage as hereby directed) shall pay to such corporation, or to such person as they shall appoint, 3 guineas in Jan. yearly, which payment shall be accepted in satisfaction of all the ancient and accustomed duties payable by such pilots to such corporation, under 5 G. 2. c. 20., or any other statute or charter, and shall be applied for the use of the poor of such corporation, (after defraying thereof the expenses incurred in carrying this act into execution;) and in case such annual payment is not duly made, such corporation may suspend the defaulters from acting as pilots, until payment is made, *id.* s. 4.

6. No person shall be licensed by such corporation as a pilot for the Thames or Medway, or the channels leading thereto or therefrom, under this act, who has not served as mate for 3 years on board of, or been in the actual command of for one year, a square-rigged vessel, or who has not been employed in the pilot service of such corporation for 7 years, or who has not served an apprenticeship of 5 years to some pilot vessel licensed under this act; and no person shall be allowed, until after 3 years licence and service, to take charge as a pilot of any vessel drawing more than 14 feet water, in the Thames or Medway, or any of the channels thereof, until such person has been licensed and acted as a pilot for 3 years under lawful authority, on pain of forfeiting 10*l.*, as well by the person acting as such pilot, as also by the master or other person having charge of such vessel, who shall permit any such person to take charge as a pilot of the same, contrary to this provision, *id.* s. 5.

7. No person shall take charge of any vessel, as a pilot belonging to the society or fellowship of pilots of Dover, Deal, and the Isle of Thanet, commonly called cinque port pilots, before he is examined by the master and 2 wardens, or by 4 wardens of such society, touching his abilities, and is approved and admitted into the society or fellowship of the Trinity House of Dover, Deal, and the Isle of Thanet, by the lord warden of the cinque ports and constable of Dover Castle, or his lieutenant; and if any person shall act as a pilot belonging to such society, without having been so examined, approved, and admitted, he shall for the 1st offence forfeit 10*l.*, for the 2nd 20*l.*, and for every other 40*l.* *id.* s. 6.

8. No person belonging as a pilot to such society, as in s. 6., shall be

allowed to take charge as a pilot of any vessel drawing more than 11 feet 6 inches water, until he has been licensed and acted as a pilot for 3 years, or of any vessel drawing more than 14 feet water, until he has been licensed and acted as a pilot for 2 years more, or of any vessel drawing more than 17 feet water, until he has been licensed and acted as a pilot 2 years more, making 7 years in the whole; and at the expiration of such 7 years, such pilot shall be again examined as to his fitness and competency, and if approved of and licensed, shall be allowed to take charge of any vessels of any draft of water: provided, that in case of the absence of pilots who have been licensed, and have acted as such for such terms respectively, the pilots in the lower classes may take charge of ships drawing more water than here specified for their years of service, and shall not be liable to any penalties for so doing; nor shall the masters of the ships who may in such case take such pilot on board, nor the owners be answerable for any loss or damage, nor shall any owner of any vessel, or consignee of goods, be prevented from recovering any loss or damage upon any contract of insurance, or upon any other contract relating to any such vessel, or any cargo on board, by reason of such pilots being so employed: provided, that in any such case the proper flag is kept flying, within the limits and distances in s. 11. mentioned, and for the period of one hour after the vessel has been at anchor, as is in this act provided for cinque port pilots coming on board of any vessel within such limits; and the master or person commanding any such vessel shall be subject to the penalties and forfeitures by this act imposed for neglecting to keep a pilot signal flying accordingly, although he shall have agreed to take any such pilot of a lower class, in case of no other pilot coming on board; and any pilot having such license as shall qualify him to take charge of any such vessel, on board of which any such pilot of a lower class shall so be, shall be entitled within such time, limits, and distance, to supersede such pilot of a lower class, 52 G. 3. c. 39. s. 7.

9. The master and such wardens of the society in s. 6., as are appointed to examine into the skill and ability of any person on his being first admitted as a pilot into such society, or after he has been licensed and served for 7 years, shall take the oath marked (C) in the schedule hereto annexed, to be administered by the register of the court of loadmanage, *id.* s. 8.

10. The rates enumerated in the table marked (B) in the schedule, may be demanded and received by any pilot licensed by the lord warden of the cinque ports and constable of *Dover* castle, or his lieutenant, for the conducting of any vessel from place to place, as expressed in such table, and no greater rates or other reward, *id.* s. 9.

11. A sufficient number of pilots of the cinque ports, not less than 18 at any one time, and in succession, without intermission, shall, at all seasonable times, by day and night, constantly ply at sea, or be afloat, between the *South Foreland* and *Dungeness*, to take charge of vessels coming from the westward; and proper signals shall be established, to be made at and from signal houses near to *Dover*, to give notice of fleets of vessels coming from the westward; and upon the making of any signals, giving notice of the approach of any fleet, all cinque port pilots not on duty at the time, shall, according to such rules, &c. as to number, rotation, or otherwise, as have been made, forthwith prepare to go afloat, and shall go off in sufficient time to fall in with such vessels, on pain of forfeiting, in case of neglect herein, for the first offence 20*l.*, and for the second, the offender shall be suspended from acting as a pilot for 12 months, and for the third shall forfeit his licence, and be rendered thereby incapable of acting as a pilot, *id.* s. 10.

12. H. M. in council may, by order published by proclamation in the *Gazette*, suspend so much of 52 G. 3. c. 39. s. 10. as directs cinque port pilots constantly to ply at sea, for any period to be specified therein, or until further order issued; and all the provisions, penalties, &c. in relation thereto, and all clauses, &c. for enforcing the same shall thereupon be suspended, 53 G. 3. c. 140. s. 17.

13. The master, &c. of any vessel coming from the westward, and bound to any place in the *Thames* or *Medway*, not having a duly qualified cinque port pilot on board, shall, on the arrival of such vessel off *Dungeness*, and until she has passed the buoy of the brake, or a line to be drawn from *Sandown Castle* to such buoy, (unless in the mean time she has received a proper cinque port pilot on board) display and keep flying the usual signal for a pilot to come on board; and if any duly qualified cinque port pilot shall be within hail, or approaching, and within half a mile, with the proper distinguishing flag or vane flying in his vessel, such master, &c. shall, by all practicable means consistently with the safety of the vessel, facilitate such pilot getting on board, and give the charge of piloting his vessel to him; and every person commanding any such vessel, who shall not display and keep flying such signal during such time, or who shall decline to take any such pilot on board, or to give such charge of his vessel to him, or who shall not facilitate such pilot coming on board, shall forfeit double the amount which would have been demanded for the pilotage, and the further sum of 5*l.* for every 50 tons burthen of such vessel: provided such additional

penalty of 5*l.* per 50 tons shall not in any case be sued for, unless the corporation of the *Trinity House*, as to all cases in which pilots licensed by or under such corporation shall be concerned, or unless such lord warden, or his lieutenant, shall license and authorize, by written certificate, the proceeding for such additional penalty as to all cases in which pilots by or under such lord warden are concerned: provided that if any vessel bound to the *Thames* or *Medway* shall anchor anywhere in the *Downs* between the *South Foreland* and a line drawn from *Sandown Castle* and the south buoy of the brake, having any licensed pilot other than a cinque port pilot on board, a cinque port pilot may repair on board the same, at any time before such vessel has been at anchor one hour with the signal for a pilot flying, and take charge of her up such rivers, but not otherwise, 52 G. 3. c. 39. s. 11.

14. If any cinque port pilot, taking charge of any vessel into the *Thames* or *Medway*, shall quit her at *Gravesend*, or in any other part of the *Thames* or *Medway*, before she has arrived at the place to which she is bound in such rivers respectively, without the consent of the person having the command thereof, unless some other duly qualified pilot shall with such consent come on board, and take the charge of such vessel for the residue of the pilotage to be performed, such pilot shall forfeit all pay to which he might be entitled for having piloted such vessel, and be subjected to such other penalty or punishment as; by virtue of this act, or of the rules, &c. to be established in pursuance hereof, any pilot shall be liable to for quitting a vessel before she shall arrive at her place of destination, (*see* s. 43. *pl.* 45.) *id.* s. 12.

15. The court of loadmanage shall settle the compensation to be paid to the upper book cinque port pilots, by the lower book cinque port pilots, for being allowed to take charge of ships of greater draft than they could heretofore take by law, provided such compensation so to be fixed shall be diminished, as the present 64 upper book pilots shall die, be superannuated, or discontinue to act, and such deductions shall be taken in lieu of all other allowances or contributions whatsoever from such lower book pilots, except trinity money, clerks' fees, and for widows, *id.* s. 13.

16. All persons licensed to act as cinque port pilots shall be subject to the regulation and government of the lord warden of the cinque ports and constable of *Dover Castle*; and the master and wardens of such society of pilots of *Dover Castle* and the *Isle of Thanet*, and the lord warden of the cinque ports, constable of *Dover Castle*, his lieutenant, and the deputy lieutenant, or either of them, with the assent of the commissioners of loadmanage or the major part of them present at an assembly called a court of loadmanage, to be held by such lord warden or his deputy, shall, within 4 calendar months after the passing of this act, make sufficient rules and orders for enforcing the observance of this act by all cinque port pilots, and for providing for the good government, constant attendance, and regulation of all such pilots, as well relating to the services of such pilots in going off to and taking charge of and conducting and navigating H. M.'s vessels, and the vessels in H. M.'s employ, as also all vessels whatever and wheresoever within the proper and usual limits of such pilots, or wherein they shall act or be, and for effectually securing the performance of all the duties and services of such pilots at all times; and may annul, alter, or amend all such rules, &c. and make such other rules, &c. as they shall deem fit; and all such rules, &c. shall, before they become binding, be forthwith printed and transmitted to the custom house in *London*, and there hung up in the long room; and notices shall be published in the *Gazette*, and also put up at the custom houses within the cinque ports, of such rules, &c. or any alterations thereof, for inspection, for one calendar month, in order that any persons interested therein may transmit to the lord warden of the cinque ports, or his lieutenant, any objections they may have thereto; and if no objection to the rules, &c. so made or altered is proposed within 30 days after the notices so given, they shall have the same force as all other rules, &c. for the governance of pilots within the jurisdiction of the cinque ports have; but if an objection is so made, &c. to any rule, or to any alteration thereof, of which notice is so given within 30 days after the publication thereof, then the operation thereof shall be suspended until reference is had to the privy council, who may hear, as well any person who shall be deputed by the court of loadmanage, as by the person objecting, and decide as to the confirming, altering, or rejecting such rules or regulations, which decision shall be final and binding on all parties; and copies thereof shall be delivered to every member of such society, and also to every new member of such society on his election, and a copy or extract thereof shall be in the possession of every pilot belonging to the cinque ports; and such rules, &c. may establish rates of payment out of such surplus earnings of the lower book pilots, as may arise from their being allowed to take the higher classes of ships in the absence of pilots of the upper book, under this act, for the better maintenance of the upper book pilots, and also penalties and forfeitures for the enforcing such rules, &c. and better ordering of such pilots, and for suspending or depriving any of them of their licences for breaking such rules or orders, or omitting to do any

thing required by the same, or for acting in anywise contrary to such rules or orders, 52 G. 3. c. 39. s. 14.

17. If such rules, &c. as in s. 14., when made and transmitted, appear to be in any material point defective, any owner of ships, or other persons interested, may apply to the privy council, who shall amend, correct, or enlarge the same, &c.; which rules, &c. so made or amended, &c. shall be distributed, published, and made use of, in such manner as such privy council shall appoint; and shall take effect from such time as in such rules, &c. expressed, *id.* s. 15.

18. Whereas by 5 G. 1. c. 15. and 48 G. 3. c. 104. the number of cinque port pilots was to be 140, it is enacted, that 20 cinque port pilots more shall be added whenever such addition shall be directed by an order of the privy council, upon application made for that purpose by the corporation of Trinity-house of *Deptford Strand*; and that a further addition of 20 cinque port pilots shall be made to the number above-mentioned, increasing the whole number to 180, by the like authority, whenever the same is so applied for, *id.* s. 16.

19. Whenever the increased numbers of pilots shall take place, the same shall be kept up by the appointment of pilots in succession as vacancies happen; provided, that after the conclusion of a definitive treaty of peace with *France*, no vacancy shall be so filled up without a special permission from the privy council, upon the recommendation of such corporation of Trinity-house, unless the number of pilots shall at any time be reduced below 140, in which case the vacancies shall be filled up from thenceforth, so as not to exceed 140 in the whole, *id.* s. 17.

20. All pilots whose licences or warrants shall authorize them to pilot vessels from any place to the westward, up to *London Bridge*, shall qualify themselves, and shall be examined as to their qualification and ability to conduct any vessel into and out of *Ramsgate* harbour, and the harbours of *Dover*, *Sandwich*, and *Margate*, and shall be obliged to pilot any vessels into and out of such harbours; and if any such pilot shall refuse to take charge of or conduct any vessel into or out of any of such harbours, he shall forfeit all pay to which he might otherwise be entitled for the pilotage, and be subject to such fine or other punishment as shall be established in that behalf by the rules, &c. of the corporation or society to which he belongs, *id.* s. 18.

21. Every licensed pilot who shall take charge of and conduct any vessel into or out of any such harbours, shall receive for such pilotage after the rate of 5s. for every foot of the draught of water of the vessel piloted, if such vessel has been so piloted into or out of the same in moderate weather, but if under any circumstances of distress, then such pilot shall be entitled to such further sum, to be calculated according to the extent and circumstances of such distress, as the commissioners of salvage, established under the lord warden of the cinque ports, shall, upon application either of the pilot, or owner or master of any such vessel, direct; and such commissioners shall, upon any such application made, enquire into all such circumstances, and determine the amount so to be paid: provided that on the arrival of any vessel, and as soon as she shall be moored in any of such harbours, the pilot may demand the pilotage due to him, and quit the ship forthwith, *id.* s. 19.

22. The Trinity-house may appoint (as often as they shall think fit) competent persons at such ports or places in *Eng.* as they may think requisite (except within the liberty of the cinque ports, and all such other ports and places within or for which provision has been made by any statute, or by any charter for the appointment of pilots) not to exceed 5 nor less than 3 persons at each port or place for which any such appointment is made, who shall be called sub-commissioners of pilotage, and shall take the oath in schedule (D) for the faithful discharge of their duty; and shall (so long as their respective appointments are not revoked or superseded) examine into the qualification of persons to act as pilots for such ports and places, and the adjoining coasts, specified in their respective appointments; and such corporation, upon receiving a satisfactory certificate, under the hands of any 3 of such persons, where the whole number of any port or place shall consist of 4 or 5, and by any 2 where of 3, that the person examined is duly qualified to act for such ports and the adjoining coasts, may give a licence to such person to act as a pilot within the particular limits (describing the same) for which he has passed such examination; which licence shall be granted in the first instance for one year, and shall afterwards, from year to year, be subject to renewal and confirmation, or otherwise, at the discretion of the said corporation: provided that the sub-commissioners already appointed under the 48 G. 3. c. 104. shall continue to act in the same manner as if they were appointed under this act, *id.* s. 20.

23. The corporation of the Trinity-house of the ports of *Hull* and *Newcastle* respectively, may appoint sub-commissioners of pilotage to examine pilots and give licences for pilots for piloting vessels into or out of any ports, harbours, or places, within the limits of their jurisdictions, *id.* s. 21.

24. Nothing in this act shall prevent any vessel which shall be brought into any port in *Eng.* by any pilot duly licensed, from being afterwards

removed in such port by the master or mate, or other person belonging to any such vessel, and having the command thereof, or if in ballast, by any other person appointed by any owner, or the master, or any agent of the owner, for the purpose of entering into or going out of any dock, or for changing her moorings, 52 G. 3. c. 39. s. 24.

25. When the Trinity-house has licensed pilots for any particular port, and the coasts near the same, they shall cause notice of such appointment to be published, by fixing up such notice in writing at the Trinity-house, and at the custom house in *London*, and also at the custom houses of the ports for which, and the coasts near the same, such appointment is made; and shall also, afterwards, cause such notice to be published in the *London Gazette*, and in one or more newspapers circulated in that part of the country where the ports are respectively situated, which publication in the *London Gazette* shall be good evidence of the notice having been given; and from a time limited in such notices, which shall not in any case, of in relation to any vessels whatever, be less than 6 weeks from the publication thereof, and shall be proportionably more, at the discretion of such corporation, in relation to vessels engaged in foreign voyages at the time of such publication; all vessels sailing, navigating, or passing into or out of such ports, or upon the coasts thereof, shall be conducted and piloted by such pilots only as shall be so licensed, and by no other, *id.* s. 25.

26. If any person suspended, or adjudged to have forfeited his licence as a pilot, shall take upon himself to conduct any vessel, except in cases of distress, and where no licensed pilots can be found, he shall be liable to all such penalties, to be recovered and applied in like manner as is provided by this act against any person who shall pilot any vessel without ever having been licensed as a pilot, *id.* s. 24.

27. Every pilot who is suspended, or adjudged to have forfeited his licence, and every person, who, having complained of any such pilot, is dissatisfied with the adjudication made upon the matter by the corporation, society, or persons who have cognizance of such complaint, may appeal to the privy council, who shall thereupon hear the appeal, and confirm or annul any former adjudication in the premises, or make any particular and special order relating thereto, and to the matter of such appeal, as the case requires, *id.* s. 25.

28. No owner or master of any vessel shall be answerable for any loss or damage, nor shall any owner of any vessel, or consignee of goods, be prevented from recovering any loss or damage upon any contract of insurance of the same, or upon any other contract relating to any vessel, or any cargo on board the same, by reason of no pilot being on board of any such vessel, unless it is proved that the want of a pilot arose from any refusal to take a pilot on board, or from the wilful neglect of the master in not using all practicable means consistently with the safety of the vessel for the purpose of taking on board any pilot who is ready and offers to take charge of such vessel, *id.* s. 26.

29. No owner of any such vessel shall be liable, in any such case, for any loss or damage beyond the value of such vessel and her appurtenances, and the freight due for such voyage wherein such loss or damage happens, *id.* s. 27.

30. Nothing in this act shall extend to any vessels belonging to H. M., as to their being compelled to take pilots on board, *id.* s. 28.

31. None of the clauses, penalties, or regulations of this act shall extend to any vessel not exceeding the burthen of 60 tons, having *British* registers, nor to any master or owner of any such vessel in respect thereof, or of the navigation of the same in any channel, river, port or place whatever, *id.* s. 29.

32. No owner or master of any vessel shall be answerable for any loss or damage, nor shall any owner of any vessel, or consignee of goods, be prevented from recovering any loss or damage upon any contract of insurance of the same, or upon any other contract relating to any vessel, or any cargo on board the same, by reason of any neglect, default, incompetency, or incapacity of any pilot taken on board of any such vessel under this act, *id.* s. 30.

33. Nothing herein shall extend to deprive any persons of any remedy by civil action against pilots or other persons, which they might have had if this act had not been passed, *id.* s. 31.

34. Nothing herein shall extend to the taking away, abridging, &c. of any grants, liberties, franchises, or privileges heretofore granted by any charters or acts of parliament to the pilots of the Trinity-house of *Kingston-upon-Hull*, or of *Newcastle-upon-Tyne*, or to give any authority to the corporation of the Trinity-house of *Deptford Strand*, within any ports or districts having separate jurisdictions in matters of pilotage under any act or charter; or to alter or repeal any provisions contained in any act of parliament relating to the pilots of any ports or districts in relation to which provisions have been made in any act of parliament, as to pilots or pilotage, or the pilotage within the limits prescribed by any statute relating to pilotage for such ports, or to the burthen of vessels navigating to or from such ports, *id.* s. 32. [see s. 1. pl. 2. s. 66. pl. 68.]

35. Nothing in this act shall prevent the master or mate of any vessel, or owner or part-owner, residing at *Dover*, *Deal*, or the *Ile of Thanet*, from conducting or piloting his own vessel up or down the *Thames* or

Medway, or into or out of any port or place within the jurisdiction of the cinque ports, 52 G. 3. c. 39. s. 36.

36. Any licensed pilot may supersede any person not licensed as a pilot in the charge of any vessel within the limits of his licence; and every master of any vessel who shall continue to act himself as a pilot, or who shall continue any unlicensed person, or any licensed person acting out of the limits for which he is qualified as a pilot, after any pilot licensed to act within the limits in which such vessel shall then actually be, has offered to take charge of the vessel; and every person assuming or continuing in the charge or conduct of any vessel, without being duly licensed to act within the limits in which she actually is, after any pilot duly licensed and qualified to act in the premises has offered to take charge of her, shall forfeit not exceeding 50*l.*, nor less than 20*l.*, *id.* s. 34.

37. The Trinity-house may establish and alter, as circumstances render necessary, regular rates of pilotage in relation to all pilotage performed in any river, port, or place, or upon any coast whatever, by any pilot licensed by them, upon their receiving certificates of examination from any sub-commissioners of pilotage hereby directed to be appointed; which rates shall be regulated by and proportioned as well to the size and draught of water of the vessels, as to the distance piloted, the detention and responsibility of the pilot, and such other circumstances as they may think fit to take into consideration in fixing such rates; of which establishment or alterations of rates of pilotage, notice shall be given by hanging up printed tables thereof, corrected as variations therein are made, at the several custom-houses at the ports to which such rates apply, *id.* s. 35.

38. If the major part in number of the pilots licensed by the Trinity-house for any particular port or place, in consequence of their receiving certificates of examinations, or in case any owners of vessels, interested in any such rates are dissatisfied therewith, such parties respectively may appeal to the privy council; and any committee of such privy council, calling to their assistance any such persons as they may think fit, may hear and determine such appeal, and settle, alter, and regulate such rates as to them appear expedient, in case the matter of appeal appears to require the making any orders therein, *id.* s. 36.

39. All persons licensed to act as pilots, or in pilot vessels, by such corporation of Trinity-house, by virtue of this act, shall be subject to the regulation and government of the master, wardens, and assistants of such corporation, who may as well for insuring the good conduct and constant attendance of such pilots upon their duty, as for enforcing the purposes of this act, make all such rules, &c. as they think fit, therein specifying also what annual or other sums shall be paid by any such pilots to the sub-commissioners of pilotage, for the examination of such pilots, and for granting and renewing or confirming their licences from time to time; and such master, wardens, &c. may annex such penalties for the breach of such rules &c. as to them shall seem expedient, and annul, alter, and amend any of the existing bye-laws, and make such others as they think proper, so as such rules, &c. be conformable to this act, and not repugnant to the laws; provided no bye-law hereafter shall have force before they have been examined and approved by the C. J. of K. B. or C. P., the approbation of either of which C. J.s shall be verified under his hand and seal; and all such rules, &c. so made and confirmed, shall be observed, put in execution, and have the same effect, as if enacted by this act, *id.* s. 37.

40. Copies of all such proposed bye-laws, rules, &c., shall be transmitted to the privy-council, and to the commissioners of customs in London, 3 calendar months before the same are submitted to such C. J. and the commissioners of the customs shall, upon the receipt thereof, cause the same to be printed, and hung up in the several custom-houses of the principal ports in G. B., to be open to public inspection, and notice shall be given in the *Gazette*, of such bye-laws being so hung, *id.* s. 38.

41. All copies of such bye-laws, rules, &c., so made and confirmed, shall be printed, and hung up in some public place in the several custom-houses of the ports in Eng. within the limits for which the pilots respectively are licensed, and also at the Trinity-house in London, *id.* s. 39.

42. Every person who shall apply for a licence to act as a pilot by virtue of this act, shall, before any licence is granted to him, execute a bond in a penal sum, at the discretion of such corporation of Trinity-house of *Deptford Strond*, or the society or fellowship of pilots of *Dover*, *Deal*, and the *Isle of Thanet*, not exceeding 100*l.*, to be paid to such corporation or society, their successors and assigns, with a condition subjoined for better securing the due obedience of such pilot to the bye-laws, rules, &c. made or to be made under this act, which bond may be given in evidence in any court of law or equity, without being stamped; provided, that all bonds before given by pilots under any former act, shall continue in force, and be deemed to be given under this act, unless new bonds shall be required by such corporation or society respectively, *id.* s. 40.

43. All bye-laws, rules, &c. made under the 48 G. 3. c. 104., and in

force under the same at the time of passing this act, shall continue in force until annulled or allowed under this act, or other bye-laws, rules, &c. are made under this act in lieu thereof; and shall be good and valid bye-laws, rules, &c. under this act, 52 G. 3. c. 39. s. 41.

44. The master or person commanding any vessel bound to the *Thames*, and which shall repair to *Standgate Creek* for the performance of quarantine, shall pay the full pilotage up to *Gravesend* or *Standgate Creek*, or other place appointed for the performance of quarantine; and every pilot conducting any such vessel to *Standgate Creek*, shall be entitled to 8*s.* *per diem*, for the days he shall be obliged to remain on quarantine, *id.* s. 42.

45. If any pilot taking charge of any vessel into the *Thames* or *Medway*, shall quit such vessel at *Standgate Creek* before she has arrived at the place to which she is bound, without the consent of the captain, or other person having the command thereof, unless some other duly qualified pilot shall come on board, and shall take the charge and conduct of such vessel for the residue of the pilotage to be performed, he shall forfeit all pay to which he might be entitled for having piloted such vessel to *Standgate Creek*, and be subject to such other penalty or punishment as by virtue of this act, or of the rules, &c. to be established in pursuance hereof, any pilot shall be liable to for quitting a vessel before she arrives at her place of destination, *id.* s. 43: (see s. 12. pl. 14.)

46. A particular description of the person of every pilot shall be indorsed on his licence; and every person having the command of a vessel, on receiving a pilot on board, shall inspect his licence; and if he shall think that such pilot is not the person to whom the licence was granted, he shall forthwith transmit a copy of such licence to the corporation, or persons by whom the same was granted, stating the date thereof, together with such account and description of the person producing such licence or warrant, as may lead to the discovery of the offender, *id.* s. 44.

47. If any pilot licensed by virtue of this act, or otherwise duly licensed, shall keep or be concerned in keeping, either by himself, agent, or servant, or shall in any way be interested in the keeping of any public house or tavern, or place of public entertainment, or in the selling of any wine or spirituous liquors, or tobacco or tea (unless such pilot was concerned in the same before March 1808, and is duly authorized, by the corporation or authority under which such pilot shall act, to continue in such business or employment); or if any pilot so licensed, is convicted of any offence against any law relating to the customs or excise, or is concerned in, or wilfully connives at any indirect practices or frauds against such revenues, or shall procure, abet, connive at, or participate in any destruction, spoil, concealment, fraud, exaction, or corrupt practice, relating to vessels, or persons in distress at sea, or by shipwreck, or to the tackle, apparel, or furniture, or the cargoes of such vessels, or to the crew or passengers belonging thereto, or the monies, goods, or chattels of any of them, then he shall (over all other punishment and penalties for such offences) be dismissed from being a pilot, or suspended from acting as such, at discretion of the corporation, or other authority from which his licence was derived, *id.* s. 45.

48. No person shall take charge of any vessel, or act as a pilot, or receive any compensation for acting as a pilot, unless he is authorized thereto by some lawful licence, nor until such licence has been registered by the principal officers of the custom-house of the place at or nearest to which such pilot resides, (which officers shall register the same without fee,) nor without having his licence at the time of his so acting in his custody, ready to be produced, and which he shall actually produce to the master of any vessel, or other person desirous of employing him as a pilot; nor shall any person, although duly licensed to act as a pilot, act in that capacity out of or beyond the limits expressed in his licence, or beyond the extent of his qualification therein expressed, unless in the cases in this act so specified, of pilots of a lower class acting in the absence of pilots of higher classes; on pain of forfeiting not exceeding 30*l.*, nor less than 10*l.*, for the first offence, and for any 2d or subsequent offence, not exceeding 50*l.*, nor less than 30*l.*, *id.* s. 46.

49. On the death of any pilot, his executors and administrators, or the persons to whose hands his licence shall come, shall, without delay, transmit the same to the corporation, company, or persons by whom it was granted, on pain of forfeiting for any neglect therein, or for refusal to deliver the same when demanded, not exceeding 30*l.* nor less than 40*s.*, *id.* s. 47.

50. Such corporation of Trinity-house of *Deptford Strond*, and also such society of fellowship of pilots of *Dover*, *Deal*, and the *Isle of Thanet*, and also all other corporate bodies, or other persons having authority to appoint pilots within their respective jurisdictions, may license vessels of such size and description as appear to them proper for having pilots constantly in attendance in such vessels at sea; and for the better support of such pilot vessels, any number of pilots licensed by virtue of this act, or otherwise lawfully licensed, with the consent of such corporate bodies or persons, may constitute a joint stock company or companies, for the providing and maintaining of such pilot vessels; which com-

panies, and such vessels, shall be subject to such regulations as shall be sanctioned and approved in that behalf by such corporate bodies or persons, 52 G. 5. c. 39. s. 48.

51. Every pilot boat or vessel, or other boat or vessel in the pilot service of any corporation or society established by law in relation to pilotage, or of any person authorized to act as a pilot by such corporation or society, shall at all times, and on every station, be fitted with black sides, and have the upper strake next the gunwale painted white, and shall, while afloat, carry a vane at the mast-head, or else a flag on a sprit or staff, which vane or flag shall be of large dimensions, proportioned to the size of the boat or vessel carrying the same, and shall be half red and half white, in horizontal stripes, of which the uppermost shall be white; and the same shall be kept in a clean and distinct condition, so as to be easily discerned at a proper distance; and shall also have the name of the principal pilot thereof for the time being, painted in broad white letters, of 5 inches in length, on a black ground on her stern, and on each bow such number as is expressed in the licence of such principal pilot; which name and numbers shall not be hid or concealed by any person, on pain of forfeiting 20*l.*, to be paid by such principal pilot, who shall be answerable for the due observance of such matters, by every person on board thereof, and every other boat not in the service of any corporation or society, carrying off a pilot, shall exhibit a similar flag on a sprit or mast, to distinguish that she has a pilot on board, *id.* s. 49.

52. If any boat or vessel, not having a licensed pilot on board, shall, without lawful authority, carry such distinguishing vane or flag, the owner, or the other person having charge thereof, shall forfeit 100*l.*, *id.* s. 50.

53. Every pilot licensed by virtue of this act, or otherwise duly licensed, who shall, when disengaged, decline to take charge of any vessel, unless just cause is shewn, or who shall decline, on being required by any captain of any H. M.'s ships, or by any officer of the society or fellowship to which he belongs, or the master or other person having the charge of any vessel, to come on board; or who shall decline, when required by any commissioned officer in the navy, or by any principal officer of the customs, or by any person interested as principal or agent for any vessel wanting a pilot, to go off to and take charge of such vessel, when it is safe so to do; or who shall exact, or bargain for any greater hire for pilotage, than such as are allowed by the rates or rules established in that behalf; or who shall in anywise delay going on board any such vessel, or taking charge thereof when on board or alongside thereof; or who shall quit any such vessel, or decline the piloting thereof after he has been engaged, or after going alongside thereof, without leave of the captain of any of H. M.'s ships, or of the owner, master, captain, or person having the chief command of any vessel, or before the service has been performed for which he was hired; or shall, by drunkenness, render himself incapable of conducting any vessel, or negligently or wilfully run any vessel on shore, or lose the same, or do any injury to the same, or to the tackle or furniture thereof; or who shall lend his licence to any unlicensed person, to enable or assist him towards acting, or claiming to act as a licensed pilot, shall forfeit not exceeding 100*l.*, nor less than 10*l.*, and be liable to be dismissed from being, or suspended from acting as a pilot, at the discretion of such corporation of Trinity-house of *Deptford Strond*, or at the discretion of such other corporate body, or person by whom he was licensed, *id.* s. 51.

54. In case any pilot, licensed by virtue of this act, shall employ, or require any person having the command of any vessel, to employ or make use of any boat, anchor, cable, hawser, or any thing, in or for the service of such vessel, beyond what shall actually and *bonâ fide* be necessary and proper for the use thereof, with intent thereby to increase the charge of pilotage or pilot assistance of such vessel, whether for the gain and emolument of such pilot, or for other person, he shall forfeit not exceeding 50*l.*, nor less than 10*l.*, and shall also be liable to be deprived of his licence, or to be suspended from acting as a pilot for a limited time, at the discretion of such corporation of Trinity-house, or other authority by which he is licensed, *id.* s. 52.

55. In case any person licensed to act as a pilot by virtue of this act, or otherwise duly licensed, or any person not being a pilot, but acting under colour of pilotage, shall wilfully conduct, lead, decoy, or betray any vessel into danger, in any manner not already provided against by any statute; or shall improperly cut any cable belonging to any vessel, or procure the same to be cut improperly; or shall, by wilful misrepresentation of any circumstances upon which the safety of any vessel appears to depend, obtain, or endeavour to obtain, the conduct of any such vessel; then the person so offending, or who shall aid in, procure or connive at any such offence, shall forfeit not exceeding 100*l.*, nor less than 20*l.*; and in case he is a pilot, shall be either dismissed, or suspended from acting as a pilot for a limited period, at the discretion of the corporation or authority by whom he was licensed, *id.* s. 53.

56. If any such licensed pilot vessel or boat shall run before any vessel not having a licensed pilot on board, for the purpose of directing her course, until a pilot can be put on board, the pilot on board such

pilot vessel, or the person having charge of her, shall be entitled to the full pilotage, for the distance run, until a duly licensed pilot is put on board, as if such person had been actually on board such ship, and had the charge of her as a pilot, 52 G. 5. c. 39. s. 54.

57. No pilot shall be taken to sea by the commanding officer of any of H. M.'s ships, or any master of any vessel in the merchant service, without his free consent, except in case of absolute necessity; and in such case he shall have 10*s.* 6*d.* *per diem*, until he is returned to the port or place where he was taken on board, or until he shall have been discharged from the ship for a sufficient time to have enabled him to return there, *id.* s. 55.

58. The surplus rates of pilotage, imposed by this act on ships not having *British* registers, which shall pertain to the Trinity-house, shall be paid to a receiver, to be appointed in that behalf by that corporation, at some place, within the port of *London*, and applied by the latter as hereinafter directed; and if such extra rates of pilotage pertain to the establishment of the cinque ports, then the same shall be paid to a receiver, to be appointed by the lord warden and the court of loadmanage at some place within the port of *London*, and be applied by such court as hereinafter directed; *viz.*, in both cases to create a fund for the maintenance of such pilots as become incapable of discharging their duty, from age, or any accident or permanent infirmity; to be applied and distributed in such manner, and under such rules, &c. as the corporation of the Trinity-house, and the lord warden and court of loadmanage of the cinque ports shall respectively order; of which receipts and appropriations such corporations and courts shall annually lay an account before parliament, within 20 days after the commencement of each session, *id.* s. 56.

59. All sums due to any licensed pilot, for pilotage, shall be recovered from the owners or masters of vessels, or from the consignees or agents thereof, not being foreign vessels, who shall have paid or made themselves liable to pay any other charge for the vessel in the port of her delivery, and shall be levied in such manner, according to the amount, as any penalty may be under this act, demand thereof being made in writing at least 14 days before such levy, *id.* s. 57.

60. The consignees or agents of all foreign vessels, who have paid or engaged to pay any charge whatever in relation to such vessel, shall be liable to, and shall pay all sums for pilotage due to the pilot who piloted such vessels, on proof made within 14 days after such pilotage was performed, on the oath of such pilot before any justice of peace, that the same has not been paid by the captain of such vessel, if payment thereof is demanded from any such consignee within 21 days thereafter; and if any such sum so due and so demanded shall not thereupon be paid, then the sums so due for pilotage shall be recoverable in like manner as any penalty under 20*l.*, may be by virtue of this act; and such consignees or agents of foreign vessels may retain in their hands, out of any monies which they have received or shall thereafter receive on account of such foreign vessel, or the owner thereof, so much as is sufficient to pay such pilotage, and any expences attending the same, *id.* s. 58.

61. The master of every vessel piloted by any other than a licensed pilot, within any limits for which pilots are appointed, shall forfeit double the amount demandable for such pilotage, and likewise an additional penalty of 5*l.* for every 50 tons burthen of such vessel, if the Trinity-house, as to cases in which pilots licensed by or under such corporation are concerned, or the said lord warden or his lieutenant, as to all cases in which the cinque port pilots are concerned, shall think it proper that the person prosecuting should proceed for the recovery of such additional penalty, and certify the same in writing: provided, that nothing in this act shall subject to penalties any master of any vessel (not anchoring within the limits of any place for which pilots are appointed) who shall act himself as pilot in passing up and down the *English Channel* or elsewhere, in passing by any part of the coast of *Eng.* in the course of any voyage, or within the limits of the place to which his ship belongs, not being a place in relation to which provision hath heretofore been made by any statute or charter for the appointment of pilots, or who shall employ any person as a pilot, or who shall act himself as such for the conduct of his vessel, in any case where a qualified pilot shall not offer assistance or make a signal for that purpose: provided, that this act shall not hinder any persons from assisting any vessel in distress at any time or place, nor shall subject such persons, or any master employing such persons, to the penalties of this act, in respect of such assistance given during this distress, or in consequence thereof, or under any circumstances which have rendered it necessary for such master to avail himself of the best assistance which at the time could be procured, *id.* s. 59.

62. Every person having the command of any vessel, who shall report or be privy or consenting to any other person's reporting to any pilot taking the charge of such vessel, a false account of the draught of water of such vessel, shall forfeit, in addition to the payment of the full rate of pilotage to the pilot entitled thereto, double the amount of such pilotage; and any person having the command of any vessel, or having any interest, share, or property therein, who shall fraudulently alter

any marks on the stem or sternpost thereof, denoting the draught of water, or be consenting thereto, shall forfeit 500*l.*, 52 G. 3. c. 39. s. 60.

63. In order to prevent or settle controversies concerning the draught of water of vessels on the *Thames* (not having *British* registers), whenever any difference about the draught of water of any vessel shall arise between the master or other person having the command, and any person who piloted the same into the river, or who is required to pilot the same therefrom pursuant to this act, such corporation of Trinity-house, or some proper officer appointed by them, shall admeasure the draught of water of such vessel, and settle the same between the parties, upon application made by either of them within 12 hours after such vessel shall arrive at her moorings in the *Thames*, or before the cargo is begun to be unladen, or such vessel shall quit her moorings on any outward voyage; for which admeasurement the person making the same shall be paid one guinea if the vessel shall be below or in the pool, and half a guinea if above the pool, by the person requiring such admeasurement, or making application for the same, *id.* s. 61.

64. Every master or other person having the command of any vessel required to be piloted according to this act, shall, on coming into the port of *London*, and in making his entry or report inwards, insert in such entry or report, the name of the pilot employed by him or the owner to pilot the same into such port; and which insertion shall be made (without fee) by the proper officer of the customs, who shall also report the same to the corporation of the Trinity-house monthly; and also that the principal searcher or clearing officer of the customs at *Gravesend* shall demand and take the names of the pilots of all vessels clearing outwards from the port of *London*, and transmit monthly lists of such names to such corporation, on pain of forfeiting not exceeding 10*l.*, nor less than 5*l.*, to be paid by every person who shall neglect to comply with the foregoing regulations, *id.* s. 62.

65. The master of every vessel, not having a *British* register, who shall not give the name of the pilot employed to pilot his vessel into the port of *London*, shall be deemed to have sailed and been navigated into such port without a pilot, and be liable to pay the same or the like pilotage for such his vessel, for the distance which he navigated and sailed up the river *Thames*, or the channels leading thereto without a pilot, as he would have been liable to pay if a pilot had been employed by him; and the same shall be paid to the collector appointed by the corporation of Trinity-house, and go toward the fund in s. 56.: provided that where due proof is made to the corporation of the Trinity-house, within three months after any such payment, that a pilot was regularly employed and paid, then the sum which shall have been so paid, shall be returned to any person duly authorized to receive the same, *id.* s. 63.

66. Lists of the christian and surnames, ages, and places of residence, of all pilots in *Eng.*, shall, with the dates of their appointments, on or before the 31st of *Dec.*, 1812, be transmitted to the corporation of Trinity-house of *Deptford Strond*, distinguishing the limits within which such pilots are appointed to act, and thenceforward as each appointment of a pilot shall take place, and also duplicates of such lists to the commissioners of the customs in *Eng.*, annexing to the lists to be transmitted to the Trinity-house, the rates of pilotage, and also stating the rules, &c. established in relation to such pilots, in case such rules, &c. have been made by any other authority than by act of parliament, or by such corporation of Trinity-house of *Deptford Strond*; and the same, when so completed, shall be transmitted by the respective bodies politic and corporate, and other persons authorized to appoint pilots in any of the ports, harbours, or rivers, or on any of the coasts of *Eng.*, by whom such pilots shall have been appointed respectively; and such bodies and other persons authorized to appoint pilots, shall transmit to such corporation of Trinity-house, at their court house in *London*, annually, on the 31 *Dec.* or within one calendar month afterwards, a list corrected up to such 31 *Dec.* annually, of the names and residences of the pilots within their several jurisdictions, and stating such alterations as may have been made in the rules, &c., for governing pilots within the respective districts, *id.* s. 64.

67. The commissioners of customs shall transmit to their principal officers at the several ports in *Eng.* the names and residences of pilots residing within the limits of each port, within the month from 31st *Dec.* 1812, and so from thenceforward the name of each pilot, of whose nomination they shall receive notice, in order that such principal officers may communicate to every pilot within the limits of their ports respectively, all proclamations or orders in council respecting the performance of quarantine by ships arriving from infected places, which such officers are hereby required to do, in pursuance of 45 G. 3. c. 10. s. 16., and 46 G. 3. c. 98. s. 2., *id.* s. 65.

68. All statutes and all powers, regulations, and forfeitures contained in any act, which relate to the regulation of pilots or pilotage within any river, port, or harbour, or within any local limits specified in any such act and in which any reference is made to the 48 G. 3. c. 104., or applying thereto, or altering any of the provisions thereof as to pilots or pilotage within any such limits, shall continue in full force, notwithstanding the

repeal, [48 G. 3. c. 104.], and be deemed to refer to this act, 52 G. 3. c. 39. s. 66. [see s. 1. *pl.* 2., and s. 32. *pl.* 34.]

69. All the provisions, penalties, and forfeitures, contained in 8 *El.* c. 13., or any other act in force for the preservation of beacons and sea marks, shall extend to all vessels duly appointed to exhibit lights therein for the preservation of vessels at sea, and to all persons removing, injuring, or destroying such vessels or lights; which offences may be laid and tried in any county in *Eng.*, *id.* s. 67.

70. Every person who shall ride by, make fast to, or remove, or wilfully, or negligently run down or run foul of any vessel appointed or placed to exhibit lights, or any buoy or beacon belonging to the Trinity-house, or belonging to or placed by any other corporation having lawful authority so to place the same, shall forfeit not exceeding 50*l.*, nor less than 10*l.*, together with the expense of making good any damage occasioned by such misconduct, *id.* s. 68.

71. If any pilot having the charge of navigating any vessel within 200 yards from the respective entrances into the *West India* docks from the *Thames*, and either intended to go into, or having recently come out of the docks, basons, or other works of the *West India* dock company, shall refuse to obey such orders as may be given to such pilot, by the dock master of such company, under powers vested in him by 39 G. 3. c. 69. s. 80., touching the mooring, unmooring, or moving of such vessels so being under the charge of such pilot, he shall forfeit not exceeding 50*l.* nor less than 20*l.*, and shall be liable to be dismissed from being a pilot, or suspended from acting as such, at discretion of the corporation or authority by whom he was licensed, *id.* s. 69.

72. The corporation of the Trinity-house, and the court of loadmanage of the cinque ports, and all other corporations for managing or directing pilots in any part of *Eng.*, under any act or charter, shall annually, within one month after the 1st *Jan.*, transmit to the office of the receiver of the sixpenny duty in the port of *London*, a list of all the vessels employed by them or by persons under their authority for the purposes of pilotage, with the number of men and boys belonging to or serving in any such vessel, *id.* s. 70.

73. All fines, penalties, and forfeitures, by this act imposed, or by any bye-law made under the authority thereof, the manner of levying whereof is not herein otherwise expressly directed, which shall not exceed 20*l.*, or in respect of which the party prosecuting shall proceed for not exceeding 20*l.*, which he may do with the consent of the Trinity-house, or of such lord warden, or his lieutenant, in the cases in this act before mentioned, notwithstanding a greater penalty is recoverable, may be levied and recovered within 6 calendar months after the offence committed, or within such other time as is (s. 72.) directed, before any justice of peace for the county, city, division, or place, where the offence was committed; or if committed by any pilot, before any justice or magistrate of the city, town, or port, to which he shall belong; or if committed by any owner or master of any vessel, by any justice or magistrate of the county, city, town, or port, at which such owner or master resides, or to which his ship belongs; or if committed by any pilot of the Trinity-house, or of the cinque ports, or by any other person, on any part of the sea from *Orfordness* to the mouth of the *Thames*, or from *Dungeness* to the mouth of the *Thames*, or upon the *Thames* or *Medway*, then by any justice of the counties of *Kent*, *Surrey*, *Essex*, or *Middlesex*, or by any magistrate of the city of *London*; and such justices shall, upon complaint to them made, grant a warrant to bring before them such offenders, at the time or place in such warrant specified; and if, on conviction by confession, or the evidence of one credible witness on oath, such fine, &c. is not forthwith paid, such justices may commit such offender to the common gaol or house of correction for the county, &c. where such offender is convicted, for not exceeding 6 calendar months, nor less than 21 days, unless such fine, &c., and all charges attending the recovery thereof, are sooner paid, *id.* s. 71.

74. All fines, &c. exceeding 20*l.*, by this act imposed for any offence committed against this act, or in which the lowest penalty being less than 20*l.*, a greater sum may be awarded than 20*l.*, and in which the party prosecuting such offence shall, with the consent of the corporation of Trinity-house of *Deptford Strond*, or of such lord warden, or his lieutenant, in the cases in this act before mentioned, proceed for any greater sum than 20*l.* shall be recovered, with full costs of suit, by action of debt, &c. or information in any of the courts of record at *Westminster*, wherein no *essoins*, &c. and only one *imparlance* shall be allowed, within 12 calendar months next after the offence committed, or within such other time as in s. 72. directed; and in any such case, it shall be lawful to sue for the full penalty, and for the jury to award any sum, not less than the sum specified as the lowest, nor greater than the sum specified as the highest penalty, for the offence for which the action, &c. is brought: provided, that in such case periods of 6 calendar months, and 12 calendar months, or either of them, within which fines, &c. are to be sued for, shall in any case elapse before any prosecution hereby directed has been commenced for the recovery of such fines, &c.; and if it shall be made to appear, as soon after as the circumstances of

the case admit, that the prosecution has been delayed by the absence of any party, whether offending or complaining, or of any necessary witness, then, upon such circumstances being stated by affidavit in writing, made before any judge of any of the courts of record at *Westminster*, such judge may order the commencement of such prosecution within such further time as he shall think fit to limit; and such prosecution may be commenced and prosecuted within the time so limited, in like manner and with like effect, as if such prosecutions had been commenced and prosecuted within such respective periods of 6 months, and 12 months, 52 *G. 3. c. 39. s. 72.*

75. Nothing herein shall affect the jurisdiction of the court of load-manage, as far as respects the pilots appointed under the authority of such court; or impair the jurisdiction of the high court of admiralty, *id. s. 73.*

76. In case any person against whom a warrant is issued by any justice, before or after any conviction for any offence against this act, shall escape, go into, or reside, or be in any other county, city, or place, &c., not within the jurisdiction of the justice granting such warrant, any justice of the county, &c. into which he shall so escape, may, upon proof on oath of the hand writing of any justice granting such warrant, indorse his name on such warrant; and it shall then be sufficient authority to all peace officers to execute the same in such other county, &c.; and any justice, on the offender being brought before him within his jurisdiction, may hear and determine the complaint, in the same manner as if it had originally arisen within his jurisdiction, and direct the offender to be carried to the justice who granted the original warrant, to be dealt with according to law, *id. s. 74.*

77. One third of all fines or penalties to be levied in pursuance of this act, or under any bye law made in pursuance thereof, shall go to the person who shall sue for the same, and the remainder to the fund of the Trinity-house, and shall be applied, after defraying thereout the expenses of carrying this act into execution, in such manner, and for the like purposes as the other funds of such corporation are applicable, in case such fines or penalties are incurred by pilots licensed by such corporation, or by any other person in relation to any matters wherein such last-mentioned pilots are in anywise concerned; and in case such fines or penalties are incurred by pilots of the cinque ports, or by pilots under any other jurisdiction or authority, or by any other person, in relation to any matters wherein pilots are in anywise concerned, then the remaining two-thirds shall go to such fund as hath been or shall be established by the persons having the direction of the cinque port or other pilots, and be applied to the use of such funds, after defraying the expenses incurred in carrying this act into execution, *id. s. 75.*

78. If any person summoned as a witness before any justice of peace, shall neglect to appear at the time by such summons appointed, having no just cause for such neglect, such justice, on proof of such summons having been served, and of a tender of reasonable expenses having been made, shall issue his warrant, under his hand and seal, to bring such person before him; and if on appearance he shall refuse to be examined on oath concerning the premises, without having some just cause for such refusal, such justice by like warrant may commit him to the house of correction of the county, city, or place, where he shall be apprehended, for not exceeding 6 months, nor less than 14 days, as such justice shall direct, *id. s. 76.*

79. Every person who, in any examination upon oath under this act, shall wilfully give false testimony, shall be liable to be prosecuted for the same by indictment, and if convicted of false swearing, shall be subject to such punishments, disqualifications, and disabilities, as any person would be for wilful and corrupt perjury in any other case, *id. s. 77.*

80. All justices of peace, before whom any person is convicted of any offence against this act, shall cause the conviction to be drawn up according to the following form, *viz.*

Be it remembered, that on the — day of — in the year of our Lord — A. D. is convicted before me [or, us] — one [or, two, as the case may be] of H. M.'s justices of the peace for the — [here specify the offence, and the time and place when and where committed, as the case may be] contrary to an act passed in the fifty-second year of the reign of king George the third, intituled [here insert the title of this act] and I [or, we] do adjudge, that he hath therefore forfeited the sum of [here insert the penalty.] Given under my hand and seal [or, our hands and seals] the day and year first above written.

And no *certiorari*, or other process for the removal of any such conviction, or any proceedings thereon, into the courts of record at *Westminster*, shall be allowed, *id. s. 78.*

81. Any person so convicted by any justice before mentioned, of any offence against this act, or any rule, &c. made in pursuance thereof, within 3 calendar months next after such conviction, may appeal to the justices at the quarter sessions for the county, city, or place where the appeal shall arise, first giving 10 days' notice of such appeal to the appellee, and of the matter thereof, and within 14 days next after such notice entering into a recognizance before some justice for such

county &c., with sufficient sureties conditioned to try such appeal, and for abiding the determination of the court therein; and the justices there shall, upon due proof of such notice having been given and recognizance entered into, hear and determine such appeal, and may either confirm or quash such conviction, and award such costs to either party, as to them seems just, and their decision shall be final; and no proceeding had in pursuance of this act shall be quashed for want of form only, or removed by *certiorari* or other process into any courts of record at *Westminster* or elsewhere, 52 *G. 3. c. 39. s. 79.*

82. Actions for any thing to be done in pursuance of this act, shall be commenced within 6 calendar months next after the fact committed, and laid in the county, city, or place, where the cause arises; and the defendant may plead the general issue, not guilty, and give this act and the special matter in evidence, and that the same was done in pursuance of this act; and if it appears so to be done, or if such action is brought after the time limited, then the jury shall find for the defendant; or if the plaintiff is nonsuited, or suffers a discontinuance, or if a verdict, or judgment upon demurrer is given against him, the defendant shall have treble costs, with usual remedy to recover the same, *id. s. 80.*

83. Nothing in this act shall prejudice any right, property, authority, or jurisdiction of the mayor of the city of *London*, or of the mayor and commonalty and citizens of the city of *London*, to, in, and upon the river *Thames*, *id. s. 81.*

84. One hundred and forty boatmen shall be licensed by the lord warden of the cinque ports, or his lieutenant, or the deputy lieutenant governor of *Dover Castle*, or such other person as the lord warden shall authorize for that purpose within the jurisdiction of the cinque ports, in order to assist ships in distress, and conducting them into the harbours of *Dover*, *Ramsgate*, *Margate*, and *Folkstone*, and putting licensed cinque port pilots on board of vessels coming from the westward, and bound up the *Thames* or *Medway*; and 50 of such boatmen shall constantly reside at *Dover*, 50 at *Deal*, 20 at *Ramsgate*, and 20 at *Margate*, and they shall be required by their licenses to reside at the place therein specified; and shall on quitting their residence, or neglecting to use such licence for 2 months, unless prevented by illness, forfeit it; and shall, before such licence is given, be examined as to their knowledge of the coast, and their ability to conduct vessels into the *Downs* and harbours aforesaid, by the commissioners of the lord warden of the cinque ports for salvage, and the other commissioners by this act appointed, at the places where the boatmen shall apply to be licensed, at a meeting held for the purpose of this act, upon whose certificate the lord warden, &c. shall grant such licence; and if the number of persons so qualified shall exceed the number hereby prescribed, their names shall be entered in a book, together with their times of approval and examination, and they shall succeed by rotation as vacancies occur, and licences shall be granted to them accordingly, 53 *G. 3. c. 140. s. 1.*

85. The mayors of *Dover*, *Sandwich*, and *Deal*, and also the two senior justices for such places, not being commissioners of salvage, shall be, jointly with the commissioners of salvage, commissioners to execute this act, and examine boatmen, and grant such certificates for such licences, *id. s. 2.*

86. The commissioners of salvage, under 48 *G. 3. c. 130.*, may make rules for the government of such boatmen at their respective places, and the same shall be printed and hung up in the custom-houses, piers, harbours, and places to which they apply for public inspection, *id. s. 3.*

87. Such licences shall be free of stamp duty, (*id. s. 4.*) and shall be written or printed in large characters, and contain a description of the owner of it, his residence, the date of granting, and the person who granted it; and any boatman so licensed shall have, when afloat, his proper licence, and when demanded by any officer of customs or excise, or the master of any merchant ship, shall produce the same for inspection; and any boatman who shall alter or obliterate such licence, or permit it to be done, or who shall transfer or lend the same, or refuse to produce it for inspection, shall forfeit not exceeding 10*l.*, in the discretion of such commissioners, *id. s. 5.*

88. No such licence, nor this act, or any rules, &c. made under *s. 3.* thereof, shall have any effect to alter any provision, claim, penalty, &c. in this act, or any act in force in relation to smuggling, or to exempt any such licensed boatman from the provisions of any act relating to the customs or excise, *id. s. 6.*

89. If any boatman licensed under this act is convicted of any offence against the customs, excise, or revenue laws, or shall be concerned in, or connive at, any indirect practice or fraud against such revenues, or procure or participate in any dishonest spoil, concealment, fraud, or corrupt practice, relating to any vessels or persons in distress at sea, or by shipwreck, or to the tackle, furniture, or cargo of such vessel, or to the crew or passengers thereof, or to the money or goods of any of them, he shall, beside all other punishments, forfeit his licence, or be suspended from acting under it, at the discretion of such commissioners, *id. s. 7.*

90. All such boatmen shall be paid the rates now allowed for putting

cinque port pilots on board of vessels, but shall not be entitled to the same unless the pilot is actually shipped; and they may demand and receive *6s. per foot* of the draft of water of any vessel piloted by them in any of such harbours as in *s. 1.*, and *3s. per foot* of such draft for piloting out of any such harbours, and such payments shall, in both cases, include the hire of the boat and crew, in moderate weather, but if such pilotage or assistance shall take place under circumstances of distress, such boatmen shall have such sum as the commissioners of salvage of the lord warden shall award, *53 G. 3. c. 140. s. 8.*

91. The commissioners of salvage, at any port where they are appointed, on application of any boatman, or passenger landed by any boatman, may hear, and summarily settle, any dispute between them, and fix the sum to be paid for landing such passenger and his goods, and make such order therein as to them appears proper, and may, for that purpose, use the powers given them by *48 G. 3. c. 130. id. s. 9.*

92. Only 2 licensed boatmen shall go in each boat; and where any such boatmen are cruising without licensed cinque port pilots, and shall fall in with any vessel requiring such pilot, one of such boatmen shall be left in such vessel as a guarantee for a pilot being brought off to them, and the boatman left shall not be entitled to any money for being left, *id. s. 10.*

93. Each such licensed boatman shall cause the number of his licence to be painted on each bow and quarter of his boat, and on both sides of all his sails, with the addition for *Dover* boats of *D. R.*, for *Deal* boats *D.*, for *Ramsgate* boats *R.*, and for *Margate* boats *M.*, in black roman letters, which figures and letters shall be 18 inches long and 12 broad; and any boatman making default herein, or having the same improperly done, shall forfeit his licence, and not exceeding *10*l.**, *id. s. 11.*

94. If any boat or vessel not having a licensed boatman on board, shall, without lawful authority, carry such distinguishing marks, the owner or person having the charge thereof shall forfeit *10*l.**, *id. s. 12.*

95. Every such licensed boatman who shall refuse to take off any cinque port pilot to any vessel, unless prevented by illness, shall, on due proof thereof to the commissioners for executing this act, forfeit his licence and not exceeding *20*l.**, *id. s. 13.*

96. If any pilot shall refuse, in his turn, to go off on duty, on application of such boatmen, he shall lose his turn, and the vessel shall be piloted by any licensed pilot who shall first get on board, but who shall not thereby lose his turn, *id. s. 14.*

97. All licences granted under this act shall be in force during the time the holders shall discharge their duty, and no such licence shall be annulled or suspended but upon such grounds of complaint or incapacity, negligence or misbehaviour, and an order made thereon by the commissioners for executing this act, at a meeting held for purposes of this act, *id. s. 15.*

98. All penalties, &c. hereby imposed shall be recovered, levied, and applied as any penalty may be under *52 G. 3. c. 39.*, and all the clauses, &c. therein contained for the recovery of penalties shall be applied for recovering, &c. penalties under this act, *id. s. 16.*

99. To RELIEVE CERTAIN FOREIGN VESSELS RESORTING TO the port of *London*, in respect of pilotage, and to regulate the mode of payment of pilotage on foreign vessels in such port, *55 G. 3. c. 87.*

100. The corporation of the Trinity-house may make such regulations for piloting ships not having a *British* register, bringing fish, corn, or other provisions into the port of *London*, for the ease of such ships and vessels, or for their exemption from any rates of pilotage now payable by them, or from any rules, &c. as to pilotage under *52 G. 3. c. 39.*, or any other act for pilotage, or any rules, &c. made in pursuance of any act to be piloted by pilots licensed by such corporation, as they deem just, *id. s. 1.*

101. The master or person having the command of any vessel not having a *British* register required by law, to be piloted by a pilot licensed by such corporation, which shall enter into or sail from the port of *London*, or the consignees or agents of such vessels, shall pay at the Trinity-house in *London*, to the person appointed by such corporation, all sums due for pilotage; and such person (on production of a certificate in writing under the hand of such master, &c. or of such consignees or agents, or, in case of refusal to grant the same, on proof that such pilotage service was duly performed) shall pay over to the pilot who had the charge of such vessel the money due to him for such pilotage service, *id. s. 2.*

102. The rate of pilotage outward, to be paid in respect of all foreign vessels in the port of *London*, shall be calculated upon the scale of the tonnage of such vessel, according to what they are rated in that port to the payment of light and port dues, or according to the draft of water thereof, as such corporation shall think proper, *id. s. 3.*

103. The person receiving the pilotage, in respect of foreign vessels, under this act, shall, on receiving the same, give a certificate thereof under his hand; and no foreign vessel shall be cleared at the custom house in such port outward, without production of such certificate, *id. s. 4.*

PINS.

(STATUTE repealed.)

FOR THE TRUE MAKING OF PINS, *34 & 35 H. 8. c. 6.* [REP. *37 H. 8. c. 13.*]

PIRACY.

(STATUTE expired.)

TO RELIEVE CAPTIVES TAKEN BY TURKISH, MOORISH, AND OTHER pirates, and to prevent the taking of others in time to come, (a duty imposed to equip a fleet to cruise against pirates for 3 years, but the same not to be drawn into example,) *16 C. 1. c. 24.* [EXP.]

(STATUTES in force.)

1. CONCERNING PIRATES AND ROBBERS OF THE SEA, *27 H. 8. c. 4.*, *28 H. 8. c. 15.* [EXT. to all offences committed at sea, *39 G. 3. c. 37.*; and AMD. by permitting offences committed at sea to be tried at sea or on land abroad, *46 G. 3. c. 54.* EXT. to *Ire. 21 J. 1. c. 3. Ir.*, See, as to accessories to such offences, *11 & 12 W. 3. c. 7. s. 10. pl. 23.*]

2. All [offences of piracy, robbery, murder, and manslaughter, *27 H. 8. c. 4.*, treasons, felonies, robberies, murders, and confederacies, *28 H. 8. c. 15.*] done in or upon the sea, or in any other haven, river, or creek where the admiral has jurisdiction, shall be enquired, tried, and determined in such shires and places in this realm as shall be limited by H. M.'s commission, to be directed for the same in like form as if the offences had been done on land; and such commission shall be under H. M.'s great seal, and directed to the admiral or admirals, or his or their lieutenant or deputy, and to 3 or 4 such other persons as shall be named by the chancellor, and determine such offences after the course of the laws of the land used for [treasons, &c., *28 H. 8. c. 15.*] felonies done in the realm, *27 H. 8. c. 4. s. 1.*, *28 H. 8. c. 15. s. 1.*

3. [Three, *27 H. 8. c. 4.* Four, *28 H. 8. c. 15.*] of such persons to whom such commissions are directed, may enquire of such offences by the oaths of 12 men inhabiting the shire limited in such commission, in such manner as if the offences were committed therein, and every indictment found and presented before such commissioners of any [treasons, *28 H. 8. c. 15.*] felonies, robberies, murders, or manslaughters done on the seas, or in any other haven, &c. shall be good; and if any person is indicted for any such offence there done, such process, judgment, and execution shall go against him as against [traitors, *28 H. 8. c. 15.*] felons, &c. for [treasons, *28 H. 8. c. 15.*] felonies, &c. done on land as by law accustomed; and his trial shall be had by 12 men so inhabiting in such shire, and no challenge to be had for the hundred; and if convicted of any such offence by verdict, confession, or process, he shall suffer death, and forfeit goods as in cases of offences done on land, *27 H. 8. c. 4. s. 2.*, *28 H. 8. c. 15. s. 2.*

4. For robberies, felonies, and murders [treasons and confederacies, &c., *28 H. 8. c. 15.*] done upon the seas or in any such places, the offenders shall not have their benefit of clergy, *27 H. 8. c. 4. s. 3.*, *28 H. 8. c. 15. s. 3.*

5. This act shall not prejudice any person for taking any victuals, cables, ropes, anchors, or sails which are taken of necessity of any other ship that can conveniently spare them, so that such person pay out of hand for the same, or deliver a bill for the same in this form (*viz.*) that if such taking be on this side the straits of *Marrock*, then to be paid within 4 months; and if beyond, then within 12 months; and that the same be paid, *27 H. 8. c. 4. s. 4.*, *28 H. 8. c. 15. s. 5.*

6. When any commission is directed to any place within the jurisdiction of the 5 ports, it shall be directed to the lord warden or his deputy, and unto 3 or 4 such others as the chancellor shall appoint, *27 H. 8. c. 4. s. 5.*, *28 H. 8. c. 15. s. 5.*

7. When any commission is directed into the 5 ports for the inquisition and trial of such offences, the same shall be had by the inhabitants of such 5 ports, or the members of the same, *27 H. 8. c. 4. s. 6.*, *28 H. 8. c. 15. s. 6.*

8. All offences committed upon the high seas, out of the body of any county, shall be offences of the same nature, and liable to the same punishments, as if they had been done on shore; and shall be enquired of, heard, tried and determined, and adjudged, as treasons, felonies, &c. are by *28 H. 8. c. 15.* directed to be, *39 G. 3. c. 37. s. 1.*

9. When any person is tried for murder or manslaughter done on the sea, under any commission directed under such act, and shall be found guilty of manslaughter only, he shall be entitled to the benefit of clergy, and be subject to like punishment as if he had committed such manslaughter on land, *id. s. 2.*

10. All treasons, piracies, felonies, robberies, murders, conspiracies, and other offences, of what nature soever, committed upon the sea, or in any haven, river, creek, or place, where the admiral has jurisdiction, may be enquired of, heard, and determined according to the course of

law used for offences committed on land within this realm, in any of H. M.'s islands, plantations, colonies, dominions, forts, or factories, under H. M.'s commission under the great seal of G. B. to be directed to such 4 persons as the lord chancellor shall think fit; and such commissioners, or 5 of them, shall have like powers, &c. for the trial of all such treasons, piracies, &c. within any such island, &c. as commissioners appointed according to 28 H. 8. c. 15. by any law now in force would have to try such offences within this realm; and persons convicted of any such offences so to be tried under this act shall suffer the same pains, penalties, &c. as by any law now in force they would if the same were tried, heard, &c. under the 28 H. 8. c. 15., 46 G. 3. c. 54.

11. FOR THE MORE EFFECTUAL SUPPRESSION OF PIRACY *viz.* by enabling certain persons to try offences committed at sea on the sea or land, 11 & 12 W. 3. c. 7. ss. 1—16. [See the rest of this act, SEAMEN. CON. 5 & 6 A. c. 34. s. 3., 1 G. 1. st. 2. c. 25. s. 17. MADE PERP. 6 G. 1. c. 19. s. 3. AMD. by allowing offences declared piracy by 11 & 12 W. 3. to be tried as by 28 H. 8. c. 15., directed, 4 G. 1. c. 11. s. 7., which is not to extend to *Scot.* (s. 8.) but to extend to H. M.'s dominions in *America*, and to be deemed a PUBLIC act, *id.* s. 9. Further AMD. 18 G. 2. c. 30., 58 G. 3. c. 38. s. 1. See further on this point, 46 G. 3. c. 54. *pl.* 10. and note to *pl.* 18.]

12. All piracies, felonies, and robberies committed in or upon the sea, or in any haven, river, creek, or place where the admiral has jurisdiction, may be examined, tried, and adjudged, according to this act, in any place at sea, or upon the land in any of H. M.'s dominions, forts, or factories, to be appointed by H. M.'s commission under the great seal, or the seal of the admiralty, directed to all or any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of H. M.'s ships of war, and also to any such persons by name as H. M. shall appoint; which commissioners shall have power, by warrant under the hand and seal of them or any one of them, to commit to custody any person against whom information of piracy, robbery, or felony upon the sea, shall be given upon oath, which one of them may administer, and to call a court of admiralty on shipboard, or upon land, as occasion shall require; which court shall consist of 7 persons at least, 11 & 12 W. 3. c. 7. s. 1.

13. If so many of such persons cannot conveniently be assembled, any 3 of them (whereof the president or chief of some *English* factory, or the governor, lieutenant-governor, or member of H. M.'s councils, in any of the plantations, or commander of one of H. M.'s ships, to be one), shall have power to call any other persons on shipboard, or on the land, to make up the number of 7, *id.* s. 2.

14. Provided that no persons but known merchants, factors, or planters, or captains, lieutenants, or warrant officers, in any of H. M.'s ships of war, or captains, masters, or mates, of some *English* ship, shall be capable of sitting or voting in such court, *id.* s. 3.

15. Such persons so called, shall, according to the course of the admiralty, issue warrants for bringing any persons accused of piracy or robbery before them to be tried; and summon witnesses and take informations and examinations of witnesses, and do all things necessary for the final determination of any case of piracy, robbery, and felony, and give sentence of death, and award execution of the offenders convicted, according to the civil law and the rules of the admiralty. And every person so convicted and attainted of piracy or robbery, shall suffer such losses of lands and goods, as if they had been attainted and convicted according to the statute 28 H. 8. c. 15., *id.* s. 4.

16. So soon as any court shall be so assembled, H. M.'s commission shall be read, and the court shall be proclaimed, and then the president of the court shall take the following oath, *viz.*

'I A. B. do swear, in the presence of Almighty God, that I will truly and impartially try and adjudge the prisoner or prisoners which shall be brought upon his or their trials before this court, and honestly and duly on my part put H. M.'s commission for trying them in execution, according to the best of my skill and knowledge; and that I have no interest directly or indirectly, in any ship or goods, for the piratically taking of which any person stands accused, and is now to be tried. So help me God,' *id.* s. 5.

17. And he having taken the oath, shall administer the same to every person who shall sit and have a voice in such court; and thereupon the prisoner shall be brought before them: and then the register of such court shall read the articles against such prisoner, wherein shall be set forth the particular facts of piracy, robbery, and felony, with the time and place, and in what manner it was committed: and each prisoner shall be asked whether he be guilty or not guilty; and whereupon such prisoner shall immediately plead *guilty* or *not guilty*, or else it shall be taken as confessed, and he shall suffer death, and forfeit his goods as if regularly convicted; and if any prisoner shall plead not guilty, witnesses shall be produced by the register, and sworn and examined *viva voce* in the prisoner's presence; and after witness hath answered all the questions proposed by the president, and given his evidence, the prisoner may have the witness cross-examined, declaring to the court what questions he would have asked, and the president or the court shall interrogate the witness accordingly; and every prisoner shall bring wit-

nesses for his defence, who shall be sworn and examined on oath, and afterwards the prisoner shall be heard for himself; which being done, the prisoner shall be taken away, and all other persons, except the register, shall withdraw; and then the court shall consider of the evidence; and the president shall collect their votes, beginning at the junior, and ending with himself; and according to plurality of voices sentence shall be given, and pronounced publicly in the presence of the prisoner, being called in again: and according to such sentence, the persons attainted shall be put to death in such manner, and in such place, upon the sea, or within the ebbing or flowing thereof, as the president or majority of the court, by warrant directed to a provost-marshal, which they shall have power to constitute, shall appoint, 11 & 12 W. 3. c. 7. s. 7.

18. Some public notary shall be register of the court; and in case of his absence, death, or incapacity, or for want of a person so qualified, the president shall appoint a register, giving him an oath, duly, faithfully, and impartially, to execute his office; which register shall prepare all warrants and articles, and provide all things requisite for any trial, according to the substantial and essential parts of proceedings in a court of admiralty in the most summary way; and shall take minutes of the proceedings, and enter them in a book, and shall transmit the same, with the copies of all articles and judgments, unto the high court of admiralty in *Eng.*, *id.* s. 7. [QU. This act from ss. 1—7. seems virtually R.E.P. by the effect of the 4 G. 3. c. 11., 46 G. 3. c. 54., which confines all proceedings for offences done at sea to be determined under the 28 H. 8. c. 15.]

19. If any of H. M.'s natural subjects or denizens, shall commit piracy or robbery, or any act of hostility, against other H. M.'s subjects upon the sea, under colour of any commission from any foreign state, or authority from any person whatsoever, such offenders, and every of them, shall be adjudged pirates, felons, and robbers; and being convicted according to this act, or 28 H. 8. c. 15. shall suffer pains of death, and loss of lands and goods, *id.* s. 8.

20. All persons being the natural born subjects, or denizens of H. M. who during any future war shall commit any hostilities upon the sea, or in any haven, river, creek, or place where the admiral has jurisdiction, against H. M.'s subjects, under colour of any commission from H. M.'s enemies, or shall be otherwise adherent, or giving aid or comfort to them on the sea, or in any such haven, &c. may be tried as pirates, felons, or robbers, in the high court of admiralty on ship-board or land in the same way as persons guilty of piracy, &c. are by the said act, [QU. 28 H. 8. c. 15., or 11 & 12 W. 3. c. 7.] directed to be tried, and on conviction, shall suffer death, and loss of lands and goods as pirates, &c. under 11 & 12 W. 3. c. 7., 18 G. 2. c. 30. s. 1., provided persons tried and acquitted, or convicted according to this act for any such crimes, shall not be liable to be indicted again in G. B., or elsewhere, for the same crime as high treason, *id.* s. 2.

21. Nothing in this act shall prevent persons guilty of any such crimes, who shall not be tried according to this act, from being tried for high treason within this realm, under the 28 H. 8. c. 15., *id.* s. 3.

22. If any commander of any ship, or any mariner, shall in any place where the admiral hath jurisdiction, betray his trust, and turn pirate, enemy, or rebel, and piratically and feloniously run away with the ship, or any barge, boat, ordnance, ammunition, or goods, or yield them up voluntarily to any pirate, or shall bring any seducing messages from any pirate, enemy, or rebel, or consult or confederate with, or attempt to corrupt, any commander, officer, or mariner, to yield up or run away with any ship or goods, or turn pirate, or go over to pirates, or if any person shall lay violent hands on his commander, to hinder him from fighting in defence of his ship and goods, or confine his master, or endeavour to make a revolt in the ship, he shall be adjudged a pirate, felon, and robber, and being convicted according to this act shall suffer death, and loss of lands and goods, 11 & 12 W. 3. c. 11. s. 9.

23. All persons who shall either on land or upon the seas, knowingly set forth any pirate, or assist or maintain, procure, command, counsel, or advise, any person to commit any piracies or robberies upon the seas, and such person shall thereupon commit any such piracy or robbery, all such persons shall be adjudged accessory to such piracy and robbery; and after any piracy or robbery committed, every person who, knowing that such pirate or robber has committed such robbery, &c., shall, on the land or on the sea, receive, entertain, or conceal, any such pirate or robber, or receive any ship or goods by such pirate or robber, piratically and feloniously taken, shall be adjudged accessory to such piracy and robbery; and all such accessories may be enquired of, heard, and determined, after the common course of the law, according to the stat. 28 H. 8. c. 15., as the principals of such piracies and robberies ought to be; and being attainted, shall suffer death, and loss of lands and goods, *id.* s. 10., [accessaries deemed principals, 8 G. 1. c. 24. s. 3.]

24. When any *English* ship shall have been defended against pirates, enemies, or sea rovers, by fight, and brought to her port, in which fight any of the officers or seamen shall have been killed or wounded, the judge of the high court of admiralty, or his surrogate in the port of *London*, or the mayor, bailiff, or chief officer in the several out-ports of this kingdom,

upon petition of the master or seamen of such ship, may call unto him four or more substantial merchants, and such as are no adventurers or owners of such ship or goods, and have no interest therein, and by advice with them, may raise upon the adventurers and owners of such ship and goods, by process out of such court, such sums of money as himself and such merchants, by plurality of voices, shall judge reasonable, not exceeding two *per cent.* of the freight, and of the ship and goods, according to the first costs of the goods; which money shall be distributed among the captain, masters, officers, and seamen of such ship, or widows and children of the slain, according to the direction of the judge of such court, &c., with the approbation of such merchants, who shall proportion the same to the ship's company, having special regard to the widows and children of such as have been slain, and such as have been wounded, 11 & 12 W. 3. c. 11. s. 11. [see 8 G. 1. c. 24. s. 5. *pl.* 36.]

25. A reward of 10*l.* for every vessel of 100 tons or under, and 15*l.* for every ship of a greater burden, shall be paid by the commander of every ship, wherein any combination shall be set on foot for the running away with or destroying such ship or the goods therein, to such person as shall first make a discovery thereof, on proof made thereof, the same to be paid at the port where the wages of the seamen are to be paid, *id.* s. 12.

26. The commissioners appointed by 28 H. 8. c. 15.; or by this act, shall have the sole power of hearing and determining the said crimes, within all the plantations in *America*, governed by proprietors, or under charters from the crown; and shall issue their warrants for apprehending of any pirates, felons, or robbers upon the sea, or their confederates or accessaries, without any of such plantations, in order to their being brought to trial within the same, or any other plantation in *America*, or sent to *Eng.*; and all governors and persons in authority in the plantations, governed by the proprietors, or under charters, shall assist the commissioners and their officers, and deliver up any pirates, felons, and robbers upon the sea, and their confederates and accessaries, in order to their being tried or sent into *Eng.*, *id.* s. 14.

27. If any of the governors in such plantations, or persons in authority there, shall refuse to yield obedience to this act, such refusal shall be a forfeiture of all charters granted for the government or propriety of such plantation, *id.* s. 15.

28. When any commission for the trial and punishment of such offences, shall be directed to any place within the jurisdiction of the cinque ports, such commission shall be directed to the lord warden, or his lieutenant, and such other persons as the lord high chancellor shall name; and every inquisition and trial to be had by virtue of such commission shall be by the inhabitants of the cinque ports, or the members of the same, *id.* s. 16.

29. All persons who shall commit any offences for which they ought to be adjudged pirates, felons, or robbers, by the 11 & 12 W. 3. c. 7., may be tried as by 28 H. 8. c. 15. directed, and shall be debarred from the benefit of clergy, 4 G. 1. s. 11. c. 7.

30. "Whereas it is by 11 & 12 W. 3. c. 7. s. 11. [which see, SEAMEN,] enacted, that if any person should wilfully leave any man behind him abroad, he should suffer 3 months imprisonment, but no mode of prosecution is provided in cases of offences against the said act;" Therefore all offences against such act may be prosecuted by indictment or information, at suit of H. M.'s attorney-general, in K. B. at *Westminster* in the county of *Middlesex*, and such court may issue commissions for the examination of witnesses abroad, and depositions taken under the same shall be received in evidence on the trial of such indictment, &c. 58 G. 3. c. 38. s. 1. [Qu. does this apply to the whole of 11 & 12 W. 3. c. 7., or only to s. 18.]

31. FOR THE MORE EFFECTUAL SUPPRESSING OF PIRACY, (*viz.* by preventing any trading or corresponding with, or fitting out ships to trade with pirates, and by giving rewards to persons opposing pirates,) 8 G. 1. c. 24. ss. 1—10. [PUBLIC act, and not to extend to H. M.'s dominions in *Asia*, *Africa*, or *America*, s. 10.] [See the rest of this act, SEAMEN.] [MADE PERP. 2 G. 2. c. 28. s. 7., AMD. 8 G. 2. c. 29. s. 10.]

32. If any commander of any ship, or other person, shall trade with any pirate, by trust, barter, exchange, or otherwise, or shall furnish any pirate, felon, or robber on the seas, with ammunition, provision, or stores, or shall fit out any ship knowingly and with design to trade or correspond with any pirate, &c., or if any person shall consult, combine, or correspond with any pirate, &c. knowing him to be guilty of any piracy, felony, or robbery, such offender shall be adjudged guilty of piracy, felony, and robbery, and shall be tried according to the statutes 28 H. 8. c. 15. and 11 & 12 W. 3. c. 7., and being convicted, shall suffer death, and loss of lands and goods; and if any person belonging to any ship, upon meeting any merchant ship on the high seas, or in any port, haven, or creek, shall forcibly board and enter such ship, and though they do not seize and carry her off, shall throw overboard or destroy any of the goods, they shall be deemed and punished as pirates, 8 G. 1. c. 24. s. 1.

33. Every ship fitted out with a design to trade or correspond with any pirate, and all the merchandises put on board the same with an

intention to trade with any pirate, &c. shall be forfeited; one moiety to H. M., the other to the first discoverer of such design, who may sue for the ship and goods on board, in the high court of admiralty, 8 G. 1. c. 24. s. 2.

34. All persons who by 11 & 12 W. 3. c. 7. are declared accessaries to any piracy or robbery, are hereby declared principal pirates, felons, and robbers, and shall be tried and suffer as such, *id.* s. 3.

35. Every offender convicted of any piracy, felony, or robbery, by virtue of this act, shall not have benefit of clergy, *id.* s. 4.

36. If any seaman on board of any merchant ship shall be maimed in fight against any pirate, he shall not only receive the rewards appointed by 22 & 23 Car. 2. c. 11.; but shall be provided for in *Greenwich Hospital*, preferable to any other seaman who is disabled from service by age, *id.* s. 5. [see 11 & 12 W. 3. c. 7. s. 11. *pl.* 24.]

37. Because the 8 G. 1. c. 24. s. 5. extends only to seamen maimed in fight against pirates, it is ENACTED, that if any seaman or mariner on board any merchant ship belonging to H. M.'s subjects, is maimed in fight against any of H. M.'s enemies, he shall be provided for in *Greenwich hospital*, as any other seaman disabled in the service of the king, 8 G. 2. c. 29. s. 10.

38. If any commander or other officer, or seaman, of a merchant ship, which carries guns and arms, shall not, when attacked by any pirate, fight and endeavour to defend themselves, or shall utter any words to discourage the other mariners, and by reason thereof the ship shall fall into the hands of the pirate, every such commander, &c. shall forfeit all the wages due to him to the owners of the ship, and shall not be permitted to sue for the same, and shall suffer six months imprisonment, 8 G. 1. c. 24. s. 6.

39. TO REMOVE DOUBTS, AND TO REMEDY DEFECTS IN THE LAW with respect to certain offences committed upon the sea, or within the jurisdiction of the admiralty, 1 G. 4. c. 90.

40. Every person who shall be tried for any capital offence committed upon the sea, out of the body of any county of this realm, and within the jurisdiction of the admiralty, by virtue of any commission directed under 28 H. 8. c. 15., and shall be found guilty of any crime, which, if committed on land, would be clergyable, shall be entitled to his clergy in respect thereof, in like manner, and be subject to like punishment as if he had committed such offence on the land, *id.* s. 1.

41. All offences mentioned in 43 G. 3. c. 58., against cutting and maiming, which shall be committed on the high seas, out of the body of any county of this realm, shall be offences of the same nature respectively, and be liable to the same punishments as if committed on land in *Eng.* or *Ire.*, and shall be enquired of as treasons, felonies, &c. under 28 H. 8. c. 15. are to be, *id.* s. 2.

PLEADING.

(STATUTE *expired.*)

FOR PREVENTING VEXATIOUS PLEAS, 23 H. 6. c. 11. EXP.

STATUTES, (*in force.*)

1. NO SHERIFF, CONSTABLE, OR OTHER OUR BAILIFFS SHALL HOLD pleas of the crown, 9 H. 3. M. C. c. 17.

2. NO FINES SHALL BE TAKEN FOR DEAU PLEADER, 52 or 54 H. 3. c. 11. *stat. Marl.* 3 E. 1. c. 8., 1 E. 3. st. 2. c. 8.

3. IF ANY SERJEANT, PLEADER, OR OTHER DO ANY DECEIT OR collusion in H. M.'s court, in deceit of the court, he shall be imprisoned for a year and a day, and never after be heard to plead, and if he be no pleader, he shall be imprisoned in like manner, and if the trespass require greater punishment it shall be at H. M.'s pleasure, 3 E. 1. c. 29.

4. PLEAS SHALL BE DECIDED BY THE JUSTICES IN DUE ORDER, 3 Ed. 1. c. 46.

5. The justices of K. B. and C. P. shall decide pleas at one day before any matter be entered on of pleas on the following days, saving that essoins shall be entered and judged, yet by reason hereof, let no one man absent himself at the day to him limited, 3 E. 1. c. 46.

6. A WRIT OF DECEIT SHALL BE MAINTAINABLE AS WELL IN case of garnishment in plea of land, as in case of summons in plea of land, 2 E. 3. c. 17.

7. THE EXCEPTION OF NON-TENURE OF PARCEL SHALL ABATE NO writ, except as to the quantity, concerning which non-tenure is alleged, 25 E. 3. st. 5. c. 16.

8. ALL PLEAS PLEADED IN ANY COURT, SHALL BE PLEADED AND shewed, and judged in *English*, and inrolled in *Latin*, and that by the ancient terms and forms in pleading no man be prejudiced, so that the matter of the action be fully shewed in the declaration and writ, 36 E. 3. c. 15. [but *Latin* abolished, 4 G. 2. c. 26., 6 G. 2. c. 14. JUDICIAL PROCEDURE.]

9. IF IN SUITS OR WRITS of debt, accompt, and other such actions, it is declared that the contract thereof was made in another county than

that contained in the original writ, the same writ shall abate, 6 R. 2. st. 1. c. 2.

10. FOR PROHIBITING INDICTMENTS with the words *insidiatores irarum, et depopulatores agrorum*, 4 H. 4. c. 2.

11. Such words shall not henceforth be put on any indictments, arraignments, appeals, or other impeachments; but the justices may take before them indictments, &c. containing the effect of such words and terms, if any person is indicted, &c. of such felonies; and if any clerks secular or religious be indicted, &c., and their indictments, &c. do comprehend the effect of such words, or other words of the like effects, they shall nevertheless enjoy the privilege of holy church, and be delivered to the ordinary, *id. ibid.*

12. TAKING FEES OF DAMAGE CLEER (originally a gratuity to prothonotary and clerks for drawing special writs and pleadings) abolished, on penalty of forfeiture of treble sum so taken, 17 C. 2. c. 6. [See FEES.]

13. TO GIVE LEAVE TO PLEAD SEVERAL MATTERS to prevent the too frequent use of dilatory pleas, and to enable persons having paid money on a bond or judgment to plead the same in bar, or to bring it into court, 4 & 5 A. c. 16. ss. 4, 5. 11—13. [This title is framed from these sections.]

14. Defendants or tenants in any suit, and plaintiffs in replevin in any court of record, may plead several matters by leave of court, *id. s. 4.*

15. If such matters on demurrer be judged insufficient, or if verdict is found on any issue for the plaintiff or defendant, costs shall be given at the discretion of the court, unless the judge who tried the issue certify that there was probable cause to plead such matter, *id. s. 5.*

16. No dilatory plea shall be received in any court of record, unless the party offering the same do by affidavit prove the truth thereof, or show some probable matter to the court to induce them to believe that such plea is true, *id. s. 11.*

17. Where any action or [QU. of] debt is brought on any single bill, or where any action of debt or *scire facias* is brought on any judgment, if the defendant hath paid the money due on such bill or judgment, such payment may be pleaded in bar; and where an action of debt is brought on any bond which hath a condition or defeasance to make void the same, on payment of a lesser sum, at a day or place certain; if the obligor, his heirs, executors, or administrators have before action brought paid to the obligee, his executors, or administrators, the principal and interest due by the defeasance, &c. though such payment is not strictly according to the defeasance, it may nevertheless be pleaded in bar of such action, and shall be effectual, *id. s. 12.*

18. If at any time pending an action on such bond with a penalty, the defendant shall bring into court all the principal and interest due on such bond, and also all costs expended in law or equity on such bond, the same shall be deemed satisfaction, and judgment of discharge shall be given, *id. s. 13.*

POLICE. (See THAMES POLICE.)

(STATUTES repealed and expired.)

1. FOR THE MORE EFFECTUAL ADMINISTRATION of the office of justice of peace, in such parts of the counties of *Middlesex* and *Surrey* as lie in or near the metropolis, and for the more effectual prevention of felonies, 32 G. 3. c. 53. [CON. 36 G. 3. c. 75. REP. 42 G. 3. c. 76. s. 1.]

2. TO REPEAL 32 G. 3. c. 53. and 36 G. 3. c. 75., and for making other provisions in lieu thereof, and for increasing the salaries of the justices at the *Thames* police office for a limited time, 42 G. 3. c. 76. [CON. as to the salaries aforesaid, 47 G. 3. s. 1. c. 37. s. 1., and CON. and AMD. 47 G. 3. s. 2. c. 42.; both acts REP. 51 G. 3. c. 119. s. 1.]

3. FOR REPEALING 42 G. 3. c. 76. and 47 G. 3. s. 2. c. 42., and for making other provisions in lieu thereof for a limited time, 51 G. 3. c. 119. [REP. 54 G. 3. c. 37. s. 1.]

4. TO REPEAL 51 G. 3. c. 119., and for making other provisions in lieu thereof for a limited time, 54 G. 3. c. 37. [CON. 1 G. 4. c. 66., and until 5th July 1821, and then REP. 1 & 2 G. 4. c. 118. s. 1., when that act begins to operate.]

(STATUTES in force.)

1. TO FACILITATE THE EXECUTION OF JUSTICE within the cinque ports, 51 G. 3. c. 36. [This act is in force, but being local in its operation is not given at length.]

2. FOR THE MORE EFFECTUAL ADMINISTRATION of the office of a justice of peace, within the townships of *Manchester* and *Salford*, in the hundred of *Salford*, in the county palatine of *Lancaster*, and to provide by means of a rate on the said townships and otherwise, a competent salary to a justice of peace acting within such townships, and to enable constables of *Manchester* and *Salford* to take recognizances in certain cases, 53 G. 3. c. 72. [PUBLIC clause, s. 11.]

3. H. M., in right of his duchy and county palatine of *Lancaster*, may,

with the advice of his chancellor and council, appoint one fit person, who shall be a barrister of four years standing, being a justice of peace for such county, to execute the office of a justice within such division, either by himself or with such other justices for such county as may attend, and be therefore entitled to salary in pl. 6., 53 G. 3. c. 72. s. 1.

4. Such justice shall reside within one mile of the Exchange in *Manchester*, or of the New Bailey Court-house in *Salford*, and shall daily (*Sunday* excepted) attend at such court-house; but the attendance of such justice may be supplied by any other justice for such county, *id. s. 2.*

5. Any person so appointed may execute the office of a justice of peace for such county during his residence within such limits, although not possessed of or entitled to an estate or interest in lands, &c. of the clear yearly value of 100*l.*, provided he is not otherwise disqualified so to act as such justice, *id. s. 3.*

6. The justices at quarter sessions, held by adjournment within the hundred of *Salford*, may, by writing under the hands of two of them, (whereof such justice shall not be one) direct the commissioners acting under the 52 G. 3. c. 69. (local) to pay such justice 1000*l.* per ann. by quarterly payments to be appointed by such sessions; and such payments shall be assessed, raised, and levied, as any rate, by such act directed to be raised, and with the like powers, &c. of collection, *id. s. 4.*

7. And 9 of such commissioners may assess and levy, in like manner as any rate by such act directed, sums equal to the payment of such salary, provided that such sums shall not, in any one year, exceed 3*d.* in the pound upon the rateable property specified in such act; and sums so raised shall be applied to the purposes of such acts, and separate accounts shall be kept of the money assessed under the same, *id. s. 5.*

8. *Manchester* shall contribute seven-eighths, and *Salford* one-eighth part of such salary, *id. s. 6.*

9. The chancellor and council of the duchy of *Lancaster* may order the receiver-general of the duchy to pay over the amount of monies (not exceeding 1000*l.* per ann.) which shall be levied by reason of recognizances taken and estreated into such county, to such commissioners, to be applied in aid of the rate on such townships, under this act, towards the payment of such salary, the 1 A. st. 1. c. 7. notwithstanding; but nothing herein shall abridge the power of such chancellor, &c. to mitigate such recognizances and levies as heretofore, *id. s. 7.*

10. Any justice appointed under this act shall not, during his continuance in such appointment, sit as a member in the H. of C., *id. s. 8.*

11. The constables appointed for such townships, or one of them, or their deputies, on having an appointment in writing from their principals, may take recognizances without fee from all persons brought before them in the night time, on any charge not felony, for the appearance of such person before a justice for such county within 2 days after, for further examination; and such recognizances shall be of equal obligation to the parties entering into the same, and liable to the same proceedings for estreating thereof as if taken before a justice of peace, *id. s. 9.*

12. The expences of soliciting this act to be paid as the salary of such justice, *id. s. 10.* [EXP.]

13. FOR THE MORE EFFECTUAL ADMINISTRATION OF THE OFFICE of a justice of peace in and near the metropolis; and for the more effectual prevention of depredations on the river *Thames* and its vicinity, for one year, 1 & 2 G. 4. c. 118. [PUBLIC clause, s. 49.]

14. The 54 G. 3. cc. 37. & 187. shall be continued in force until the 5th July 1821, and be then repealed; and the provisions of this act shall thenceforth commence and continue in force for one year, *id. s. 1.*

15. The police office now established in the parish of *St. John of Wapping*, commonly called 'The *Thames* Police Office,' and the several police offices now established in the parishes of *St. Margaret Westminster*, *St. James Westminster*, *St. Andrew Holborn*, *St. Leonard Shoreditch*, and *St. Mary Whitechapel*, in *Middlesex*, and in the parish of *St. Saviour*, in *Surrey*, shall be continued; and instead of the police office now established in the parish of *St. Paul Shadwell*, a new police office shall be established in the parish of *St. Mary-le-bone*, in *Middlesex*; and the several persons appointed to execute the duties of a justice of peace at the police offices now established under the said acts, shall continue to execute the same at the said 7 first-mentioned offices, and at the said police office so to be established as last aforesaid, together with such other justices of peace for the said counties as may think proper to attend thereat; and H. M., upon every vacancy by death or otherwise, may appoint another fit person, being a justice of peace of the counties of *Middlesex* and *Surrey* respectively, to execute the duties of a justice of peace at such police offices, in lieu of the person making such vacancy, *id. s. 2.*

16. One of such justices shall diligently attend at each of such police offices every day, from 10 until 8 in the evening, and at such other times and places as shall be found necessary, and directed by the principal secretary of state for the home department; and 2 of such justices shall in like manner attend together from 12 at noon until 3, but no such attendance shall be given on *Sunday*, *Christmas Day*, *Good Friday*, or any day appointed for a public fast or thanksgiving, unless in cases of urgent necessity, or when it is directed by such principal secretary of state, *id. s. 3.*

17. The present receiver for the 7 police offices established under the 54 G. 5. c. 37., shall become the receiver for the said 8 police offices; and H. M. upon any vacancy in such office of receiver, by death or otherwise, may appoint another person, not being one of the justices appointed to act at either of the said police offices, to be such receiver; and such receiver shall receive all fees and forfeitures, and other sums applicable to the purposes of this act, and keep an exact account of all monies received by him, and apply the same quarterly in discharge of the salaries, expences, and charges attending such offices, and in the execution of this act, and shall make all contracts and disbursements necessary for purchasing, hiring, fitting up, and furnishing sufficient houses and buildings, wherein such 8 offices shall be held, in such manner as H. M., by and with the consent of his privy council, shall direct; of which houses and buildings, and the fixtures and furniture thereof, and of all other necessaries to be held or purchased for the purposes of this act, the property acquired therein shall be vested in the receiver, who may sell, assign, and dispose of the same, or any part thereof, under the like directions, as occasion requires; and shall prepare proper plans and estimates of all such contracts and disbursements, and deliver the same to H. M.'s principal home secretary; and further execute all such other lawful matters towards the establishment of the said 8 police offices, and towards the carrying this act into execution, as H. M., by and with the advice of his privy council, shall direct, 1 & 2 G. 4. c. 118. s. 4.

18. The justices so appointed, or any 2 of them, in their respective offices, shall appoint and retain a sufficient number of fit and able men for the whole 8 offices, subject to the approbation of the home secretary, whom they shall swear in to act as constables, for preserving the peace and preventing robberies and felonies, and apprehending offenders against the peace; which constables so sworn shall, within the counties of *Middlesex, Surrey, Essex, and Kent*, have all such powers and advantages as any constable duly appointed now has, or hereafter may have, by any law or statute, and shall obey all such lawful commands as they shall receive from the said justices respectively for the apprehending offenders, or otherwise conducting themselves in the execution of their offices; and such justices may suspend or dismiss from employment any such constable attached to their respective offices, whom they think remiss, or otherwise unfit for the same; and when any such constable is so dismissed, or ceases to belong to any of such offices, all powers and authorities vested in him as a constable under this act shall cease, *id.* s. 5.

19. The justices appointed to the *Thames* police office, or any 2 of them, shall (subject to such approbation as in s. 5. pl. 18.) retain and employ not exceeding 50 men, who, under the name of *Thames* police surveyors, shall (being first duly sworn as aforesaid) have, within the said counties, the powers and advantages of a constable, and shall direct and inspect the conduct of the constables attached to the *Thames* police office, and of all persons to be employed in and about ships and vessels in the *Thames*, or in or on the several creeks, wharfs, quays, and landing places thereto adjacent, and (subject to the orders of the last-mentioned justices) shall, by virtue of their offices, enter at all times, as well by night as by day, into every ship, hoy, barge, lighter, boat, or other vessel, (not being then actually in H. M.'s service), lying in the said river or creeks, and into every part of such vessel, for the purpose of inspecting and directing the conduct of any constable stationed on board of any vessel, and of inspecting the conduct of all other persons employed on board of any vessel in or about the lading or unlading thereof, and for the purpose of taking all measures necessary for providing against fire and other accidents, and preserving peace and good order, and for the effectual prevention of any felonies or misdemeanors, and the detection of such as have been committed, or which such surveyor suspects to have been committed on board any such vessel; and the justices appointed to the *Thames* police office may suspend or dismiss any such *Thames* police surveyor whom they shall find remiss, or otherwise unfit for the same; and when any such surveyor is so dismissed, or ceases to belong to the said offices, all powers vested in him as such surveyor under this act shall cease, *id.* s. 6.

20. H. M. may direct a sum to be issued quarterly out of the consolidated fund of the U. K. to the said receiver, sufficient to pay the yearly salary of 600*l.*, clear of all deductions, to each of the justices so appointed to attend at such police offices, and such further sum as may be necessary for the expences of the offices, and for the payment of clerks, constables, surveyors, and others therein employed; provided that the whole charges attending the said police offices (the said salaries being included) shall not exceed the annual sum of 35,000*l.* over the necessary disbursements for purchasing, hiring, repairing, fitting up, and furnishing the houses and buildings wherein the said offices are held; and the said receiver, out of the monies so issued, shall pay to the constables and surveyors so appointed as aforesaid, such sum as appears reasonable to the home secretary, and any extraordinary expences they appear to have been necessarily put to in apprehending offenders, and executing the orders of the justices acting under this act; such extraordinary expences being first examined and approved of by the justices

attending the police office to which such constables are attached, and such further sum for rewarding their extraordinary diligence or exertion, as shall be directed by such secretary, 1 & 2 G. 4. c. 118. s. 7.

21. No justice of peace for the counties of *Middlesex* or *Surrey*, city and liberty of *Westminster*, or liberty of the tower of *London*, or his clerk, or any person on their behalf, other than at the said police offices, shall, upon any pretence, take any fee or recompence, for any act by him or them done in the execution of their office as justice of peace or clerk, within the limits of the weekly bills of mortality, or the parish of *St. Mary-le-bone, Paddington, St. Pancras, Kensington, and St. Luke* at *Chelsea*, in *Middlesex*, upon pain of forfeiting 100*l.*, one moiety to the said receiver, to be applied to the purposes of this act, and the other, with full costs, to the person who shall sue for the same in any courts of record at *Westminster*, by action of debt, &c., or information, wherein no essoin, &c. or more than one imparlance, allowed: but nothing herein shall extend to any fees taken at any general or quarter sessions of the peace, or at any meeting of justices, for the purpose of licensing alehouses, or to any fees taken at the public office in *Bow-street*, or to any fees taken by any vestry clerk, for the purpose of enforcing the payment of any taxes or assessments arising within the same parish, or for hearing and determining any offence cognizable before justices of peace, by virtue of any statute made for the special regulation of such parish, *id.* s. 8.

22. In some conspicuous part of each of the said police offices, and also of the said public office in *Bow-street*, there shall be affixed a table of the fees which may legally be taken at such offices, under 26 G. 2. c. 14. and 27 G. 2. c. 16. s. 4. [See JUSTICE OF PEACE], and any justice at such offices may refuse to do any act for which any fee is demandable, unless such fee is first paid; and if any such act is done, and the fee due thereon is not paid, any justice may summon the person from whom such fee is due, and make order for payment of the same, with the costs of the proceedings, and in default of payment levy the same, with the costs of the distress, by warrant under his hand and seal, *id.* s. 9.

23. The justices so appointed to attend at the said police offices, and their clerks, shall, in books, keep a full account of all fees received at each of such offices, together with all penalties which have been recovered, levied, or received, in pursuance of any adjudication, conviction, or order, made at any of such offices, or any process or warrant issuing from the same; to which books the said receiver shall at all times have free access; and such justices shall, once in every quarter, deliver unto such receiver such account, verified on oath by such justice or justices, clerk or clerks, or such other person as shall be employed in keeping such accounts respectively, or any part thereof, before some justice of peace for the counties of *Middlesex* or *Surrey*, and pay the amount unto such receiver, to be applied as in s. 4. pl. 17., *id.* s. 10.

24. All such penalties, and shares of penalties, as are by any act now in force, or by any future act (unless it contains express words to the contrary) shall be limited to H. M., or to any persons, other than the informer who shall sue for the same, or any party aggrieved, and which shall be recoverable in a summary way before a justice or justices of peace, and which shall be recovered or adjudged before any justice or justices at either of the said police offices; shall be accounted for and paid into the hands of the said receiver, by the justice, clerk, constable, officer, or other person, who shall levy or receive the same; to be applied as in s. 4. pl. 17., *id.* s. 11.

25. If the said justices so appointed, as in s. 2. pl. 15., or any other person, having received any such fees at any of the said police offices, shall neglect to account for and pay the same, as in s. 10. pl. 23., or if any justice, justice's clerk, constable, officer, or other person, who shall levy or receive such penalties, or shares of penalties, shall neglect to pay the same into the hands of such receiver as aforesaid, or if any person having resigned the office of receiver, or having been removed from the same, shall not, within 21 days after notice for that purpose, account for and pay into the hands of his successor, all such sums as remain in his hands applicable to the purposes of this act, such receiver, for the time being, in his own name only, or by his name and description of office, may sue for and recover the same, with double costs of suit, in any court of record at *Westminster*, by action of debt, in which action it shall be sufficient to declare as for money had and received to the use of such receiver for the purposes of this act; and the defendant in such action may, at the discretion of any judge of such court, be held to special bail, in such competent sum as such judge shall order; and in any such action the court may, at the instance of either party, refer the account in dispute, in a summary manner, to be audited by any officer of the court, or other fit person, at their discretion, who may examine both plaintiff and defendant upon oath, (which oath the said referee shall administer,) and upon the report of such referee, unless either party show good cause to the contrary, such court may make a rule, either for the payment of such sum as on such report appears due, or for staying the proceedings in such cause, and on such conditions as to the same

court appears reasonable and just; or may order judgment to be entered up by confession, for such sum so appearing due, 1 & 2 G. 4. c. 118. s. 12.

26. In case of the death of any such receiver, or of any person having resigned or been removed from such office, or of any of the other persons whom the said receiver for the time being is so authorized to sue, the receiver for the time being may, in his own name only, or by his name and description of office, sue for and recover such sum as has been remaining in the hands of such deceased receiver or other person, applicable to the purposes of this act, or the executors or administrators of such person deceased; in which action the plaintiff may declare that the deceased was indebted to the plaintiff for money had and received for the purposes of this act, or that the deceased died possessed of money had and received for the purposes of this act, whereby an action accrued to the plaintiff to demand and have the same of such executors or administrators; and the like action may be brought against any executors or administrators of executors or administrators; in all which actions the defendant may plead in like manner, and avail himself of the like defence, as in any action founded upon simple contracts of the original testator or intestate; and in all actions so to be brought by such receiver, proof of the plaintiff's acting in the execution of such office shall be evidence of his holding the same, unless the contrary is shown in evidence by the defendant, *id.* s. 13.

26. Such receiver shall every 3 months, and oftener if required, deliver to the treasury a full account of all monies by him received and paid as aforesaid, with vouchers for the same; which account shall be verified upon oath before some justice or baron of one of the courts of record at Westminster; and such receiver, for the execution of such office, may retain to his own use, out of the monies so received by him, such sum not exceeding 400*l.* as H. M. in council shall direct; but if at the end of any year there is any surplus in his hands, he shall pay the amount into exchequer, to be carried to consolidated fund, *id.* s. 14.

27. No justice so appointed shall be capable of being elected, or of sitting as a member of the H. of C.; and no justice, receiver, surveyor, or constable so appointed, shall, till six months after he has quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the counties of *Middlesex* or *Surrey*, or for *Westminster* or *Southwark*; nor shall, in any manner, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for the choice of any person to be a member to serve in parliament for the said counties, city, or borough; and every such justice, &c. offending therein, shall forfeit 100*l.*, one moiety to the informer, and the other to the use of the poor of the parish or place where such offence was committed; to be recovered by any person that shall sue for the same, by action of debt, &c., or information, in any court of record at Westminster, in which no essoin, &c., or more than one imparlance allowed; such action to be brought within one year after such offence committed; but nothing in this act shall subject any such justice, &c. to a penalty for any act done by him at or concerning any of the said elections, in the discharge of his duty in the said respective capacities, *id.* s. 15.

28. Where by any law now in being, or hereafter to be made, any act is directed to be done by any justice or justices of peace residing in, near, or next the parish or place where any offence, or other matter cognizable before them, is committed or arises, the same jurisdiction shall be exercised by a justice or justices acting in such of the said police offices as may be next or near such parish or place, *id.* s. 17.

29. H. M. in privy council may make such alterations in the places where any of the said police offices shall be situated, or in the hours of attendance therein, and make all such other regulations to be observed in conducting the same, as he shall think proper, *id.* s. 18.

30. No shop or room for the sale, or under the pretence of selling ready-made coffee, tea, and other liquors, within the city of London or the liberties thereof, within the limits of the weekly bills of mortality, or within any of the parishes hereinbefore mentioned, shall be kept open after 11 at night, nor opened before 4 in the morning, between Lady Day and Michaelmas, or before 6 in the morning between Michaelmas and Lady Day; and if any such shop, &c. is open within the hours prohibited, or being shut up, if any person is found therein, except the persons actually dwelling there, or having lawful excuse for being there, then the master, or other person having the care or management of such shop, &c., whether the real owner or keeper thereof or not, shall forfeit any sum not exceeding 10*l.*, upon conviction of any such offence before any justice of peace, by confession or on the oath of one witness; and if the party so convicted shall not immediately pay the penalty, the justice shall commit him or her to hard labour in the house of correction for not exceeding 3 months, unless the penalty is sooner paid; which, when paid, shall be distributed, one moiety to the informer, the other to the chamberlain of the city of London, if the offence be committed in the said city or the liberties thereof; and if out of the said city, then the other moiety to the said receiver for the purposes of this act; but nothing herein shall affect any house duly

licensed for the sale of wines and spirituous liquors; and no such conviction shall exempt the owner, keeper, or manager of any such shop, &c. from any penalty or penal consequence whereto he or she may be liable for keeping a disorderly house, 1 & 2 G. 4. c. 118. s. 18.

31. If any person shall, within the city of London and liberties thereof, or within the limits and parishes aforesaid, blow any horn or use any other noisy instrument for the purpose of hawking, selling, or distributing any article whatsoever, any constable, headborough, patrol, watchman, or other person, may apprehend and convey him before any justice of peace, who shall proceed to examine upon oath any witnesses appearing to give evidence touching such offence; and if the party accused is convicted, he shall forfeit not exceeding 40*s.*, and not less than 10*s.*, to be applied in such manner as such justice shall direct; and in case he shall not upon conviction forthwith pay the penalty, such justice shall commit him to the house of correction, to be kept to hard labour for not exceeding 10 days, unless the penalty is sooner paid, *id.* s. 19.

32. Every conviction for the offences aforesaid, shall be in the following form to the like effect: *viz.*

'Be it remembered, that on the — day of — in the year of our Lord A. B. is brought before me [or, having been duly summoned has neglected to appear before me,] C. D. esq., one of H. M.'s justices of the peace in and for the county of — [or, city, or liberty, or place, as the case may be,] and is charged before me the said justice with having [here describe the offence], and it appearing to me the said justice, upon the confession of him the said A. B. [or, upon the oath of a credible witness, as the case may be,] that the said A. B. is guilty of the said offence; I do therefore adjudge the said A. B. to forfeit and pay the sum of —; and in default of payment, to be imprisoned in the house of correction at — and there kept to hard labour for the term of —, unless the said penalty shall be sooner paid; and I do hereby direct, that the said penalty shall, when paid, be applied to [here direct the mode,] Given under my hand and seal the day and year first above written,' *id.* s. 20.

33. "Whereas ill-disposed and suspected persons and reputed thieves frequent the parks, fields, streets, highways, and places adjacent, and divers places of public resort, and the avenues leading thereto, within the city of London and the liberties thereof, the limits of the weekly bills of mortality, and the said parishes of *St. Mary-le-bone*, *Paddington*, *St. Pancras*, *Kensington*, and *St. Luke*, at *Chelsea*, and also the river *Thames*, and the docks and creeks, quays and warehouses adjacent thereto, and the streets, highways and avenues leading to the said river, &c. with intent to commit felony;" be it enacted, that any constable, headborough, patrol, watchman, or other person may apprehend every such suspected person or reputed thief, and convey him or her before any justice of peace; and if it appear before such justice, on the oath of one witness, that such person is a person of evil fame and a reputed thief, and is not able to give a satisfactory account of himself or herself, and of his or her way of living, and it also appears to the satisfaction of such justice, that there is just ground to believe that such person was in or on such park, &c. river, dock, &c. or other place as aforesaid, with such intent, he shall be deemed a rogue and vagabond within the 17 G. 2. c. 5., *id.* s. 21.

34. Every such conviction shall be in the following form, or to the like effect; *viz.*

'Be it remembered, that on the — day of — in the year of our Lord — A. B. is brought before me, C. D. esq., one of H. M.'s justices of the peace in and for the county of — [or, city, liberty, or place, as the case may be,] and charged before me the said justice with being a rogue and vagabond, he the said A. B. having been apprehended on the — day of — in a certain — called — in the parish of — in the said county [or, city, &c. as the case may be]; and it appearing to me the said justice, on the oath of — a credible witness, that the said A. B. is a person of evil fame and a reputed thief, and the said A. B. on his examination before me, not being able to give a satisfactory account of himself, or of his way of living, and it is also appearing to the satisfaction of me the said justice, that there is just ground to believe that the said A. B. was in such — as aforesaid, with intent to commit felony on the person or property of H. M.'s subjects there being; I do therefore, in pursuance of an act passed in the first and second year of the reign of king George the fourth, intitled [here insert the title of this act] convict him the said A. B. of the said offence, and adjudge him to be a rogue and vagabond, within the intent and meaning of the statute made in the seventeenth year of the reign of his late majesty king George the second, intitled, An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction; and that he for his said offence be committed to the house of correction for the said county, until the next general [or quarter, as the case may be] sessions of the peace to be holden for the said county [city or place, as the case may be], then and there to be further dealt with according to law. [If the party be committed for a less time than until the sessions, then say, there to remain for the space of —.] Given under my hand and seal, the day and year first above written,' *id.* s. 22.

35. No conviction under this act, for any such offences, shall be quashed, or adjudged void or insufficient, for want of any other form of words; nor shall the same be removed by *certiorari* into the court of K. B.; but any person aggrieved thereby, may appeal to the justices of

the peace at the next general or quarter sessions of the peace to be held for the county or city wherein the cause of complaint shall arise, such person at the time of conviction entering into a recognizance with 2 sureties conditioned personally to appear at the said sessions to try such appeal, and abide the further judgment of the sessions; and in case any such conviction of a reputed thief is affirmed at such sessions, the justices may adjudge the offender to be a rogue and vagabond, and proceed as they might have done if such rogue and vagabond had been committed to the house of correction until such sessions; and in case such offender shall not appear pursuant to the said recognizance, the person so convicted by such justice shall be deemed an incorrigible rogue, within the meaning of the 17 G. 2. c. 5.; and the justices at such sessions, or any 2 of them, shall issue their warrant to apprehend and commit such person to some house of correction or common gaol within their jurisdiction, there to remain until the next general or quarter sessions for the said county, &c. then and there to be further dealt with according to law, 1 & 2 G. 4. c. 118. s. 23.

36. The chief magistrate of the *Bow-street* police office, may administer to the officers of such office, and to the horse and foot patrol acting under his orders, an oath duly to execute the office of constable within the counties of *Middlesex*, *Surry*, *Essex*, and *Kent*; and each of such persons, being sworn, shall act as a constable for the preservation of the peace, and the security of property against felonies and other unlawful modes of obtaining the same, within any of such counties, and for apprehending offenders against the peace, as well by night as by day; and shall have all such powers and advantages, as any constable duly appointed now has or hereafter may have within his constableness: provided when any such constable is dismissed from his employment, or ceases to belong to the said public office in *Bow-street*, all powers and advantages vested in him shall cease, *id.* s. 24.

37. When any case of incompetency, negligence, misconduct, or delinquency, shall appear to any two justices of peace acting within the said city or limits, and parishes, against any such watchman or patrol, in the city of *London*, the weekly bills of mortality and the parishes in s. 8., *pl.* 21. mentioned, they, by writing under their hands and seals, may declare the same, and pronounce the man so found incompetent or guilty of such negligence, &c. to be either suspended or absolutely dismissed as they think proper; and give notice of such suspension or dismissal to the aldermen and common council of the ward, if in the city of *London*, or to the vestry or other authority by whom such watchmen or patrol was appointed; and every such watchman or patrol shall be incapable of being re-appointed either for the same or any other ward, parish, or place, while such suspension or dismissal remains in force; and if no watchman or patrol is appointed by the aldermen and common council of the ward, or by the vestry or other proper authority, at their next meeting after such notice is delivered to the deputy of the ward, or to the clerk or secretary of such vestry, or other proper authority, or left at the house or office where their business is usually transacted, the said justices shall appoint a successor, who shall exercise and enjoy the said duties and powers, and receive the same pay and allowances, as if regularly appointed, *id.* s. 25.

38. No man shall hereafter be appointed within the limits and parishes aforesaid, to be a watchman or patrol, who is above the age of 40 years, unless he has been previously and up to the time of such appointment employed in the said horse or foot patrol, *id.* s. 26.

39. The alderman and common council of each ward in the city of *London* and liberties thereof, may make such allowance to superannuated watchmen, hedges, or patrols, as they think proper, to be paid out of the watch rate to be raised in such wards respectively, *id.* s. 27.

40. For the better administration of the police within such limits and parishes, the constable or headborough attending at any watch-house within those limits and parishes, between 8 in the afternoon and 6 in the forenoon, may take bail by recognizance, without any fee, from any person who is brought into his custody within the said hours, without the warrant of a justice, charged with any petty misdemeanor, if such constable shall deem it prudent for the appearance of such person before the justices at the public office in *Bow-street*, or at one of the said police offices to be specified in the recognizance for examination, at the hour of 10 in the forenoon next after such recognizance is taken, unless that hour falls on a *Sunday*, or on one of the days of absence allowed by this act, and in that case at the like hour on the succeeding day; and every recognizance so to be taken, shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if taken before a justice of peace; and the constable, &c. shall enter in a book to be kept for that purpose, in every watch-house, the names, residence, and occupation of the party, and his sureties entering into such recognizance, together with the condition thereof, and the sums acknowledged, and shall lay the same before such justice as is present at the time and place when and where the party is required to appear; and if he does not appear at the time and

place required, or within one hour after, the justice shall cause a record of the recognizance to be drawn up, to be signed by the constable or headborough, and return the same to the next general or quarter sessions, with a certificate at the back, signed by such justice, that the party has not complied with the obligation therein contained, and the clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in the sessions; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge against him, and the justice thinks fit to consent thereto, he may enlarge the recognizance to such further time as he shall appoint; and when the matter is determined, either by dismissal of the complaint, or by binding the party over to the sessions or otherwise, the recognizance shall be discharged without fee, 1 & 2 G. 4. c. 118. s. 28.

41. Every person who shall wilfully destroy or damage, or endeavour to destroy or damage, or be wilfully concerned in destroying or damaging, or endeavouring to destroy or damage, any boat belonging to or hired or employed by or by authority of the justices appointed to attend at the *Thames* police office, or any part of the sails, oars, or other tackle, stores, goods, or furniture contained in or belonging to any such boat, shall forfeit for every boat so destroyed or damaged, &c. or of which any of the tackle or other contents have been so destroyed or damaged, &c. not exceeding 50*l.*, or shall suffer imprisonment for not exceeding 3 months over and above any such damages as may be recoverable by action at law against him, *id.* s. 29.

42. Every such *Thames* police surveyor (subject to the orders of the said justices appointed to attend the *Thames* police office), having just cause to suspect that any felony has been or is about to be committed in or on board of any ship, hoy, barge, lighter, boat, or other vessel, lying or being in the said river, docks, or creeks, may enter at all times, as well by night as by day, into and upon every such ship, &c. or other vessel, and therein take all necessary measures for the effectual prevention or detection of all felonies which he suspects to have been or to be about to be committed upon the said river, &c., and apprehend and detain all persons suspected of being concerned therein, and also all property so suspected to be stolen, and the same produce before some justice, to be dealt with according to law, *id.* s. 30.

43. Every such *Thames* police surveyor, at any time between sun-rising and sun-setting, may enter any ship or vessel (except H. M.'s ships) in the said river, docks, and creeks, and search the same for unlawful quantities of gunpowder, and also exercise the same powers of seizing, removing to proper places, and detaining all such unlawful quantities of gunpowder found on board any such vessel, and the barrels or other packages in which such gunpowder is, as are given to persons searching for unlawful quantities of gunpowder under a warrant of a justice, by the 12 G. 3. c. 61. [See GUNPOWDER.] *id.* s. 31.

44. Any *Thames* police constable or surveyor, or other peace officer within his jurisdiction, may stop, search, and detain in some place of safety, any boat in which there is reason to suspect of having any ropes, cordage, tackle, apparel, furniture, stores, materials, or any part of any cargo or lading, stolen or unlawfully procured out of any ship, boat, barge, lighter, or craft, in the said river, docks, or creeks, or from any wharf, quay, or landing place, adjacent thereto; and also apprehend and detain any person who may be reasonably suspected of having or conveying any such articles in such boat; who shall be conveyed before some justice of peace; and if he shall not produce the party from whom he bought or received such articles, or some credible person, to depose on oath the sale or delivery thereof, or shall not give an account to the satisfaction of such justice how he came by the same, he shall be deemed guilty of a misdemeanor, and suffer as in s. 40. *pl.* 52., and such boat, with her tackle, apparel, furniture, and loading, shall, upon conviction, be forfeited and disposed of as in s. 43. *pl.* 55. directed, *id.* s. 32.

45. Every *Thames* police constable and surveyor, and every other peace officer within his jurisdiction, shall apprehend and detain every person who may reasonably be suspected of having or carrying any such ropes, &c. as in last *pl.*, stolen or unlawfully procured from or out of any ship, &c. in the said river, docks or creeks, or from any wharf, quay, or landing place adjacent thereto, and also shall seize all such articles and detain them in some place of safety, and shall, as soon as conveniently may be, convey every person so apprehended before some justice of peace; and if he shall not produce the party from whom he or she bought or received such articles, or some credible person to depose on oath the sale or delivery thereof, or shall not give an account, to the satisfaction of such justice, how he or she came by the same, then the person so apprehended shall be adjudged guilty of a misdemeanor, and suffer as in s. 40. *pl.* 52., directed, *id.* s. 33.

46. If, on information given on oath, it appears to any justice that there is cause to suspect that any materials, furniture, stores, or any part of the cargo of any vessel lying in the said river, docks, or creeks, or any stores belonging to H. M., or consigned to any person for

H. M.'s service, have been stolen or unlawfully obtained from or out of any such ship, boat, or craft lying in the said river, &c., or from any wharf, quay, or other landing place adjacent to the same, or from or in the way to or from any warehouse into or from which such articles had been removing or removed to or from any such wharf, quay, or landing place, and that such articles, after having been so stolen or unlawfully obtained, are concealed or lodged in any dwelling house, warehouse, yard, garden, or any other place, such justice, by special warrant under his hand and seal, directed to any *Thames* police constable or surveyor, or other constable within his jurisdiction, may cause such place to be searched by day or night, if power for that purpose be especially given in such warrant; and such justice, if it appears necessary, may moreover empower such constable or surveyor, with any assistance such justice or constable or surveyor may find necessary (such constable or surveyor having previously made known such his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise; and if upon search made any such suspected article is found, to convey the same forthwith to a justice, or to guard the same on the spot while the offenders are taken before a justice, or otherwise disposed thereof in some place of safety, subject to the orders of a justice, as above-mentioned; and moreover apprehend and convey before the said justice the person in whose house, lodging, or other place, the same were found, as also every other person found in such house, &c. who appears to have been privy to the depositing of such article in such place, knowing or having cause to suspect the same to have been stolen or unlawfully obtained; and if such person respectively shall not immediately or within some reasonable time assigned by the justice, make it appear, to his satisfaction, by what lawful means such articles came to be situated in such place without any default on the part of such persons respectively, or that they did not know that the same were, or by what means they were situated in such place, then the person in whose house, &c. any such suspected article was found, and every other person so appearing to have been privy to the depositing thereof, shall be adjudged guilty of a misdemeanor, and suffer as in s. 40. *pl. 52*, 1 & 2 G. 4. c. 118. s. 34.

47. If any person, on being so produced before any justice to give an account of any articles seized and detained, in any such cases, shall declare himself to have bought, received, or otherwise obtained such articles of some other person, such justice shall examine such other person, and also every other prior pretended purchaser; and if upon the whole of the evidence, it appears to his satisfaction, that the party so suspected at the time of receiving such articles into possession, did believe or had cause to believe that the same were at any time and by any person unlawfully come by or obtained, such justice shall adjudge such party guilty of misdemeanor, who shall thereupon suffer as in s. 40. *pl. 52*, *id.* s. 35.

48. If any master or commander or other officer of any vessel (except H. M.'s ships) shall, while such vessel lies in the said river between *Westminster Bridge* and *Blackwall*, keep any gun on board such vessel shotted or loaded with ball, or cause or permit to be fired or discharged any gun on board such vessel, before sun-rising, or after sun-setting, he shall for every such gun so kept shotted or loaded, forfeit 5s.; and for every gun so fired or discharged, 10s.; and every master, &c. of any such vessel, or any other person on board of the same, or any person on board of any barge, lighter, boat, or other craft or vessel, who shall, while such ship, &c. lie in the said river between *Westminster Bridge* and *Blackwall*, heat or melt, or cause or permit to be heated or melted by fire, logger-heat shot, or any other means, on board any ship, barge, &c. or vessel whatever, any pitch, tar, rosin, grease, tallow, oil, or other combustible matter, shall forfeit not exceeding 5*l.*; and any one of the justices appointed to attend at the *Thames* police office, or any other justice within his jurisdiction, shall upon any information exhibited or complaint made in that behalf, within ten days next after such offence was committed, summon the party accused, and also the witnesses on either side, or after oath made of the commission of any such facts by one witness, issue a warrant to apprehend the party accused, and upon the party's appearance or contempt in not appearing (upon the proof of notice given) such justice shall proceed to the examination of the witnesses on oath, and upon due proof thereof, either by confession or oath of one witness shall give judgment; and in case the party accused is convicted, may commit such offender to prison, for not exceeding 2 months, unless the penalty is sooner paid; and any person aggrieved by the judgment of any such justice, may appeal to the next general quarter sessions for the county or city where such offence was committed, on giving immediate notice of such appeal, and finding security to the satisfaction of such justice, for prosecuting the same with effect, and for abiding the determination of the court therein; and such court shall summon and examine witnesses upon oath, and finally determine the matter, and in case the judgment is affirmed, award the appellant to pay such costs occasioned by such appeal as seem meet; and one moiety of all money recovered on account of every such penalty, shall be distributed at the discretion of the convicting justice, to such person

as he shall judge to have been instrumental in detecting and prosecuting the offender, 1 & 2 G. 4. c. 118. s. 36.

49. Every person who for the purpose of protecting or preventing any goods or other articles from being seized, on suspicion of being stolen or unlawfully obtained, or of preventing the same from being produced as evidence of or concerning any felony or misdemeanor, shall frame or cause to be framed, or be anywise concerned in framing, &c., any bill of parcels containing any false statement in regard to the name or abode of any alleged vendor, the quantity or quality of any goods, the place from whence, or the conveyance by which the same were furnished, the price agreed upon for the same, or any other particular, knowing such statement to be false, or who shall fraudulently produce such bill of parcels, knowing the same to have been fraudulently framed, shall be guilty of a misdemeanor, and suffer as in s. 40. *pl. 52*; and may moreover, at the discretion of any justice in whose jurisdiction such offence is committed, be advertised as a fabricator of false bills of parcels, or as a convicted or reputed receiver of goods stolen or unlawfully obtained, as the case may be, *id.* s. 37.

50. If any person employed in the loading and landing or warehousing of any goods, or any other person, shall wilfully or through culpable negligence, cause or be concerned in causing or suffering to be broken, bruised, pierced, started, cut, torn, or otherwise injured, any cask, box, chest, bag, or other package, containing or being designed and prepared for containing any goods while on board of any barge, lighter, or other craft lying or being in the said river, or any dock, creek, quay, wharf, or landing place adjacent to the same, or in or in the way to or from any warehouse to or from which such package has been removed, is removing or about to be removed, with intent that the contents may be spilled, every person so offending shall be guilty of a misdemeanor, and suffer as in s. 40. *pl. 52*, *id.* s. 38.

51. If for the purposes of preventing the seizure or discovery of any materials, furniture, stores, or merchandize belonging to or having been part of the cargo of any vessel lying in the said river, or the docks or creeks adjacent thereto, or of any other articles unlawfully obtained from any such vessel, any such or any other article is wilfully let fall or thrown into the river, or otherwise purposely conveyed, or endeavoured to be conveyed away from any ship, boat, barge, lighter, craft, wharf, quay, or other landing place, every person being party, privy, or accessory to such letting fall, &c., or to any previous instructions or premeditated design, so to let fall, &c. any such article with any such purpose, shall be guilty of a misdemeanor; and if any article of apparent value is wilfully let fall, thrown, conveyed, or endeavoured to be conveyed away from any ship, boat, &c. into any other boat, barge, lighter, or craft, or from any wharf, quay, or other landing place, without the assent of the owner, or person having the charge of such article, any such *Thames* police constable or surveyor, or any constable of the city of *London*, within the jurisdiction of the city, may seize, and secure any such boat, &c., in which such article is so let fall, &c.; and every person therein, or who by reason of his nearness to the place where such offence is committed, is reasonably suspected of being party or accessory thereto, and forthwith convey such person before one of the justices appointed to attend at the *Thames* police office, or some other justice in whose jurisdiction such offence is committed; and if on examination it is not made appear that such letting fall, &c. or endeavour to convey away, proceeded either from accident or some lawful cause, and not from any such fraudulent design, every person so appearing to be a party or accessory, shall be guilty of a misdemeanor, and suffer as in s. 40. *pl. 52*, *id.* s. 39.

52. For every offence hereinbefore [ss. 32—39. *pl. 44*—51.] declared to be a misdemeanor, or for which no special penalty is hereinbefore appointed, the offender shall, at the discretion of the convicting justice, either forfeit not exceeding 5*l.*, or suffer imprisonment for not exceeding two months in any gaol or house of correction within the jurisdiction of such justice; and in case of the adjudication of a pecuniary penalty, and non-payment thereof, such justice may commit the offender to any gaol or house of correction for the like term, unless such penalty is sooner paid; and one moiety shall be paid to such receiver as in s. 4. *pl. 17*, for the purposes of this act, and the other, under the direction of the justice by whom adjudged, shall either be applied to the informer alone, or be distributed between such persons as contributed to the conviction, in such shares as such justice shall think fit, *id.* s. 40.

53. In every case in which complaint is made, or information given of any offence by this act declared a misdemeanor, or for which any pecuniary penalty is hereby appointed, with or without imprisonment in addition thereto or in lieu thereof, such complaint or information, if the offence was committed or the offender apprehended within the jurisdiction of the city of *London*, may be determined by the lord mayor, recorder, or one of the aldermen of the said city, and not elsewhere; but if the offence was committed or the offender apprehended out of such jurisdiction, then either by one of the justices appointed to the *Thames* police office, or by any other justice within whose jurisdiction

the offence was committed or the offender apprehended; and every conviction thereupon had, shall be certified, filed, and entered as directed by 2 G. 3. c. 28., to prevent thefts by persons navigating bum-boats on the Thames, [See THAMES POLICE.] with respect to convictions under that act, and may also be drawn up in such form, *mutatis mutandis*, as appointed by the said act; and neither such conviction, nor any proceeding previous thereto, shall be removed by *certiorari* or otherwise into any court of record, but shall be final, 1 & 2 G. 4. c. 118. s. 41.

54. Every person guilty of any of the offences declared misdemeanors in and by 2 G. 3. c. 28. may be punished at the discretion of the justice or justices before whom the offender is convicted, with the punishment appointed by the said act, or that appointed for misdemeanors under this act (*pl. 40.*), *id.* s. 42.

55. In all cases in which it is directed by the 2 G. 3. c. 28. that any boat with her tackle and appurts., which shall be forfeited, shall be burnt and destroyed, any justice before whom any person has been convicted of any offence whereby any boat is or should be adjudged forfeited under that act, and any justice by whom any boat is adjudged forfeited under this act, may either direct such boat, with her tackle and appurts., to be burnt and destroyed, or to be restored to the owners, or to be publicly sold, and the produce of such sale shall be applied as in all other cases of forfeitures under this act, *id.* s. 45.

56. All differences and disputes which shall happen between any bargemen, lightermen, watermen, ballastmen (except Trinity ballastmen), coal whippers, coal porters, sailors, lumpers, riggers, shipwrights, caulkers, or other labourers who work for hire in or upon the river Thames, or the docks, creeks, wharfs, quays, or places adjacent, and the owners, masters, or commanders of vessels or their agents on the said river, or the docks or creeks thereunto adjoining, or the owners, wharfingers, or occupiers of such wharfs or quays, or their agents or other employers, respecting the wages or money due to such labourers for work, whether the same persons be employed for any certain time or in any other manner, shall be determined by the justices appointed to the Thames police office, or one of them, or any other justice within his jurisdiction; who shall summon before him any such master or commander, or owner of any vessel, or his agent, or the owner, wharfinger, or occupier of any wharf or quay, or their agents, or any other employer; and if any such master, &c. neglects to attend such summons, then such justice shall issue his warrant to bring such person summoned before him, to answer such complaint, and examine upon oath any such bargeman, &c. or other labourer, or any other witnesses, touching any such complaint or dispute, and make such order for payment of so much wages to such bargeman, &c. or other labourer, as to such justice seems just; provided the sum ordered do not exceed 5*l.*, besides all costs of prosecution, which costs the justice shall order; and in case of refusal to pay or non-payment of any sum so ordered for 24 hours, such justice may issue his warrant to levy the same by distress and sale of goods, together with the charges of such distress and sale; and if no distress found, shall commit the person ordered to make such payment to prison, for not exceeding one month, unless the sum so ordered is sooner paid; and such order shall be final, and not removable by *certiorari* or otherwise, *id.* s. 44.

57. Nothing herein shall empower any justice, except the lord mayor, aldermen, and recorder of the city of London, or some or one of them, to determine any such differences or disputes as arise in respect of any employment or work done within the city of London, or the suburbs and liberties thereof, or on board of any ship, hoy, barge, lighter, boat, or other vessel, lying or being on the north side of the river, between the Tower of London and the western extremity of the Temple adjoining *Essex-street*, in *Middlesex*, *id.* s. 45.

58. Nothing in this act shall deprive the lord mayor and commonalty and citizens of the city of London, of any right, privilege or jurisdiction heretofore lawfully claimed or enjoyed within the borough of *Southwark* or the liberties thereof, or prevent the said lord mayor, or such of the aldermen of the said city as have borne the office of mayoralty, or the recorder of the city, from acting as justices of peace within the borough of *Southwark*, and the liberties thereof, in such manner as they could have done in case this act had not been made; nor to deprive the lord mayor and commonalty and citizens of the said city, of any right, immunity, or jurisdiction, which they have heretofore lawfully claimed or enjoyed upon the said river, or the lord mayor of the said city as conservator of the said river; nor prevent the said lord mayor and the said aldermen and recorder from acting as justices of peace upon the said river, or taking cognizance of offenders committed upon or within the limits of the same, in such manner as they might have done in case this act had not been made, *id.* s. 46.

59. Nothing in this act shall deprive the dean and chapter of the collegiate church of *St. Peter Westminster*, or the high steward or high bailiff of the city and liberty of *Westminster*, or their respective lawful deputy, of any rights, privileges, or jurisdictions, which they have here-

tofore lawfully claimed or enjoyed within the said city and liberty, in such manner as if this act had not been made, *id.* s. 47.

60. Nothing in this act shall prejudice or derogate from any of the rights, privileges, or authorities of the master, warden, and assistants of the guild of the most glorious and undivided Trinity, and of *St. Clement*, in the parish of *Deptford Strand*, in the county of *Kent*, *id.* s. 48.

POLYGAMY. (See BIGAMY.)

1. TO RESTRAIN ALL PERSONS FROM MARRIAGE until their former wives and former husbands be dead, 1 J. 1. c. 11. [AMD. 35 G. 3. c. 67.]

2. If any person within *Eng.* and *Wa.* do marry another, the former husband or wife being alive, such offence shall be felony, and the offender shall suffer death, and be tried in the county where apprehended, 1 J. 1. c. 11. s. 1.

3. If any person within *Eng.* or *Wa.* do marry any person, the former husband or wife being alive, and shall be convicted thereof under 1 J. 1. c. 11., he shall be liable to the same punishment as persons convicted of grand or petit larceny, 35 G. 3. c. 67. s. 1.

4. Persons ordered to be transported under this act who shall be at large within *G. B.*, without lawful causes, before the expiration of the term of transportation, shall, on conviction, be guilty of felony, and suffer death, *id.* s. 2.

5. Such offenders so found at large, may be tried for such offence in the county where originally convicted, or in the county where apprehended (the same being in *Eng.* or *Wa.*), and in such latter case the clerk of the court where they were originally convicted, shall certify a transcript, briefly containing the tenor and effect of the record of indictment, verdict, and judgment against them, which certificate, on production to the court, shall be good evidence of the indictment, &c. in such record, *id.* s. 5.

6. This act shall not extend to any person whose husband or wife shall stay beyond seas, or shall be absent the one from the other for 7 years, the one not knowing the other to be living, 1 J. 1. c. 11. s. 2.

7. This act shall not extend to any person who shall be at the time of such marriage divorced by sentence in the ecclesiastical court, or to any person whose former marriage has been by such court declared void, or to any person by reason of a former marriage within age of consent, *id.* s. 3.

8. No attainder for such offence shall work corruption of blood, loss of dower, or disinherison of heirs, *id.* s. 4.

POOR.

(STATUTES repealed and expired.)

1. DIRECTING HOW AGED POOR AND IMPOTENT PERSONS compelled to live by alms shall be ordered, and how vagabonds and beggars shall be punished, 22 H. 8. c. 12. [CON. 28 H. 8. c. 6., 31 H. 8. c. 7., 33 H. 8. c. 17. REV. 3 & 4 Ed. 6. c. 16. REP. 14 El. c. 5. s. 1. REV. 35 El. c. 7. s. 25., and again REP. 21 Ja. 1. c. 28. s. 11.]

2. FOR THE RELIEF OF THE POOR, 5 & 6 E. 6. c. 2., 2 & 3 P. & M. c. 5. [both EXP.] 5 El. c. 3., [which is REP. 14 El. c. 5. s. 1.] 39 El. c. 3., 43 El. c. 2. s. 17. [EXP.]

3. TO ENABLE SUCH OFFICERS, MARINERS, AND SOLDIERS as have been in the land and sea service, or in the marines, since 29 G. 2., to exercise trades, 3 G. 3. c. 8. [since 2 G. 3., 24 G. 3. S. 2. c. 6. both EXP.; see now 58 G. 3. c. 67. *post*, *pl. 18*, &c.]

4. FOR OBLIGING THE OVERSEERS OF THE POOR, within the several parishes and places within *Eng.*, to make returns upon oath to certain questions specified in the act, relative to the state of the poor, and to authorize and require the justices of peace within their respective divisions and jurisdictions, in the several counties and cities in *Eng.* and *Wa.*, to take such returns upon oath, and to cause them to be transmitted to the clerk of the parliaments, 16 G. 3. c. 40. [EXP.]

5. FOR OBLIGING THE OVERSEERS OF THE POOR to make returns upon oath, to certain questions specified therein, relative to the state of the poor, 26 G. 3. c. 56. [EXP.]

6. TO ENLARGE THE POWERS OF THE DIRECTORS AND GUARDIANS of the poor within the several hundreds, towns, and districts in *Eng.*, incorporated by divers acts of parliament [especially see 22 G. 3. c. 83.] for the purpose of the better maintenance and employment of the poor, as to assessments to be made on the several parishes, hamlets, and places therein mentioned, until 1 Jan. 1802, 39 & 40 G. 3. c. 40. [EXP.]

7. FOR MAKING BETTER PROVISION for the maintenance of the poor, and for diminishing the consumption of bread corn, by directing the manner of applying parish relief until 6 Nov. 1801, and from thence until the end of six weeks after the meeting of the then next session of parliament, 41 G. 3. (*G. B.*) c. 12. [EXP.]

8. FOR PROCURING RETURNS relative to the expense and maintenance of the poor in *Eng.*, 43 G. 3. c. 144. [EXP.]

9. FOR PROCURING RETURNS relative to the expense and maintenance of the poor in *Eng.*, 55 G.3. c.47. [Exp. For rest of this title see HIGHWAYS.]

(STATUTES in force.)

[NOTE.— In order to render the statutes on this complicated subject as easy of access as possible, the subject has been divided into seven heads. The first contains 43 *El.* c.2., (on which the whole law relating to Poor has been grounded,) together with such other provisions as were found to affect the subject generally. In a few instances, however, some clauses of a general nature, contained in acts otherwise specially devoted to one branch of the poor laws, are introduced; but have notwithstanding been also placed with the rest of those acts.]

STATUTES relating to

- I. Poor in general.
- II. Incorporated Parishes.
- III. Select Vestries.
- IV. Rates.
- V. Relief and Contracts.
- VI. Settlement and Removal.
- VII. Workhouses.

I. Poor in general.

1. FOR THE RELIEF OF THE POOR, (*viz.* by appointing overseers, making a rate for their relief, by building poor-houses, and putting out poor children apprentices, and rendering it imperative on relations to support one another,) 43 *El.* c.2. ss.1—11. 18, 19. [CON. 1 J.1. c.25. s.23., 21 J.1. c.28. s.1., 3 C.1. c.4. AMP. 13 & 14 C.2. c.12. ss.21, 22., 59 G.3. c.12. s.26. See the rest of this last act accounted for, *pl.* 245. And as to the appointment of overseers, 54 G.3. c.91.]

2. The churchwardens of every parish, and 4, 3, or 2 householders there, to be nominated yearly in *Easter* week, [on the 25th *March*, or within 14 days after, notwithstanding 43 *El.* c.2., 54 G.3. c.91.; and see further 59 G.5. c.12. ss.6, 7.] or within 1 month after *Easter*, under the hand and seal of 2 justices of peace, whereof one of the *quorum*, dwelling in or near the parish, shall be called overseers of the poor of the same parish; and they, or the greater part of them, shall take order, with consent of 2 justices, for setting to work the children of all such whose parents are not able to keep their children; and also for setting to work all such persons, married or unmarried, having no means to maintain them, and using no trade to get their living by; and also to raise weekly, or otherwise (by taxation of every inhabitant, parson, and other, and every occupier of lands, houses, tithes impropriate, appropriations of tithes, coal mines, or saleable underwoods in such parish, in such sums as they think fit) a convenient stock of flax, hemp, wool, thread, iron, and other stuff, to set the poor on work; and also money for the relief of the lame, old, blind, and other, being poor, and not able to work; and also for the putting out of children apprentices to be gathered out of the parish, and to do all other things concerning the premises, 43 *El.* c.2. s.1. [See further as to making rates, *post*, Div. IV., and as to the appointing overseers where an overseer dies, &c., and their powers where no churchwarden, 17 G.2. c.38. ss.3.—15.]

3. Which churchwardens and overseers, or such of them as shall not be let by sickness, or other just excuse to be allowed by two justices, shall meet once every month in the church, upon the *Sunday* afternoon, to consider of the premises; and shall within 4 days after the end of their year, and after other overseers nominated, yield to such 2 justices a true account of all money by them received, or rated and not received, and of such stock as shall be in their hands, or in the hands of the poor to work, and all other things concerning their office; and such money as shall be in their hands shall pay over to the churchwardens and overseers newly appointed; upon pain that every one of them absenting themselves, or being negligent in their office, to forfeit 20s., *id.* s.2. [See as to the accounts, 17 G.2. c.38. ss.1, 2., *pl.* 137, 138., 50 G.3. c.49. *pl.* 139—145.]

4. All the poor, needy, impotent, or lame persons, within every township or village in *Lancashire*, *Cheshire*, *Derbyshire*, *Yorkshire*, *Northumberland*, the bishopric of *Durham*, *Cumberland*, and *Westmorland*, shall be maintained, provided for, and set in work, in the township or village where they inhabit, and wherein they were last legally settled according to this act [see *post*, Div. VI.]; and there shall be yearly chosen, according to 43 *El.* c.2. s.1., two or more overseers of the poor within such townships and villages, who shall execute all acts and powers necessary for the relief of the poor there, and who in case of default shall forfeit as in 43 *El.* c.2. is limited, 13 & 14 C.2. c.12. s.21. The justices within such counties shall have like power, and do all acts within such townships or villages where they are justices, as is limited for them to

do within any parish by 43 *El.* c.2., under the like pains as in such act expressed, 13 & 14 C.2. c.12. s.22. [QU. EXP., see the *note post.* *pl.* 245.]

5. If such 2 justices perceive that the inhabitants of any parish are not able to levy among themselves sufficient money for such purposes, they may tax any other of other parishes, or out of any parish within the hundred where such parish is, to pay such sums to the churchwardens of the poor parish, as the justices shall think fit; and if the hundred shall not be able to relieve the several parishes not able to provide for themselves, the justices at their quarter-sessions shall rate any other of other parishes, or out of any parish within such county, as they shall see fit, 43 *El.* c.2. s.3.

6. The churchwardens and overseers, by warrant from 2 such justices, may levy as well such sums, and all arrears, of every one that shall refuse to contribute as they shall be assessed, by distress and sale of their goods, as also the money and stock behind on such account, as in s.2. *pl.* 3. directed; and in defect of distress, any 2 justices may commit them to the common gaol of the county until payment: and they or one of them may send to the house of correction or common gaol such as shall not employ themselves to work, being appointed as in s.1.; and may commit to prison the churchwardens and overseers which shall refuse to account, until such account is made and what is due paid, *id.* s.4. [See further as to distraining for rates, 17 G.3. c.38. s.7. *pl.* 152.]

7. The churchwardens and overseers, by the assent of two justices, may bind such children, as in s.1., apprentices, till man-children come to the age of 24 years, [21 years, 18 G.5. c.47., see APPRENTICE,] and woman-children to the age of 21 years, or to the time of marriage. And the churchwardens and overseers, by leave of the lord of the manor whereof any waste or common within their parish is parcel, upon agreement in writing under the hands and seals of such lords, or otherwise, according to an order of sessions by like leave and agreement, may build in such waste at the charges of the parish, or of the hundred or county, as in s.5., houses of dwelling for the poor, and also place inmates in cottages; which cottages shall not be used for any other habitation, but only for impotent and poor of the parish, under the penalties by 31 *El.* c.7. [REP., 15 G.3. c.32.] imposed, *id.* s.5. [See further as to workhouses, 13 & 14 C.2. c.12. ss.4—15. *post.* *pl.* 245.; 9 G.1. c.7. s.4. *pl.* 221—225.]

8. All persons to whom the overseers of the poor shall, under this act, [QU. 43 *El.* c.2.] bind any children apprentices, may receive and keep them as such. [And the churchwardens and overseers of the poor mentioned in 43 *El.* c.2. with the consent of two justices, one whereof shall be of the *quorum*, and where only one justice with the assent of that one, may set up, use, and occupy any trade or occupation only for setting the poor on work, and better relief of the poor of such their parish, town, or place, 3 C.1. c.4. s.22. *only.*] 1 J.1. c.25. s.23., 21 J.1. c.28. s.1., 3 C.1. c.4. s.22. [See further on this head, APPRENTICE.]

9. If any persons find themselves grieved with any tax, or other act done by such churchwardens, &c., or by such justices, the justices at quarter sessions may take such order as shall be thought convenient, and the same shall bind all parties, 43 *El.* c.2. s.6.

10. The father and grandfather, and mother and grandmother, and the children, of every poor, old, blind, lame, and impotent person, or other poor person not able to work, being of a sufficient ability, shall at their own charges, maintain such poor person at such rate, as by the justices at their quarter sessions shall be assessed; upon pain to forfeit 20s. for every month, *id.* s.7.

11. Two justices for the county or other jurisdiction, may on any petty sessions make such assessment and order for the relief of every poor, old, blind, lame, impotent, or other person not able to work, upon the father, grandfather, mother, grandmother, or child, (being of sufficient ability,) of such old, &c. person, as by 43 *El.* c.2. s.7. may be made at the quarter sessions; and such assessment and order shall have the like effect as if made at the quarter sessions, and disobedience thereof, shall be punishable in like manner, 59 G.5. c.12. s.26.

12. The mayors, bailiffs, or other head officers, of every town corporate and city, being justices of peace, shall have the same authority under this act within their limits, as well out of as in sessions, as justices of peace of the county; and no other justices shall meddle there. And every alderman of *London* within his ward may do so much as is appointed to be done by one or two justices, 43 *El.* c.2. s.8.

13. If any parish extend into more counties than one, or part lie within the liberties of any city or place corporate, and part without, then as well the justices of every county as the head officers of such city or place corporate, shall deal only in so much of the parish as lieth within their liberties; and every of them within their limits shall execute the ordinances in ss.1—4. And yet the churchwardens and overseers of the parishes that extend into such several limits, shall, without dividing themselves, execute their office; and shall make one account before the head officer of the town corporate, and one other before the justices of peace, *id.* s.9.

14. If in any place there happen to be no nomination of overseers

yearly, every justice of peace dwelling within the division, and every mayor, alderman, and head officer, of any city or place corporate, where such default shall happen, shall forfeit *5l.* towards the relief of the poor of such parish or place corporate, to be levied by warrant from the sessions of the county or place corporate, on their goods, *43 El. c. 2. s. 10.*

15. All penalties by this act imposed, shall be employed to the use of the poor of the parish, and towards a stock and habitation for them, and other necessary uses; and shall be levied by the churchwardens and overseers; or one of them, by warrant from any two justices, or mayor, alderman, or head officer, of city or place corporate, by distress and sale; or in defect thereof, any two such justices, &c. may commit the offender to prison till the forfeitures be paid, *id. s. 11.*

16. The justices of *Essex* shall appoint inhabitants within the island of *Foulness* to be overseers for the poor in the island, as if the same island were a parish. In consideration whereof, neither such inhabitants shall be compelled to contribute towards the relief of the poor of those parishes wherein their houses or lands within such island are situated, other than for the relief of the poor within the island; neither shall the other inhabitants of the parishes wherein such houses or lands are situated be compelled to contribute to the relief of the poor within such island, *id. s. 18.*

17. If any action be brought for making any distress or sale, or for any thing doing by authority of this act, the defendant may either plead not guilty, or make avowry, cognizance, or justification, for the taking of the distresses, making of sale, or other thing so done, alleging that the thing whereof the plaintiff complained was done by authority of this act, without rehearsal or any other matter; to which the plaintiff shall be admitted to reply, that the defendant did take the distress, &c. without any such cause; and upon trial of such issue, the whole matter shall be given in evidence by both parties. And after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the defendant shall recover treble damages with costs, to be assessed by the same jury, or writ to inquire of the damages, *id. s. 19.*

18. TO ENABLE SUCH OFFICERS, MARINERS, AND SOLDIERS, AS HAVE been in the land or sea service, or in the marines, or in the militia, or any corp of fencible men since [16th July, 1784., *42 G. 3. c. 69.*] 22d June, 1802., to exercise trades, *56 G. 3. c. 67.* [*42 G. 3. c. 69.* is in substance the same as the following act.]

19. All such officers, mariners, soldiers, and marines, as have been employed in the service of H. M. since 22d June, 1802., and have not since deserted such service, and also their wives and children may set up such trades as they are apt for, in any city or place in the kingdom, without let of any person therefore; nor shall such officers, &c. during the time they exercise such trade, be removable from such place to their last legal settlement, until they become actually chargeable to such parish; and if they are sued or indicted in any court for using such trades, they may, on making it appear to the court where sued or indicted, that they have served H. M., or that he, she, or they is or are the wife, wives, child, or children of any such officer, &c. on the general issue pleaded, be found not guilty; and the person who shall prosecute such bill, &c., and who has a verdict against him, or who is nonsuited therein or discontinues, shall pay to such defendant double costs, to be recovered as common costs at law may be; and all judges and persons before whom such suit or indictment shall come shall take notice of this act, and conform thereto, *id. s. 1.*

20. Two justices for the county, city, town, or place, where any such officer, &c. shall exercise his trade, may cause such mariner, soldier, or marine, to be summoned before them, in order to make oath of the place of his last legal settlement, which oath such justices shall administer; and such officer, &c. shall obey such summons, and such justices shall give an attested copy of such affidavit to the party making it, in order that he may produce it when required, which attested copy shall be admitted as evidence, as to such legal settlement before the general or quarter sessions: provided, that in case any such officer, &c. shall again be summoned to make such oath, then on such attested copy being produced by him or any other person in his behalf, he shall not be obliged to take any further oath, but shall leave a copy of such attested copy of his examination if required, *id. s. 2.*

21. This act shall extend to all officers and soldiers who have personally served in the militia or any fencible regiments from 2d June, 1802, for 5 years, and also have been honourably discharged, *id. s. 3.*

22. This act shall not be in any wise prejudicial to the privileges of universities of *Cambridge* and *Oxford*, and shall not give liberty to any person to set up the trade of a vintner, or to sell any wine or other liquors within such universities, without licence from the vice-chancellor of the same, *id. s. 4.*

23. TO REPEAL CERTAIN PROVISIONS [viz. THOSE COMPELLING poor persons receiving relief to go into the poor house] in local acts for the maintenance and management of the poor, *56 G. 3. c. 129. s. 1.* [see *s. 2.* as to manacling persons in workhouse, *56 G. 3. c. 129. s. 2. pl. 267.*

24. All enactments and provisions contained in any acts of parlia-

ment since 1 G. 1., whereby any poor person, other than such as shall actually apply for, and receive parochial relief, are made compellable to go or remain in any house of industry, or workhouse; or whereby any poor person may be detained or kept in any such house, at the discretion of the governors or directors, or of the churchwardens or overseers, after such persons are capable of maintaining themselves; or whereby any poor person may be compelled to remain in any such house, until the charges and expenses to which any district, parish, township, or hamlet, may have been put or become liable for the maintenance or support of such poor person, or any of his family, shall be repaid or satisfied by the earnings of such poor person; or whereby any poor child whomsoever is rendered liable to be apprenticed to any governor, director, or master of any such house of industry, or workhouse, or whereby any parish, &c. at a greater distance than ten miles, shall be empowered to become contributors to, or to take the benefit of such house of industry or workhouse; or whereby any directors, governors, guardians, or masters, are authorized to hire out any poor person of full age, or to contract or agree with any person to have the profit of the labour of such poor person, shall be wholly repealed, *id. ibid.*

25. FOR CONFIRMING ANCIENT SEPARATIONS OF TOWNS CORPORATE from parishes in regard to the maintenance of the poor, *59 G. 3. c. 95.*

26. All ancient separations of towns corporate or franchises, from the parish or parishes, in which they are situate, together with the separate appointment of overseers of the poor, shall be deemed to be lawful, to all intents and purposes, in the same manner as if such separation had taken place under the *43 El. c. 2.* But nothing in this act shall confirm any such separation in respect to the maintenance of the poor, or the appointment of overseers of the poor, in any case where such separation has commenced within 60 years before the passing of this act, *id. ibid.*

27. FOR ALLOWING APPEALS FROM TOWNS CORPORATE and franchises, in certain cases, to the general or quarter sessions of the peace of the counties in which they are situated, *1 G. 4. c. 36.*

28. In all corporations or franchises, not having more than 6 justices of peace, nor having jurisdiction over 2 or more whole parishes or wards contained therein, any person in the cases referred to in *43 El. c. 2. (s. 6. pl. 9.)* or *17 G. 2. s. 38. (s. 5. pl. 148.)* or either of them, where an appeal is by such acts given, may appeal to the next general or quarter sessions for the county, riding, or division wherein such corporation or franchise is situate, as fully as if there had been only 4 justices; provided nothing herein shall extend to any city or town corporate being a county of itself, *id. ibid.* [QU. does this act extend to *50 G. 3. c. 49. s. 4. pl. 142. f?*]

29. FOR DECLARING VALID CERTAIN INDENTURES of apprenticeship, and certificates of settlements of poor persons in *Eng.*, *1 & 2 G. 4. c. 52.*

30. From 28th May 1821, all indentures for binding parish apprentices, and certificates of the settlements of poor persons which previous to that day have been executed or signed by one church or chapel warden, acting or purporting to act in that capacity for any parish, township, hamlet, chapelry, or place in *Eng.* for which 2 church or chapel wardens had formerly been appointed, shall be deemed as good to all purposes as if the same indentures and certificates had been executed by one or more church or chapel wardens legally appointed, *id. s. 1.*

31. Nothing herein shall affect any decision in any court of judicature respecting any such indentures, or affect the settlement of any person for whose removal any order of justices has been duly made before 28th May 1821, or shall legalize or make void any indentures or certificates to be signed or executed as in *s. 1.*, *id. s. 2.*

II. Incorporated Parishes.

32. FOR THE BETTER RELIEF AND EMPLOYMENT OF THE POOR [viz. by erecting poor-houses, and appointing visitors and guardians to them] *22 G. 3. c. 83.* (PUBLIC clause, *s. 47.*) [AMD. *33 G. 3. c. 35.*, *36 G. 3. c. 23. s. 4. pl. 88.*, *41 G. 3. G. B. c. 9.*, *59 G. 3. c. 12. s. 27. pl. 77.* (PUBLIC clause, *s. 5.*) and as to payment of debts incurred in building poor-houses, *42 G. 3. c. 74.*, *43 G. 3. c. 110.* EXT. to all parishes, *49 G. 3. c. 124. s. 5.* (see the rest of this act, *pl. 229. 232—234.*) and which is AMD. *50 G. 3. c. 50. s. 1. 3—5.* (see *s. 2. pl. 187.*) and as to selling poor-houses and lands, *1 & 2 G. 4. c. 56. pl. 95. pl. 9.]*

33. So much of *9 G. 1. c. 7. s. 4.* as relates to the maintaining or hiring out the labour of the poor by contract within any parish, township, or place, which shall adopt the provisions of this act, shall be REP. and every such contract made in pursuance thereof for either of those purposes shall be void, *22 G. 3. c. 83. s. 1.*

34. The visitor and guardian, or visitors and guardians appointed as in *s. 7.* of any parish or place which has adopted and complied with this act, and shall have a visitor appointed from time to time, may make agreements for the diet or clothing of such poor persons who shall be sent to the house provided under this act, and for the work and labour of such persons, so that no such agreement shall be for a longer time than 12 months, and so that the same is under the inspection and controul of the visitor, guardian, and governor of such poor-house, and the

justices for the limits where such house is, 2 of whom, upon proof of any abuse, shall dissolve such contract, 22 G. 3. c. 83. s. 2.

35. Whenever two third parts in number and value, according to the poor-rate of the owners or occupiers of lands, tenements, or hereditaments, within any parish or place qualified as in s. 6. *pl.* 40. mentioned, shall, at a public meeting held in pursuance of this act, signify their approbation of this act, and their desire to adopt them in the form contained in the schedule No. 1., and shall then recommend and nominate for the consideration of the justices of the county, riding, city, or place, where such meeting is held, 3 persons qualified for guardians of the poor for such parish, &c. and 3 others to be governors of the poor-house thereof, and fix the salaries to be paid to them, and shall procure the consent of 2 justices acting for that limit to such agreement and salaries, by writing under their hands in the forms contained in the schedule No. 2., and shall cause such agreement to be registered pursuant to this act, such parish, &c. shall have the benefits of this act, *id.* s. 3.

36. Whenever two-thirds in number and value, as in 22 G. 3. c. 83. s. 3. of persons qualified as in s. 6. of that act, *pl.* 40. only, actually attend the public meeting in that act mentioned, and there signify their approbation of the 22 G. 3. c. 83. and their desire to adopt the same according to the form prescribed by such act, such approbation and desire so signified, shall be a sufficient compliance with s. 3. of that act, 33 G. 3. c. 35. s. 1.

37. Whenever two-thirds in number and value, according to the poor rate, of the persons so qualified and actually attending such public meeting as in s. 1. shall nominate to the justices 3 persons qualified for guardians of the poor, fixing their salaries as in 22 G. 3. c. 83. s. 3., and shall also there, by writing under their hands, signify their opinion to the justices that, on account of the extent and population of such parish or place, more than one guardian of the poor is necessary, and shall desire that 2 of the 3 persons so nominated may be appointed guardians, the justices may appoint 2 guardians accordingly, *id.* s. 2.

38. Where two-thirds in number and value, as in s. 3. *pl.* 40., of the owners and occupiers of lands, &c. within 2 or more parishes, &c. so qualified as in s. 6. *pl.* 40. shall think fit, with like approbation, and signified as in s. 3. *pl.* 55., and subscribed at the foot of such agreement in the form expressed in sched. No. 2., to unite for the purposes of this act, and shall signify their desire so to do at a public meeting in each of such parishes in the manner directed for a single parish in the form in the sched. No. 3., an agreement shall, as soon as may be, be entered into by the guardians of every such parish in the form in sched. No. 4., which agreement shall bind the several parties, and shall specify the place where such house shall be situate, and the terms on which it is made, and shall be entered with the clerk of the peace, or town clerk of the county, city, or place, in which such parishes, &c. shall be, and a copy left with him within 3 calendar months after the same is made in form in sched. No. 5.; for which entry such clerk shall have 1s.; and from that time every such parish so united shall have the benefits of this act, 22 G. 3. c. 83. s. 4.

39. No parish, township, hamlet, or place, more than 10 miles from any poor-house provided under this act shall be united for such purposes with the parishes, &c. establishing such poor-house, *id.* s. 5.

40. The notice of every public meeting directed by this act shall be given in the church or chapel of every such parish, &c. on 3 successive Sundays, after divine service, or on such of such Sundays as service is performed there, and fixed on the door of such church, &c.; and if there is no church, &c., then at some public place within such parishes, &c., where notices are usually given, 15 days, at least, before the day appointed for meeting in form in sched. No. 6., and no person shall vote at any meeting under this act unless he is owner or occupier of lands, &c. assessed to the poor's rates of such parish, &c. at the rate of 5*l.* per ann., nor shall he vote as occupier unless he be assessed or pay to such rates; but in all parishes, &c. where there are not 10 persons so qualified, every person assessed or paying to such rates shall vote, *id.* s. 6.

41. Two justices for the limit where such poor-house may be, &c. may after such agreement is made, on application by 2 of the persons who signed the same, and on producing the same to them, appoint one of the persons recommended as in s. 3. to be guardian of the poor for each of such parishes, &c. in form in sched. No. 7., and such guardian shall attend the monthly meetings in s. 24. *pl.* 64. directed, and execute the powers given to guardians hereby, and shall have all the powers given by any statute to overseers, and shall to all intents, except as to making and collecting of rates, be an overseer for the parish, &c. for which he is guardian, and liable to such forfeitures for neglect of duty as overseers are; and all notices or applications directed by this or any other act to be given to the overseers, as to the care or removal of the poor, shall be given to the guardian, where one is appointed under this act; but in case any orders of removal or notices shall happen by mistake to be given to the churchwarden or overseer, this shall be as valid as if given to the guardian; and such churchwarden or overseer shall deliver the same to the guardian, or forfeit 40*s.*: and where such guardian is ap-

pointed, neither the churchwardens nor overseers shall interfere in the care of the poor, but shall have the same powers of making and collecting poor's rates as they now have, and be subject to the like penalties for neglect or misbehaviour therein, 22 G. 3. c. 83. s. 7.

42. If in any parish which has adopted the 22 G. 3. c. 83. it is the opinion of two-thirds in number and value of the owners and occupiers of lands, &c. qualified, as in 22 G. 3. c. 83. s. 6. *pl.* 40. mentioned, and present at a public meeting called for that purpose, pursuant to notice thereof given in the church or chapel of such parish on the Sunday preceding, that one guardian is insufficient for carrying that act into execution, and the same is certified in writing, under the hands of 2 or more of the persons there present, to 2 or more justices acting for the division, together with the names of 4 or more persons qualified for such office, such justices may, by writing under their hands, in the form prescribed in the schedule (No. 7.) of that act, appoint so many of such persons to be guardians as they think necessary, 41 G. 3. G. B. c. 9. s. 1.

43. After appointment of such guardian, one or more of the churchwardens or overseers of every parish adopting this act, who is approved at some public meeting holden as in s. 3., shall receive such poor's rates, and apply the same as follows: *viz.* if such parish is not united with any other, he shall pay to the guardian the sums necessary for discharging the bills, and expences attending such poor-house, and the poor belonging to such parish, taking receipts from such guardian for the money so paid, expressing the purposes for which it is wanted; and if the parish is united with any other parish, such churchwarden or overseer shall pay to the treasurer of such united parishes their quota of the expences attending the poor and poor-house therein, under this act, taking his receipts for such money; or, if more convenient, he shall permit such treasurer to draw drafts upon him for such money, in the form No. 8., and pay the same when due, specifying in every receipt and draft the purposes for which such money is to be applied; all which payments shall be allowed to the churchwarden, &c. in his accounts with the parish; and the accounts, as well of the churchwarden, &c. as of the guardian, shall be examined at every monthly meeting, and shall be examined and passed quarterly by the visitor of such poor-house, after being verified on oath before a justice, 22 G. 3. c. 83. s. 8.

44. The guardians of the poor present at a monthly meeting, held according to 22 G. 3. c. 83. s. 24., may, with the approbation of the visitor, who shall sign the same, make an order on the churchwardens, overseers, or collectors of the poor's rates for the money necessary for execution of that act; and if not paid to such treasurer or guardian within 7 days after demanded, any justice in the division may, on proof on oath of such default, issue his warrant for levying such sums by distress and sale of goods of the churchwardens, &c., as in s. 24. of that act, provided 41 G. 3. G. B. c. 9. s. 2.

45. Any person aggrieved by the act of any justice out of sessions, in execution of this act, may appeal to the next general quarter sessions for the county, &c. or division, giving 8 days' notice to the party complained of, and security by recognizance acknowledged before a justice, with sufficient surety to pay the costs of such appeal, if determined against the appellant; and the quarter sessions shall determine such appeal, and award costs for or against the appellant as they see cause, the same to be final and not removed by *certiorari*, *id.* s. 4.

46. Two justices for the limit wherein such poor-house is, after agreement has been made for adopting this act, either by a single parish, or by 2 parishes, on application to them by 2 of the persons who signed the same, and on producing the same to them, shall appoint 1 of the persons recommended for governor of such poor-house, (in the form No. 7.) who shall have the care and employment of the poor therein, with salary as is specified in such agreement; and the visitor of such poor-house, with the consent of the guardians, or the majority of them, or 2 justices where a guardian is visitor, may remove the governor on complaint, and proof of misbehaviour or incapacity, 22 G. 3. c. 83. s. 9.

47. The guardians for the parishes united shall meet as soon as convenient after such agreement is made, to consider of 3 persons, respectable in character and fortune, fit to be put in nomination for the office of visitor of such poor-house; and two of such guardians shall, as soon as may be after such meeting, apply to 2 justices for the limit, and produce to them the agreement, and the names of the persons recommended, which justices shall then, or within 3 days after, appoint 1 of such persons recommended to be visitor, in the form in No. 7.; but if he refuse to accept that office, they shall then appoint one other of the persons named; and if he decline it, they shall appoint the third person named in such list; and if he decline it, the guardians shall serve that office monthly by rotation, subject to the controul of such justices; and such visitor, if not a guardian, shall nominate some person to be his deputy, if he think fit, in the form in No. 9., which deputy shall, in absence of the visitor, and under his direction, act as inspector of the matters committed to the care of the visitor, and report

to him, for his better information, and render him all the assistance in his power: and every visitor appointed shall superintend every such house, and settle the accounts between the guardians and treasurer, if any question arise, and all doubts which may arise concerning those who ought to be sent to such house, according to this act, and by all prudent means enforce the rules by this act established for the better relief of the poor, and preventing unnecessary expenses and burthens on such parishes; and such governor, guardian, and treasurer shall observe the directions from the visitor; and where any act is required to be done by a justice, such visitor, if not a justice, or his deputy, shall apply to some neighbouring magistrate to do the same; and every visitor or deputy, as an inducement to executing that office, shall be freed from serving as constable, and all parochial offices, and also from serving upon juries at the assizes or sessions, so long as he continues in that office; and a certificate under the hand of a justice, in the form No. 10., shall be admitted as evidence of his serving the office, 22 G. 3. c. 83. s. 10.

48. If two-thirds in number and value of the owners or occupiers of lands, &c. within any single parish, which shall adopt this act, shall desire to have a visitor, and recommend to the justices 3 persons, such justices, upon application to them as in s. 10., shall appoint one of the persons recommended, as in s. 10. directed concerning parishes united, *id.* s. 11.

49. Two justices for the division may on application by two-thirds in number and value of persons qualified, as by 22 G. 3. c. 83. s. 6. *pl.* 40., appoint a treasurer for the poor-house of any single parish adopting this act, with a salary not exceeding 10*l.* according to the form in such act, No. 7., prescribed, 41 G. 3. G. B. c. 9. s. 3.

50. The guardians of the parishes united shall recommend to the justices one of their own body to be treasurer of the poor-house; and 2 justices shall appoint the guardian recommended, or any other whom they think better qualified, to that office, in the form in No. 7., such treasurer giving security to satisfaction of the justices, to the other guardians and their successors, for accounting for the money which shall come to his hands; and shall keep the accounts, receive the money to be contributed by each parish, and pay the bills and expenses allowed and ordered to be paid by the guardians at their monthly meeting; and shall lay his accounts before the guardians, at every such meeting, for their perusal; and shall once a year, within 14 days before *Michaelmas* quarter sessions, make out a fair account of the expenses attending the same, distinguishing them under the heads herein specified; and also an account of the number of poor, distinguishing age and sex, contained in such house at the time of making such account; and how employed, and how much money earned by the labour of the poor in the year preceding; which shall be laid before the visitor, and signified under his hand, if he approves the same, and afterwards be transmitted to the clerk of the peace, or town clerk, before or at the quarter sessions, and be by him laid before the court for inspection: such treasurer shall be allowed, for his trouble in executing that office, such annual sum not exceeding 10*l.* as the visitor, if not a guardian, thinks fit; and if no such visitor, as 2 justices appoint, 22 G. 3. c. 83. s. 12.

51. When any vacancy happens in any of such offices by death, resignation, or removal, meetings shall be called, and recommendations offered to the justices, as in s. 9—12., and they shall proceed so soon as convenient, as before directed, to appoint a successor to the person dying, &c. *id.* s. 13.

52. The offices of guardian, governor, visitor, or treasurer, to which any person is appointed under this act, shall determine in *Easter* week after the persons shall be appointed, on the day upon which the public meeting for such parish is held there; when the persons, who under this act are qualified to recommend another person to the justices, to be appointed to such office, shall either agree with those who held the same to continue in such office, or shall recommend others, as before directed, *id.* s. 14.

53. If within any limit, wherein any poor-house is situate, there shall be no acting justice, or only 1, or if the justice in that limit shall be absent or incapacitated to act, any justice of any other limit may act, *id.* s. 15.

54. The justices within their limits may appoint special or privy sessions for executing this act, causing notices of the time and place of holding the same to be given to the justices, peace officers, and guardians within such limits, and may also adjourn such privy sessions, so as to occasion the least trouble to themselves, and afford the greatest convenience to the public, causing like notices to be given of such adjournment, *id.* s. 16.

55. The guardians of the poor of the parishes which adopt this act, shall provide a house with proper buildings and accommodations thereto, when wanted, either by erecting new ones on land to be purchased or rented by them, altering old ones, or hiring buildings for the purpose; and shall fit up and dispose of the same, with the advice of the visitor, if any, in the manner most conducive to the purposes of this act, at the expence of such parish, in the proportions herein mentioned; and shall

provide such utensils and materials as they think necessary for their employment, according to the intent of this act, 22 G. 3. c. 83. s. 17.

56. The poorhouses or workhouses to be built or provided under this act, shall be situate within the parish for which used, if single parishes; and if several parishes shall be united, within 1 of them, and not in any other parish, without the consent of three-fourths in number and value, of such owners or occupiers first had, qualified as in s. 6. mentioned, who shall assemble at a public meeting holden in the manner and upon the notice before in s. 6. directed, *id.* s. 18.

57. All houses, buildings, and lands hired under this act, shall be hired for such term, and on the conditions, specified in the agreement, No. 4.; and shall be free from all parochial and parliamentary taxes, except such taxes, and to such amount, as they were assessed at the time they were first taken for the purposes of this act, *id.* s. 19.

58. When such buildings shall be agreed to be erected or repaired, at the expense of the parish, the expenses thereof, and of the purchase of the land to be used for that purpose, shall be paid by the guardians of the poor, in the proportions and manner directed by the agreement; and the visitor and guardian, when such expenses or their proportion, amounts to 100*l.*, may borrow the same at interest, and secure it by a charge upon the poor's rates, in sums not exceeding 50*l.* each, for the greater ease in discharging the same, in the form in No. 11.; and shall continue on the rates until the money borrowed, and all interest be paid: and such guardians shall pay and keep down the interest of such money borrowed, as it becomes due; and when the principal is called for, they may borrow it from some other person; and it shall be secured to the person advancing the same, by an assignment of such security indorsed on the back thereof, in the form No. 14.; [and the poor's assessments shall continue at the same rate they were when such poorhouse was first established under this act, until the debt contracted and the interest is discharged. *REP.* 43 G. 3. c. 110. s. 1.] and the visitor and guardian shall, as soon as the savings in the poor's accounts shall amount to sufficient to pay off one of the sums borrowed, pay off such sum, and in like manner as to succeeding savings, until the whole debt is discharged, *id.* s. 20.

59. The guardians of the poor of any parish, who have erected any poorhouse or workhouse, under the powers of 22 G. 3. c. 83. may with the consent of the several persons to whom the same is due yearly, pay off any part of the money borrowed under such act, not being less than one-twentieth part thereof, besides the interest on the sum remaining undischarged; and in case such sum so to be paid off shall not in one year be sufficient to discharge any one of the rates for 50*l.*, issued pursuant to such act, for securing the money borrowed under the authority thereof, the same shall remain in the hands of the overseers until it amounts to the sum required, 42 G. 3. c. 74.

60. Assessments for the relief of the poor may be diminished, provided that the guardians of the poor for any such parish shall yearly pay off a twentieth part of any money borrowed for the purpose aforesaid, under 22 G. 3. c. 83. s. 20.; and shall duly keep down the interest of all money borrowed under such act; that act and the 42 G. 3. c. 74. notwithstanding, 45 G. 3. c. 110. s. 2.

61. The visitor and guardian shall be one body politic and corporate, and be called "Visitor and guardian, or visitors and guardians, of the poor for the parish, township, or place of—in the county, &c. of—or of the united parishes, townships, or places of—and—in the county, &c. of—" as the case shall be; and may sue and be sued, and take by purchase or lease, any lands, &c. of inheritance, or for lives or years, &c. not exceeding in any city or town 1 acre, and in the open country 20 acres statute measure, for the site of a house to be built, and for lands to be occupied, for the purposes of this act; and such corporation may take all voluntary grants and donations of lands, &c. of inheritance, or for lives or years, &c. or of personal property, made to them for the use of the poor within such parishes, 22 G. 3. c. 83. s. 21.

62. All bodies politic, corporate, or collegiate, corporations aggregate or sole, husbands, guardians, trustees, feoffees in trust, committees, executors, administrators, and other trustees, may not only for themselves, but for their *cestui que* trusts, and all *femes-covert* possessed of, or interested in their own right, and every other person seised, &c. of any lands, &c. necessary to be purchased or rented for the purposes of this act, may contract for, sell, convey, or lease the same, in manner aforesaid, not exceeding the quantity as in s. 21., unto such visitor and guardians, their successors and assigns, or to such person as they appoint, for the use of such poorhouse, and the poor persons within such parishes, and for the purposes of this act, *id.* s. 22.

63. All money paid to any bodies politic, &c., as in s. 22., or to any person whose lands are limited in strict settlement, for the purchase of any lands or buildings shall, in case it exceed 30*l.* be laid out by such bodies politic, &c., as soon as convenient, in the purchase of lands, &c. in fee simple, and conveyed to the use of such bodies politic, &c. for such estates, and on such uses, as the lands in respect whereof such purchase money is paid were limited, &c. at the time such purchase

was made; such purchases and settlements to be made at the expence of the parish or parishes uniting, and charged by the guardians with the purchase money in their accounts; and until such purchase is made, such money shall be placed out by such bodies politic, &c. in some public funds, or on government or real security, in the name of two persons, one to be named by the party interested, and the other by the guardian, if it respects a single parish only, and by the visitor, if several parishes united; and the interest arising from such funds, and also the annual rent, where the premises are rented, shall be paid to such person as would be entitled to the rents of such lands pursuant to this act, 22 G. 3. c. 83. s. 23.

64. The poor sent to such house shall be maintained therein at the general expence of the parishes adopting this act, according to the terms and proportions here directed; and the treasurer, with the assistance of the governor, shall provide provisions for their maintenance, and keep an account thereof; and there shall be a meeting of the guardians of every parish at such house, on the first Monday in every month, at 10 a. m., or on such other day and hour in the first week of every month, as they shall at their first meeting appoint, to examine, and adjust the accounts for the preceding month; and at which meeting such treasurer shall produce, fairly written, one account of the debt incurred in the preceding month, for utensils and materials for manufacture, and for furniture, alterations, or repairs of the buildings, and also for the salary to the governor or treasurer, and servants, in which account the rent of such house, &c., if the same shall be rented, shall be charged in the month next after such rent becomes due, according to the terms of the agreement for taking the same; which account, when settled, shall be signed by the guardians attending such meeting; and the sums to be paid by each of such parishes, on that account, shall be settled at such meeting, in proportion to the sums paid by each parish, on account of their poor, on a medium of 3 years next preceding the date of such agreement (to be settled at such first monthly meeting, in the manner to be specified by the agreement to be entered into for uniting as in s. 4., and according to the mode in No. 15.), and in like manner and proportions, at every succeeding monthly meeting; and the money shall be then, or in one week after, paid to the treasurer, to be by him applied in discharge of the articles and debts contained in such account; and he shall also at the same time produce, fairly written, one other account of the victuals and other necessities for the use and maintenance of the poor and the governor at such house, and all other incidental expences, to be then accounted for and proportioned by the guardians according to the number of persons sent from each parish, and for the time they have resided in such house, within such month, according to the mode in No. 16.; and the sum due from each parish shall be specified at the foot of such account, which shall, when settled, be signed by such guardians, and be afterwards inspected by the visitor, if not a guardian, and allowed by him if he approve thereof; and in case of default made in payment of the sums so proportioned to be paid in respect of such parish, for 7 days after settled and proportioned, and the money demanded, any justice on complaint on oath of such default may levy such sums by distress and sale of the goods of any guardian for such parish making default; and at the end of every year the account shall be finally closed, and the balances paid and received, according to the mode prescribed by No. 16., *id.* s. 24.

65. The churchwarden or overseer having the custody of the poor's rates, assessments, or accounts, shall produce them to the persons nominated in the agreement contained in the schedule for uniting parishes, on every request made by them, after 4 days' notice thereof, to enable them to ascertain the expences relative to the poor, on a medium of 3 years, according to this act, or in default, shall forfeit 5*l.* for every refusal or neglect, *id.* s. 25.

66. If the guardian shall not attend each monthly meeting, or send some substantial inhabitant to attend and answer the payments for him, in case he is prevented by sickness or accident from attending in person, the guardian making default shall forfeit not exceeding 5*l.* nor less than 40*s.*, *id.* s. 26.

67. The guardians, where any poor-house is provided, may enclose from any waste or common near thereto, with consent of the lord of the manor, and the major part in value of the freeholders, or commoners, under their hands and seals, any part thereof, not exceeding 10 acres, for building on, or occupying, cultivating, and improving the same, for the use of such poor-house, and the poor persons within the parishes where the same is, or within the parishes united thereunto, *id.* s. 27.

68. Every person sent to any house provided under this act, shall, at entering such house, deliver to the governor thereof, or his assistant, if any, an order, signed by one of the guardians, for the admission of such person, in the form in No. 12., which shall be kept by the governor, and entered in a book, *id.* s. 28.

69. No person shall be sent to such poor-house, except the indigent by old age, sickness, or infirmities, and unable to acquire a maintenance by their labour; and except such orphans as shall be sent thither by

order of the guardian, with the approbation of the visitor; and except such children as shall necessarily go with their mothers thither for sustenance, 22 G. 3. c. 83. s. 29.

70. All children of tender years, and who, from accident or misfortune, become chargeable, may either be sent to such poor-house, or be placed by the guardian, with the approbation of the visitor, with some reputable person in or near their parish, at a weekly allowance as agreed on between the parish officers and such person, with the approbation of the visitor, until such child is of sufficient age to be put into service, or bound apprentice to husbandry, or some trade; and a list of the names of every child placed out, and by whom and where kept, shall be given to the visitor; who shall see them properly treated, or cause them to be removed, and placed under the care of some other person, if he finds cause so to do; and when such child shall attain such age, he shall be placed out at the expence of his parish, according to the laws in being; but if the parents or relations of any poor child sent out to such house, or so placed out, or any other responsible person, shall desire to receive and provide for such poor child, and signify the same to the guardians at their monthly meeting, the guardians shall dismiss such child from the poor-house, or from the care of such person, and deliver him to the parent, &c. provided, nothing herein shall give any power to separate any child under the age of 7 years, from his parent, without the consent of such parent, *id.* s. 30.

71. All idle or disorderly persons, who are able, but unwilling, to work or maintain themselves and families, shall be prosecuted by the guardians of the parishes wherein they reside, and punished as idle and disorderly persons under 17 G. 2. c. 5.; and any guardian who shall neglect to make complaint thereof to some neighbouring justice, within 10 days after it come to his knowledge, shall forfeit not exceeding 5*l.* nor less than 20*s.*: one moiety to the informer, and the other to be disposed of as the other forfeitures after directed, *id.* s. 31.

72. Where there shall be in any parish, any poor person able and willing to work, but who cannot get employment, the guardian of the poor may, on application made to him, agree for the labour of such poor person, at any work or employment suited to his strength and capacity, in any parish near his residence, and may maintain, or cause him to be maintained, lodged, and provided for, until such employment be procured, and during such work, and may receive the money earned by such work or labour, and apply it in such maintenance, as far as it will go, and make up the deficiency, if any; and if it exceed the money expended in such maintenance, shall account for the surplus, to be afterwards, within one month, given to such poor person, if no further expences be incurred on his account. And in case such poor person refuse to work, or run away from such work, complaint shall be made thereof by the guardian to some justice, who shall enquire into the same on oath, and on conviction punish such offender, by committing him to the house of correction to hard labour for not exceeding 3 months, nor less than one, *id.* s. 32.

73. The guardian of the poor shall provide, at the parish expence, clothing for the persons sent by him to such poor-house; and in case of neglect so to do, the governor, or a guardian, shall make complaint thereof to some justice, who shall summon the guardian making neglect, to appear before him to answer the complaint, and direct him to provide such clothing as shall to the justice appear necessary; and if he make default, within 10 days after such direction, such justice may direct the governor, or the guardian making complaint, to provide the same, and to demand from such guardian the charges thereof; and in default of payment, on demand made, such justice may levy the same, and the costs attending the recovery thereof, by distress and sale of the goods of such guardian making default, *id.* s. 33.

74. The rules specified in the schedule annexed shall be observed at every poor-house or work-house provided by virtue of this act, with any additions made by the justices at some special session, provided they be not contradictory to the rules of this act, and not repealed by the quarter-sessions; and the governors of every such house shall cause the same to be printed in plain legible characters, and fixed up in some conspicuous part thereof, *id.* s. 34.

75. Any justice, on complaint on oath, by or on the behalf of any poor person belonging to any parish, that the guardian, on application made to him, hath refused him relief, and after enquiring into the condition of such poor person on oath, may either order him, by writing under the hand of such justice, some weekly or other relief, or direct such guardian to send such poor person to the poor-house, in case he appear a fit object to be kept there, according to this act; which order shall be complied with, or cause shown to the contrary, before such justice, by such guardian, within 2 days after he shall receive the same; and persons relieved shall wear the badge directed by 8 & 9 W. 3. c. 30. s. 2. [which section of that act is R.E.P. by the 50 G. 3. c. 52.]; or if it appear to such justice, that the complainant is able and willing to work, but wants employment, such justice may order the guardian to procure him maintenance and employment as in s. 32. pl. 72. directed; and if any guar-

dian shall, on notice of such order, refuse or neglect to obey it, he shall forfeit *5l.*; or if it appear to such justice, that the complainant is an idle or disorderly person, and has not used proper means to get employment, the justice, after examining him, and hearing the case, may commit him to the house of correction for not exceeding 3 months, nor less than one; or if it appear to such justice, on enquiry, that the husband or father of such person is an idle or disorderly person, able to work, but by his neglect of work, or want of seeking employment, or by spending the money he earns in alehouses, or places of bad repute, does not maintain his wife or children, and suffers them to be reduced to want, he may commit the husband or father to the house of correction, for not exceeding 3 months, nor less than one, 22 G. 3. c. 83. s. 35.

76. When any complaint or application is made to a justice for the relief of any poor person, within any parish for which a visitor is appointed, such justice shall not summon the guardian to appear before him, unless application has been first made, by the complainant, to the guardian, and, if he refuses redress, to the visitor, who shall order relief if he thinks it necessary, either within or out of the house; but if sufficient relief be not given or ordered, the poor person shall be redressed by such justice as before directed, *id.* s. 36.

77. If it is made appear to any justice to whom any complaint or application for relief is made (under 22 G. 3. c. 83. s. 36.), that the visitor of the parish or united parishes for which relief is sought, is absent from home, or resident more than 6 miles from the abode of the complainant, and that application for relief has been made to the guardian, and refused, such justice may summon such guardian to appear and answer such complaint, and may proceed thereon, and make such order therein as the case requires, in like manner as where application has been made to the visitor under such act, 59 G. 3. c. 12. s. 27.

78. Out of the penalty inflicted upon the guardian for disobeying the order of a justice, so much thereof as the convicting justice shall direct to be paid to such poor person shall be paid to him accordingly, and the remainder applied as other penalties, 22 G. 3. c. 83. s. 37.

79. If any poor person is retarded on his passage through any parish in which he has no settlement, by reason of any accident, or being afflicted with sickness or bodily infirmity, without the means of subsistence, or of proceeding to the place of settlement, the guardian living near the place where such distressed object shall be, shall, upon notice thereof, provide lodging, and suitable nourishment and assistance (and also clothing if necessary) for such person, until he can be removed with safety; and when fit to be removed, shall take him to some neighbouring justices, who shall examine him upon oath, as to his settlement, and make order for his removal thither, if they think fit: and the parish officer so receiving, &c. such person, shall make a charge of the expences, which being certified by the justices before whom he was taken, or some other neighbouring justices where such person was found, the same shall be paid by the guardian of the parish where such poor person is settled, in case it is discovered, and shall be within that county, on demand made thereof, and on the production of such allowance and certificate, or in default of payment, the same shall be levied upon the goods of such guardian making default, after summons, by warrant from a justice having jurisdiction there; and if any poor and sick person shall die before he can be examined, or if any poor person shall be found dead in any parish to which he did not belong, the guardian of such parish shall cause such person to be buried in the parish where he died, or was found dead, and shall make a charge of the expences, which shall be allowed and certified by a justice, after examining into the place of his settlement, and be paid by the guardian of the parish where such person shall have been settled, if the same shall be within that county; but in case the settlement cannot be discovered, or shall not be within that county, the same shall be paid by the treasurer of such county where such person was relieved, on the production of such allowance and certificate, out of the county or public money, *id.* s. 38.

80. Nothing herein shall alter or affect the settlement of any person, or give any illegitimate child, born in any poor or workhouse under this act, a settlement in the parish in which such workhouse is (but such child shall be considered as settled in the parish to which the mother belongs) or to alter or affect any of the provisions established by any act for the management of any particular house of industry, or workhouse, in this kingdom, *id.* s. 39.

81. If any poor person, sent to such house, shall embezzle or wilfully waste any of the goods committed to his care, or shall take, without permission of the governor, any goods provided for the use of such house, or belonging to any person residing there, complaint shall be made upon oath to some neighbouring justice, who shall hear the same, and the party accused; and such justice shall, upon conviction, commit such offender to the house of correction, to hard labour, for not exceeding 6, nor less than 2 calendar months, *id.* s. 40. [See 55 G. 3. c. 137. *post.* *pl.* 180, &c.]

82. When any guardian, or other person shall entice or remove, or cause to be enticed or removed, any poor person from one parish to another, which shall adopt this act, without an order of removal from 2 justices for that purpose, every person so offending shall forfeit not exceeding 20 nor less than *5l.*, 22 G. 3. c. 83. s. 41.

83. If any visitor, guardian, or governor, shall sell or furnish any materials, goods, clothes, victuals, or provisions, or do any work in his trade for the use of any workhouse, poor-house, or poor persons, within any parish for which he is appointed to act, or be concerned in trade or interest with any person who shall sell or furnish the same, he shall forfeit not exceeding 20*l.* nor less than *5l.* on being convicted by a justice of peace, *id.* s. 42.

84. The guardians, with approbation of the persons in the parish, qualified as in s. 6. *ante.* *pl.* 40., obtained at a public meeting, may sell any house, cottage, or building, erected or purchased for the use of any poor person, at the expence of such parish, and apply the money arising therefrom for the purposes of this act; and may also remove, by order from a justice, the person who shall inhabit the same, or any other house rented or provided at the parish expence, if he refuse to quit, after 14 days' notice, *id.* s. 43.

85. Nothing in this act shall extend to any parish which shall not agree to adopt the provisions herein, in the manner hereby directed, *id.* s. 44.

86. All penalties shall be recovered before one justice where the offender dwells, who shall, upon conviction, in default of payment, after summons, and demand made, cause the same to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of any justice where such offender dwells, rendering to the offender the overplus, after charges deducted; and in case sufficient distress is not found, then he may commit such offender to the house of correction, for not exceeding 6 calendar months, nor less than one; and such penalty, if not otherwise disposed of, shall be paid to the treasurer of such house, to be applied by him towards defraying the monthly expences of victuals, beer, firing, and other necessary provisions for the poor within such house, *id.* s. 45.

87. Any person aggrieved by the act of any justice out of sessions, may appeal to the next general quarter sessions, giving 8 days' notice thereof to the party against whom the complaint was made, and security, by recognizance, acknowledged before a justice, with a sufficient surety, to pay the costs attending such appeal, if the matter be determined against the appellant; and the quarter sessions shall hear and determine such appeal, and award costs for or against the appellant; which determination shall be final, and shall not be removed by *certiorari*, *id.* s. 46.

88. The 22 G. 3. c. 83. is not affected by this act (for relieving poor persons at their homes), 36 G. 3. c. 23. s. 4.

89. All such casual poor as may be within, and would be entitled to relief from any one of such parishes or places as shall be so united as in 22 G. 3. c. 83. s. 3., shall be relieved by all of such parishes, &c. conjointly, and in the same proportion of contribution as by that act provided for the general purposes thereof, 35 G. 3. c. 35. s. 5.

90. Two justices of peace may, at any petty sessions, direct all or any of the rules, &c. appointed by 22 G. 3. c. 83. to be observed in poor-houses established under that act, to be observed in any parishes within their respective districts, 49 G. 3. c. 124. s. 5.

91. Any two justices may, at any special sessions, direct the rules, &c. in the schedule to the 22 G. 3. c. 83. specified, or any of them, with such additions as shall be made by them to be enforced in the workhouse, or any house set apart for that purpose, although there is no master or mistress to superintend the same, of any parish or place within their respective districts as fully as in parishes adopting that act; and may, at any special sessions, add to and alter such rules, &c. which shall, at any previous special session, have been made and ordered to be observed, provided such addition or alteration is not contradictory to the rules, &c. of the 22 G. 3. c. 83., and the same are not repealed by the quarter sessions, and in order to enforce the observance of such rules, &c. every justice shall have the powers by the 22 G. 3. c. 83. vested in visitors of the poor, and all churchwardens and overseers shall have the powers, and perform the duties by that act vested in governors of the poor, 50 G. 3. c. 50. s. 1.

92. The justices in special sessions, on application of the overseers of the poor of any parish or place, or major part of them, may appoint the keeper of the workhouse to be governor thereof, who, so long as he continues governor, until the justices in special sessions revoke such appointment (which they may do), shall have the powers, and perform the duties by 22 G. 3. c. 83. vested in the governors of the poor, *id.* s. 5.

93. If any person who is sent to any poor-house, shall embezzle, or wilfully waste or damage any of the clothing, goods, or materials committed to his care, or shall take away, without permission of the overseer of the poor, or keeper of the workhouse, any clothing, goods, or materials provided for the use of the poor-house, or of the poor therein, complaint thereof may be made on oath to one justice, acting for the

district, who shall hear the same, and on conviction commit the offender to the house of correction, to be kept to hard labour for not exceeding 2 calendar months, or less than 7 days, 50 G.3. c. 50. s. 4.

94. Any breach of the rules, &c. to be put in force under this act, shall be punished in manner by this act directed for breach of the rules &c. to be enforced under 22 G.3. c. 83., *id.* s. 5.

95. The guardians, or the visitor and guardians of the poor of any parish, township, or place, or of several united parishes, &c. which have or shall adopt the 22 G.3. c. 83., or the majority of the acting guardians, jointly with the visitor, if any, (notwithstanding any omission to appoint guardians in each successive year, or any informality in the appointment of such visitor or guardians) may, under the direction of the inhabitants of any such parish, &c. or of each of several such united parishes, &c. in vestry, and with the consent of 2 justices acting for the county, division, city, borough, or place, or several counties, &c. within which such parish, &c. or several parishes, &c. are situate, sell any workhouse, or other houses, tenements, and buildings, outhouses, offices, yards, gardens, orchards, lands, and grounds, with their appurtenances, which have been by them purchased or erected for the purpose of and under 22 G.3. c. 83., and the fee simple thereof, or any other estate or interest therein, and by bargain and sale convey the same unto the purchaser, and his heirs, executors, administrators, and assigns, or as he shall direct, and give receipts for the purchase-money, which shall be good discharges to the purchaser, his heirs, &c. without any obligation to see the application of the purchase-money, and after such sale, such workhouse, &c. shall be discharged from the trusts of such act, 1 & 2 G.4. c. 56. s. 1.

96. A competent part of such purchase-money shall be applied in defraying the expences of sale, and in discharging any incumbrances affecting such workhouse, &c. and any debts which may have been contracted by the guardians, &c. of such parish, &c. or united parishes, &c. by way of charge on the poor-rates, or otherwise, and the residue shall be paid by such guardians, &c. to the churchwardens and overseers of such parish, &c. or of such united parishes, &c. in proportion as they contributed to the purchase or erection of the workhouse, &c. so sold, and shall be by them applied as part of the poor-rates, *id.* s. 2.

III. Select Vestries.

97. TO AMEND THE LAWS FOR THE RELIEF OF THE POOR, (*viz.* By appointing select vestries and assistant overseers. By building and enlarging workhouses. By allowing parishes to purchase, &c. land, to employ the poor on, or to let it out to them. By assessing the owners of lodging-houses, instead of the occupiers, to the poor-rates. By regulating the giving relief by way of loan, and the obtaining possession of parish houses or lands, and the removal of paupers born in *Scot., Ire.,* or the isles of *Man, Jersey, or Guernsey*), 59 G.3. c. 12. [only to extend to *Eng.,* s. 37.]

98. To amend the laws for the relief of the poor, 59 G.3. c. 12.

99. The inhabitants of any parish, in vestry assembled, may establish a select vestry for the concerns of the poor thereof; and to that end may elect, in the same or any subsequent vestry, or adjournment thereof respectively, so many substantial householders or occupiers within such parish, not exceeding 20 nor less than 5, as shall be thought fit to be members of the select vestry; and the rector, vicar, or other minister of the parish, and in his absence the curate, (such curate being resident in and charged to the poor's-rates of such parish,) and the churchwardens and overseers of the poor for the time being, together with the inhabitants so elected, (the latter being first thereto appointed by writing under hand and seal of a justice of peace, which appointment he shall make,) shall constitute a select vestry for the care and management of the concerns of the poor of such parish; and any 3 of them (2 of them being neither churchwardens nor overseers) shall be a *quorum*; and when any inhabitant appointed to serve in such select vestry shall, before expiration of his office, die or remove from the parish, or be incapable or refuse to serve therein, the vacancy shall, as soon as convenient, be filled up by the like election and appointment; and such select vestry shall act from its appointment, until 14 days after the next annual appointment of overseers, and may be from year to year, and in any future year, renewed as above directed; and shall meet once in every 14 days, and oftener if necessary, in the parish church, or other place within the parish; at every meeting a chairman shall be appointed by the majority of the members present to preside therein, and in an equality of votes on any question shall have the casting vote; and such select vestry shall examine the state of the poor of the parish, and determine the proper objects, nature, and amount of relief to be given; and consider the character and conduct of the poor person to be relieved, and may distinguish in such relief, between the deserving and idle poor; and shall make orders in writing for the requisite relief, and superintend the administration of all poor's-rates, and all other parochial funds; and where such select vestry is esta-

blished, the overseers shall, in execution of their office, conform to its directions, and shall not, (except in sudden emergency or urgent necessity, and to the extent only of temporary relief, and except by order of justices, as in s. 2.) give any other relief to the poor than that ordered by the select vestry, 59 G.3. c. 12. s. 1.

100. On complaint to any justice of the want of adequate relief, by or on behalf of any poor inhabitant of a parish where a select vestry is established under this act, or in which the relief of the poor is under the management of guardians, governors, or directors appointed by special or local acts, such justice shall not proceed, or take cognizance thereof, unless it be proved on oath before him, that application for relief hath been made to and refused by the select vestry, or by such guardians, &c., in which case he may summon the overseers, or any of them, before any 2 justices, to answer the complaint; and if on the hearing it is proved on oath, to the satisfaction of the justices hearing the same, that the party complaining is in need of relief, and that adequate relief hath been refused by the select vestry, or by such guardians, &c. or that such select vestry shall not have assembled as by this act directed, they may make an order, under hand and seal, for such relief as they, in their discretion, think necessary, (reference being also had by them to the character, &c. of the applicant;) but in every such order, the special cause of granting the relief shall be expressly stated, and no such order shall be given for, or extend to a longer time than one month from its date; but any justice may make an order for relief in case of urgent necessity, to be specified in such order, so as it remains in force only till the assembling of the select vestry, or of such guardians, &c. *id.* s. 2.

101. Every such select vestry shall cause minutes to be entered in books, of all their meetings, transactions, &c. and of all sums received, &c., and expended by their direction; which minutes shall be signed by the chairman, and shall, together with a report of their accounts and transactions, be laid before the parishioners in general vestry, twice a year; *viz.* in *Mar.* and *Oct.*, and at such other times as the select vestry think fit; and the minutes, accounts, and reports of every select vestry shall belong to the parish, and be preserved with the other documents, &c. thereof, *id.* s. 3.

102. The churchwardens and overseers shall cause ten days notice to be publicly given, in the usual manner, of every vestry to be holden for establishing any select vestry, or for electing the members, &c. or any member thereof, or for receiving the report as in s. 3.; and every such notice shall state the special purpose thereof, *id.* s. 4.

103. Every order to be made for the relief of any poor person, by the churchwardens and overseers of any parish not having a select vestry under this act, shall be made by two or more justices, who, in making the same, shall consider the character, &c. of the applicant; but, in every such order the special cause of relief shall be expressly stated, and no such order shall extend longer than one month from its date; but in cases of urgent distress, one justice may order such relief as the case requires, stating therein the circumstances of the case; but no such order shall entitle any person to relief more than 14 days from its date, nor shall it have any effect after the next petty session for the hundred or other division or district in which the parish is situated, *id.* s. 5.

104. The justices of the peace, in their respective special sessions for appointing overseers, may, at the request of the inhabitants of any parish in vestry assembled, appoint any person assessed to the relief of the poor thereof, and being a householder resident within two miles from the church or chapel of such parish, or if no church, &c. within one mile from the boundary of such parish, to be an overseer of the poor thereof, though he be not an householder within the parish of which he is so appointed overseer; and it is sufficient, in such appointment, to describe the person appointed by his name and residence; but no person shall be compellable to serve the office of overseer of any parish or place in which he is not an householder, unless he has consented to such appointment, *id.* s. 6.

105. The inhabitants of any parish in vestry assembled, may elect any discreet person or persons to be assistant overseer, &c. of the poor, and may specify the duties to be by them performed, and fix such yearly salary for the execution of the office as they think fit; and any two justices may, by warrant under hand and seal, appoint the person so elected, and the salary so fixed shall be paid out of the poor-rates, in the manner agreed on between the inhabitants in vestry and such assistant overseer; and every assistant overseer shall execute all such of the duties of the office of overseer of the poor as in the warrant for his appointment are expressed, as fully as any ordinary overseer; and every person, &c. so appointed shall continue to be assistant overseer until the resignation, or revocation of his appointment by the parishioners in vestry assembled, and no longer; and the parishioners upon election by them of an assistant overseer or overseers, may require and take security for faithful execution of the office, by bond, with or without a surety, and in such penalty as they think fit; which bond shall be made to the churchwardens and overseers, and may on any breach of the condition, be put in suit by and in the names of the churchwardens

and overseers of the poor for the time being, by direction of the vestry or select vestry, for benefit of the parish, as in *s. 17., 59 G. 3. c. 12. s. 7.*

106. In any parish not having a workhouse for the poor thereof, or where the workhouse is insufficient or inconvenient, the churchwardens and overseers, by direction of the inhabitants in vestry assembled, may erect in such parish a suitable workhouse, or alter and enlarge any tenement belonging to the parish, and purchase or take on lease any ground in the parish for the purpose of such building, or for enlarging any such other tenement, &c. for that purpose; or may add to and enlarge any such insufficient workhouse, as the inhabitants in vestry shall direct, *id. s. 8.*

107. The churchwardens and overseers of the poor of any parish, by direction of the inhabitants in vestry assembled, and with the consent of two justices certified under their hands, may dispose of any workhouse or other tenements belonging to such parish and found to be unfit for the purpose, with the site thereof, and the outhouses, offices, yards, and gardens thereto belonging, for the best price that can be obtained, and may convey the same to the purchaser, his heirs and assigns, as he shall direct, and apply the produce of such sale, after deducting its reasonable expences, towards the purchase or building of a new workhouse, or in the payment of any money to be borrowed under this act, as the vestry shall direct, *id. s. 9.*

108. The churchwardens and overseers of the poor of every parish, where there is no sufficient poorhouse, by direction of the inhabitants in vestry assembled, may purchase or hire any house or building for that purpose, in any adjoining parish, with the consent of 2 justices, to be written upon or annexed to the agreement for purchasing or hiring the same; but no such house, &c. shall be situate more than 3 miles from the parish for which it is purchased or hired, *id. s. 10.*

109. Every house and building so purchased or hired, shall in all questions relative to settlement of persons born or lodged therein, be deemed part of the parish on behalf of which it is purchased or hired, and used as a poorhouse or workhouse, *id. s. 11.*

110. The churchwardens and overseers, with the consent of the inhabitants in vestry assembled, may take into their hands any land belonging to such parish, or to the churchwardens, &c., or poor thereof, or may purchase, or hire and take on lease on account of the parish, any suitable portion of land within or near to such parish, not exceeding 20 acres; and may set to work in the cultivation thereof, any such persons as by 45 *El. c. 2. s. 1.* are directed to be set to work, and may pay to such of the poor persons so employed as are not supported by the parish, reasonable wages, who shall recover the same and be liable to punishment for misbehaviour as other labourers in husbandry, *id. s. 12.*

111. The churchwardens with like consent, as in *s. 12.*, may let any portion of such parish land, &c. to any poor and industrious inhabitant of the parish, to be occupied and cultivated on his own account and benefit, at such reasonable rent, and for such term as by the inhabitants in vestry is fixed, *id. s. 13.*

112. No sum exceeding the rate at 1s. in the pound on the annual value of the property in any parish assessable to poor-rates, shall be raised or applied, in any one year, in purchasing, building, and repairing any buildings or land by this act to be purchased, &c.; and in fitting up, &c. such buildings, and stocking such land, or for one or more of such purposes, unless the majority of the inhabitants and occupiers assessed to the poor-rates in vestry assembled consent, nor until two thirds of them in value, whether present in vestry or not, have also signed their consent thereto in the vestry or parish book, *id. s. 14.*

113. Where the inhabitants of any parish shall, as in *s. 14.*, consent that a greater sum than what a rate of 1s. in the pound will raise, shall be expended in one year for all or any of such purposes, &c., the churchwardens, &c. with like consent, as in *s. 14.*, after the rate of 1s. in the pound has been actually levied and applied for such purposes, may raise any additional sum, by loan or sale of annuities, on any lives not being under 50 years of age, or for any certain term not exceeding 15 years, so as the whole sum so to be raised is not more than 5s. in the pound of the true annual value of the property in such parish assessed to the poor-rates (every proposal for such annuity being first approved by the inhabitants and occupiers of such parish in vestry); and the churchwardens, &c. may, in the names and on the behalf of the inhabitants of the parish, execute securities for the money so borrowed, and annuities so granted; and by every such security shall charge the produce of the future poor-rates with repayment of the principal borrowed, and its interest or with the annuity thereby granted on the days and times, and in the manner and proportions by the security appointed; and the money raised by such future rates shall be liable to the payment of every such loan, with interest, and of such annuity, *id. s. 15.*

114. No greater sum in all than the amount of a rate at 1s. in the pound, shall in any parish be charged on the future rates thereof, unless two-thirds in value of the proprietors of lands and tenements within such parish (whether for freehold or copyhold, or by leases for terms of not less than 15 years absolute or determinable on life or lives) have

consented to raise the money for which the security shall purport to be made; such consent to be given by writing under the hands of all persons and corporations sole, and that of every corporation aggregate under the hand of the chief member thereof for the time being, and those of *femes-covert*, minors, insane persons, and persons out of the kingdom, under the hands of their respective husbands, guardians, &c. committees, trustees, or agents, who may give their consents; and the consent of the majority of the trustees for any charitable or other purpose, shall be sufficient in respect of trust estates, 59 *G. 3. c. 12. s. 16.*

115. All buildings, lands, and hereditaments, purchased, hired, or taken on lease by churchwardens and overseers under this act, shall be conveyed and assured to them and their successors, in trust for the parish; and they shall and may take, and hold, as a body corporate, on behalf of the parish, all such and all other buildings, lands, and hereditaments belonging to such parish; and in all actions, indictments, and other proceedings relating to the same or the rent thereof, and in all proceedings on any bond given for the faithful execution of the office of assistant overseer, it shall be sufficient to name the churchwardens and overseers for the time being, describing them as such of the parish for which they act, and naming such parish; and no such proceedings shall abate, &c., by the death of the churchwardens, &c. named therein, or of any of them, or by their removal from office, *id. s. 17.*

116. The powers and directions of 22 *G. 3. c. 83. s. 22. pl. 62.*, as to sales and conveyances by incapacitated persons shall apply to this act, together with its directions for applying the purchase-money, *id. s. 18.*

117. The inhabitants of any parish, in vestry assembled, may resolve and direct, that the owners of all houses, apartments, or dwellings, being the immediate lessors of the actual occupiers, which shall respectively be let to the occupiers at a rent not exceeding 20*l.* nor less than 6*l.* *per annum*, for less than one year, or on any agreement by which the rent is reserved or made payable at any shorter period than 3 months, shall be assessed to the poor rates in respect of such houses, &c., and the outhouses, &c. thereof, instead of the actual occupiers; and the inhabitants in vestry may vary and renew every such resolution as they shall see occasion, so as it does not extend to charge the owner of any house, &c., let at a greater rent than 20*l.*, or less than 6*l.*; and the churchwardens and overseers shall carry into effect all such resolutions of the vestry, and in execution thereof shall, in all poor-rates assess by a fair pound rate the owner, being the immediate lessor of the actual occupier of every house, &c. to which such resolution, &c. shall extend, in respect of the same, according to the actual rent at which it is let, after making reasonable deduction from such rent, not exceeding one-half; and on nonpayment of the sums so to be assessed, the same may be levied on, and the payment thereof be enforced against such owners and lessors so to be assessed, and their goods and chattels, in like manner as poor rates may by law be recovered, and their payment enforced, against any actual occupier on whom they are charged, *id. s. 19.*

118. The goods and chattels of every occupier of any such house, &c. in the same, may be distrained and sold for raising so much of any such assessment in arrear, as shall have become due during the occupancy of the persons whose goods are so distrained, (to be ascertained in a summary way by the justices granting the warrant of distress,) so that no greater sum be raised by distress of the occupier's goods and chattels, than is actually due from him for rent: provided, that every occupier paying any such rates, or on whose goods the same is levied, may deduct the sum so paid or levied, out of the rent by him payable; which payment shall discharge him of so much of his rent as he has paid, or which has been levied on his goods, of such rate and costs, *id. s. 20.*

119. Every person receiving or claiming the rent of any such house, &c. for his own use, or receiving it for the use of any corporation aggregate, or of any minor, *feme-covert*, or insane person, or of any person not usually resident within 20 miles from the parish in which any such house, &c. is situated, shall for this purpose be deemed rateable as the owner thereof, *id. s. 21.*

120. Every person rated as the owner of any such house, &c. aggrieved by any such rate, shall have the like remedy by appeal against it, as any other person thereby rated; and shall be entitled, as an inhabitant of the parish for which assessed, to be present and vote in every vestry of the inhabitants thereof, for the execution of the poor laws, or the consideration of any question in relation thereto, in like manner as the inhabitants of the parish, *id. s. 22.*

121. Nothing in this act shall extend to give any power to assess the owner (not being the occupier) of any house, &c. in any city, borough, or town corporate, in which the right of voting for the election of M. P.s depends on the assessment of the voter to the poor's rate, or to vary the manner of assessing any of the inhabitants, occupiers of houses, &c., within any such city, &c., *id. s. 23.*

122. If any person who has been permitted to occupy any parish or town house, or any other tenement belonging to or provided by any parish, for the habitation of the poor thereof, or who has unlawfully intruded himself into any such house, &c., or into any house, &c. belong-

ing to such parish, shall neglect to quit the same, and deliver up possession to the churchwardens or overseers, within one month after notice and demand in writing for that purpose, signed by the majority of them, has been delivered to the person in possession, or in his absence affixed on some notorious part of the premises, any two justices, on complaint by one of the churchwardens, &c. of the parish in which any such house, &c. is situated, may issue their summons to the person complained of, to appear before such justices at a time and place appointed by them, and cause such summons to be delivered to him, or in his absence to be affixed on the premises, 7 days at least before the time of hearing such complaint; and such justices, on appearance of the defendant, or on proof on oath that such summons hath been delivered, &c. as hereby directed, may hear and determine the complaint, and if they find it true, then by warrant under hand and seal, may cause possession of the premises in question to be delivered to the churchwardens, &c., 59 G. 3. c. 12. s. 24.

123. If any person to whom any land appropriated, &c. under this act, for the employment of the parish poor, or to whom any other parish lands, as in s. 12., have been let for his own occupation, shall refuse to quit possession thereof to the churchwardens, &c. at the expiration of the term for which they were demised to him or her; or if any person shall unlawfully enter on, or take possession of such or any other land or hereditaments belonging to such parish, or to the churchwardens, &c., such churchwardens, &c., after such notice and demand, as in s. 24. directed, may exhibit a complaint against the person so in possession, before two justices, who may proceed thereon, and hear and determine the matter thereof; and if they find the same to be true, may cause possession to be delivered to them in such manner as by s. 24. directed, *id.* s. 25. [See s. 26. *ante*, pl. 11., s. 27; Poor, Div. II. pl. 77.]

124. Any justice may take in writing the examination on oath of any person having a wife or child, being a prisoner in any gaol or house of correction, or in the custody of the keeper thereof, or of any constable or other peace officer, under any warrant of commitment, touching his last legal settlement; which examination shall be signed by such justice taking the same, and admitted in evidence as to such settlement before justices, for any order of removal, so long as the person so examined shall continue a prisoner, *id.* s. 28.

125. When it appears to the justices, or the general or select vestry, or to such guardians, &c., or to the overseers of the poor, to whom application is made for relief for any poor person, that he might, but for his wilful misconduct, have been able to maintain himself, or support his family, the overseers (by direction of the justices, vestry, or guardians, &c., where application has been made to them respectively) may advance money weekly or otherwise, as requisite, to the applicant, by way of loan only, and may take his receipt for, and engagement to repay every sum so advanced (without stamp duty); and any two justices, on application (within one year after any such loan) of one overseer of the parish, may summon the person to whom any money has been so advanced; and if on examination into his circumstances, it appears to them that such person, by weekly instalments or otherwise, can repay the money so advanced to him, in the whole or in part, they may make an order under their hands and seals for repayment of all or part of such money, at such times and in such proportions as they see fit; and on every default of payment, may by warrant commit him to the common gaol or house of correction, for not exceeding 3 calendar months, unless the sums payable by virtue of such order be sooner paid, *id.* s. 29.

126. The churchwardens, &c. may require any person entitled to any pension, &c., or other allowance, for his service in the navy, army, marines, or ordnance, and applying to them for relief for himself or family, to assign to them the next payment due to him, that they may receive the same, and retain for the use of the parish so much as has been advanced for the relief of such pensioner, &c.; and the churchwardens, at the request of any person entitled to such pension, &c., may advance for his support, or that of his family, any weekly sum not exceeding his pension or allowance, to be repaid out of the next quarterly or other payment of such pension, &c., and may take an assignment thereof as security for the money advanced, and such assignment shall be exempt from stamp-duty, and to the effect following; *viz.*

‘I [naming the applicant, and stating requisite particulars] do hereby assign to the churchwardens and overseers of the poor of the parish of — the next payment of the pension, at the rate of — *per diem* [or, *as the case may be*] granted to me as — and payable from — in order to secure to the said parish of — the repayment of the sum of — advanced to me, [or, of the weekly sum of — ordered or agreed to be advanced to me, *as the case may be*], by such churchwardens and overseers. Signed by the above-named — before me, one of H. M.’s justices of the peace for — this — day of —.

And such assignment of any quarterly or other payment payable by commissioners of *Chelsea* or *Greenwich* hospitals, or by the paymaster of the royal marines, or the treasurer of the board of ordnance respectively, attested by a justice, and made as in s. 17. pl. 115., to the churchwardens, &c., shall be transmitted by such churchwardens, &c. at least one month before such payment becomes due, under cover, addressed

to the paymaster general of H. M.’s forces, with “*Chelsea* pensioner,” or to the paymaster of pensions at *Greenwich* hospital, with “*Greenwich* pensioner,” or to the paymaster of the royal marines, with “*royal marines pensioner*,” or to the secretary to the board of ordnance, with “*ordnance pensioner*” written thereon; who shall thereon respectively cause such payment to be made to the churchwardens or overseers as would have been made to the person assigning the same, if no assignment had been made, and such churchwardens, &c., or any one of them, may receive the same, and retain thereout for the use of the parish so much as has been paid on security thereof, and forthwith pay any residue to the person by whom such assignment was made; and if any question shall arise between such assignor and the churchwardens, &c., touching the amount payable to them by virtue of such assignment, the same shall be determined in a summary way by one justice, and his order therein shall be final; but no such assignment shall entitle the churchwardens, &c. to receive the pension, if the assignor shall die before the time when such pension would have become payable to him if no such assignment was made, 59 G. 3. c. 12. s. 30.

127. When any person entitled to or in receipt of any such pension, &c. shall leave his wife or family chargeable, or suffer them to become chargeable to any parish, two or more justices, on complaint thereof to them made by any one of the churchwardens and overseers, and verified on oath, may by order under their hands and seals, direct that the next payment becoming due of such pension or other allowance, shall be made to the churchwardens, &c. of the parish to which such wife or family shall become chargeable; and they shall transmit such order to the commissioners for the hospitals at *Chelsea* or *Greenwich*, and other officers, as in s. 30. mentioned, who thereupon, and on sufficient proof given that the person whose pension, &c. is directed to be paid is living when the same becomes payable, and would be entitled to receive the same if no such order was made, shall cause payment to be made to the churchwardens, &c. for whose security such order was made; and who shall apply the same, or so much as hath been actually expended for the above purposes, for the indemnity of the parish, and shall pay any overplus to the person entitled thereto; and upon the receipt of any such order as aforesaid, by which the pension, &c. mentioned therein is directed to be paid to such churchwardens, &c., payment thereof shall be suspended, until sufficient proof is given to entitle them to receive the money thereby directed to be paid to them, *id.* s. 31.

128. Where the wife or family of any seaman employed in any voyage or trip, (not being in H. M.’s service), shall, during his absence on such employment, become chargeable to any parish, two justices, on complaint to them made by any one of the parish officers, and verified on oath, by order under their hands and seals, may direct the acting owner, ship’s husband, or agent of the vessel in which such seaman is employed, to pay out of his wages to the churchwardens, &c. of the parish to which his wife or family shall become chargeable, so much as hath been by such parish necessarily expended for their maintenance (the amount, in case of dispute, being ascertained by two justices, whose determination shall be final); and on the production of such order, the owner by whom the wages of the seaman therein named are payable, shall pay to such one or more of the parish officers for whose indemnity such order was made, as shall demand the same, the sum therein directed to be paid, or so much as the wages then due shall amount to; and the payment to and receipt of any such churchwarden, &c., shall be a good discharge for so much of such wages as are paid to him by virtue of such order; and if any such owner shall not pay to the churchwarden, &c. producing such order, the money thereby directed to be paid, or so much thereof as is actually due for the wages of the seaman therein named, the same may be recovered, and payment enforced against such owner, &c., in like manner as poor-rates in arrear may be recovered, and payment thereof enforced, against the parties charged therewith: but nothing herein shall authorize the payment of any sum by such acting owner, &c., until the voyage in which the vessel is so engaged is completed, nor beyond the sum then actually due to such seaman by such acting owner, &c. *id.* s. 32.

129. Two justices shall, on complaint of the churchwardens and overseers, that any person born in *Scot.* or *Ire.*, or in the isles of *Man*, *Jersey*, or *Guernsey*, hath become chargeable to such parish, by himself or family, may cause such person to be brought before them, and examine him and any other witnesses on oath, touching his place of birth or last legal settlement, and may inquire whether he, she, or any of his or her children have gained any settlement in *Eng.*; and if it be found that the person so brought before them was born in *Scot.*, *Ire.*, *Man*, *Jersey*, or *Guernsey*, and hath not gained any settlement in *Eng.*, and that he hath actually become chargeable to the complaining parish, by himself or family, then such justices may, by a pass under their hands and seals, in the form or to the effect prescribed by 17 G. 2. c. 5., VAGRANT, cause such poor person, his wife, and such of his children so chargeable as have not gained a settlement in *Eng.*, to be removed to the place of his birth or last legal settlement, as by that act directed for removal of

rogues and vagabonds to *Scot., &c.*, and all constables and officers, and all masters of vessels, shall convey every person so to be passed as by that act directed for rogues and vagabonds, 59 *G. 3. c. 12. s. 33.*

130. Any justice of the peace, who shall adjudge any person born in *Scot., Ire., Man, Jersey, or Guernsey*, (and not having gained a settlement in *Eng.*) to be a rogue and vagabond, may, in his discretion, either order him to be whipped or imprisoned in the house of correction, as by the laws in being directed, before removal, or cause him to be removed without having been so whipped or imprisoned, *id. s. 34.*

131. All powers by this act vested in justices, shall be exercised by them within the limits of their respective commissions and jurisdictions; and all clauses and authorities in this act, in relation to parishes, shall extend to all townships, vills, and places having separate overseers, and maintaining their poor separately; and all acts required by this act to be done by churchwardens and overseers, may in every parish be performed by the majority of them; and in townships, &c. which have no churchwarden, the same may be performed by the overseers, or the majority of them; and all the powers in this act relating to vestries, or to the parish concerns in vestry assembled, shall extend to all meetings of the inhabitants of any township, &c., having separate overseers, and maintaining its poor separately, to be held after legal notice for executing the poor laws, as fully as if severally repeated, *id. s. 35.*

132. Nothing herein shall alter or affect any of the powers or regulations in 22 *G. 3. c. 83.* contained, in respect of such parishes, &c. as have adopted that act, nor any of the powers, &c. of any special or local acts for the maintenance of the poor, in any city, town, hundred, parish, or place, so as so much of this act as is not repugnant to 22 *G. 3. c. 83.*, or to such special or local acts, is adopted in all parishes; and nothing herein contained shall affect any select vestry established by ancient custom, *id. s. 36.*

IV. Rates.

133. To OBLIGE OVERSEERS OF THE POOR to give public notice of rates made for the relief of the poor, and to produce the same, 17 *G. 2. c. 5.* [The law with regard to poor-rates, and appeals from the same, and overseers accounts, *AMD. 17 G. 2. c. 38., 41 G. 3. U. K. c. 23., 50 G. 3. c. 49., 1 G. 4. c. 36. pl. 148., (a),* and as to discharging poor persons rated to the poor's rate, 54 *G. 3. c. 170. ss. 11, 12.* See as to the kind of property liable to be rated to the poor, 43 *El. c. 2. s. 1.*, and when owners instead of occupiers of houses may be assessed, 59 *G. 3. c. 12. ss. 19—23.* Poor, *pl. 117—121.]*

134. The churchwardens and overseers, or other person authorized to take care of the poor in every parish or place, shall give public notice in the church of every rate for the relief of the poor, allowed by the justices of peace, the next *Sunday* after the same is allowed; and no rate shall be valid, so as to collect the same, unless such notice be given, 17 *G. 2. c. 5. s. 1.*

135. The churchwardens and overseers, or other persons so authorized in every parish, &c. shall permit the inhabitants to inspect such rate, paying 1s. for the same, and shall upon demand give copies of the same, or any part thereof, to any inhabitant of such parish or place, paying 6d. for every 24 names, *id. s. 2.*

136. If any churchwarden or overseer, or other person so authorized, shall not permit any inhabitant or parishioner to inspect such rates, or shall neglect to give copies thereof, they shall forfeit to the party grieved 20*l.*, to be sued for and recovered by action of debt, &c. or information, &c., in any court of record, wherein no essoin and only one appearance shall be allowed, *id. s. 3.*

137. The churchwardens and overseers of the poor shall yearly, within 14 days after other overseers are nominated, deliver in to their successors a true account in writing, fairly entered in a book, and signed by them, so accounting under their hands all sums received, or rated and not received, and also of all goods, stocks, and materials then in their hands, or those of the poor to be wrought, and of all monies paid by them, and of all other things concerning their office, and shall also deliver over all monies, goods, and things to such successors, which account shall be verified on oath or affirmation before a justice, who shall sign and attest the caption of the same at the foot, without fee, which book shall be preserved by the churchwardens in some public place of the parish, &c., and they shall permit any person there assessed to inspect the same on payment of 6d., and on demand shall deliver copies thereof on payment of 6d. for each 500 words, and so in proportion, 17 *G. 2. c. 38. s. 1.*

138. In case such churchwardens and overseer, or any of them, neglect to make up such account within the time herein limited, or neglect to deliver over such money, goods, &c. in their hands, any 2 justices of peace may commit him or them to the common gaol, until he shall give such account, or yield up such money and goods, *id. s. 2.*

139. In all cases where any account is required to be made, signed, and attested, by 17 *G. 2. c. 38. s. 1., pl. 137.*, the same shall be submitted by the churchwardens and overseers to two or more justices of the county,

dwelling near the place to which such account relates, at a special session for that purpose to be holden, within the 14 days appointed by such act for delivering in such account, and such justices may examine into such accounts, and administer an oath or affirmation to such churchwardens and overseers as to the truth thereof; and may disallow any charges and payments they deem unfounded, and reduce such as appear exorbitant, specifying at the foot every such charge or payment, and its amount, so far as such justices shall disallow or reduce the same, and the cause wherefore; and such justices shall signify their allowance of such account, under their hands, and sign and attest the caption thereof at the foot, as by 17 *G. 2. c. 38. s. 1. pl. 137.* directed, and in case such churchwardens and overseers shall neglect to yield such account, and verify the same on oath, or to deliver over to their successors, within 10 days after the signing and attesting thereof, any goods or things, which on the examination and allowance of such account appear to be in their hands, any 2 justices may commit them to the county gaol until they yield such account, and verify the same, and deliver over such goods, &c.; and in case such churchwardens and overseers neglect to pay to their successors, within 14 days from the signing and attesting of such account, any sum or arrearages which may be due, their successors, by warrant from any 2 justices, may levy the same by distress and sale of the offender's goods, restoring the overplus; and in default of such distress, may commit the offenders to the common gaol until payment is made, 50 *G. 3. c. 49. s. 1.*

140. If such churchwardens and overseers are aggrieved by the disallowance and reduction of such charges, they may enter an appeal at the quarter sessions holden next after the tenth day from the making of any order in respect of such disallowance, &c., they having first delivered over to their successors the money, goods, and things they admit to be due on the account submitted by them, and having also entered into a recognizance before one justice, with 2 sureties to be approved by him, in double the sum in dispute, to enter such appeal at such next sessions, and abide the order of that, or any subsequent sessions thereon; and such sessions, on proof of such matters, and on production of such recognizance, and proof that it was duly entered into, may adjourn such appeal, or hear the same, and examine into and confirm or reverse such disallowance or reduction, in the whole or part; and may order that such churchwardens and overseers shall have the costs incurred by them in such appeal defrayed out of the poor's rates of the parish, and the order of such sessions shall be binding on all parties, *id. s. 2.*

141. This act shall not take away any power of appeal, against any such account by any other person entitled to appeal against the same, under the 43 *El. c. 2. s. 6. pl. 9.*, or 17 *G. 2. c. 38. s. 4. pl. 147.*, *id. s. 3.*

142. Every mayor, bailiff, or other head officer of every place corporate or city in *G. B.*, or any 2 magistrates thereof, shall have like authority under this act as any justices of the county, or 2 of them have by this act, but subject to an appeal to the quarter sessions of such town, &c., provided that in any town where there are not 4 justices, [see 1 *G. 4. c. 36. post, pl. 148. (a),* which gives like power of appeal, in cases of towns, &c. having only 6 justices; but *QU.* does it extend to this act?] any person may, if he pleases, where an appeal is given by this act, appeal to the next general or quarter sessions for the county, &c. wherein such town, &c. is situated, *id. s. 4.*

143. No *certiorari* shall be granted to remove any order or proceeding of any general or quarter sessions, or of any justices, had under this act, into any superior court of record, but all such orders, &c. subject to such appeal, shall be final, *id. s. 5.*

144. This act shall not apply to the accounts of any churchwarden or overseer of the poor in any place where, by any act relating to the poor thereof, such churchwardens, &c. are exempted from rendering the accounts required by the 43 *El. c. 2. s. 2.* and 17 *G. 2. c. 38. s. 1.*; and nothing in this act shall extend to the city of *London*, *id. s. 6.*

145. This act shall not repeal or alter 43 *El. c. 2.*, or 17 *G. 2. c. 38.*, except only so much of them and so far as they are herein expressly mentioned, *id. s. 7.*

146. If any such overseer shall die, or remove from the place for which he was appointed, or become insolvent, before the expiration of his office, on oath thereof made, 2 justices may appoint another overseer, who shall continue in office until new overseers are appointed; and if any overseer remove, he shall before removal deliver over to some churchwarden, or other overseer of the same place, his accounts verified as in *s. 1. pl. 137.*, with all rates, books, papers, money, and other things concerning his office, under the like penalties as are hereby inflicted on an overseer refusing to do the same after the expiration of his office; and if any overseer die, his executors or administrators shall, within 40 days after his decease, deliver all things concerning his office to some churchwarden or other overseer of the same place, and shall pay out of his assets all money remaining due, which he received by virtue of his office, before any other debts, 17 *G. 2. c. 38. s. 3.*

147. Any person aggrieved by any rate for the relief of the poor, or who has any objection to any person being put on, or left out of such rate, or

the sum to charged on any person therein, or to such account as aforesaid, or aggrieved by any neglect or act done or omitted by the churchwardens and overseers, or by any justice of peace, may, giving notice to the churchwardens or overseers, appeal to the next general or quarter sessions for the same county, riding, division, corporation, or franchise; and the justices there shall receive such appeal, and finally determine the same; but if it appear that reasonable notice was not given, they shall adjourn the appeal to the next quarter sessions; and may award to the party for whom such appeal shall be determined reasonable costs, as in appeals by 8 W. 3. c. 30., concerning the settlement of poor persons, 17 G. 2. c. 38. s. 4.

148. In all corporations or franchises which have not 4 justices of peace, any person, where an appeal is given by this act, may appeal to the next general or quarter sessions of the peace for the county or division wherein such corporation or franchise is situate, *id.* s. 5.

148. (a) In all corporations and franchises not having more than 6 justices, nor having jurisdiction or authority over 2 or more whole parishes contained within such corporation, &c., any person may in any of the cases mentioned or referred to by 43 El. c. 2., or 17 G. 2. c. 38., where an appeal is given by them, appeal to the next general or quarter sessions for the county, riding, or division, wherein such corporation, &c. is situate, as amply as if such corporation, &c. had not 4 justices; but nothing herein extends to any city or town corporate, being a county of itself, 1 G. 4. c. 36.

149. Upon all appeals for relief, the justices, where they see cause for giving such relief, shall amend the same, in such manner only as shall be necessary for giving such relief, without altering such rates with respect to other persons; but if upon an appeal from the whole rate it be necessary to set aside the same, then such justices shall direct the churchwardens and overseers to make a new equal rate, 17 G. 2. c. 38. s. 6.

150. On all appeals from any rate or assessment made for the relief of the poor of any parish, township, vill, or place, the court of quarter sessions shall (where they see just cause to give relief) amend such rate, either by inserting therein or striking out the name of any person, or by altering the sum therein charged on any person, or in any other way they think fit, without quashing the whole rate; provided that if such court is of opinion that, in order to give relief to the appellant, such rate should be quashed, they may quash it accordingly; but all sums charged by such rate on any person shall be levied and recovered as if no appeal had been made against such rate, and sums so paid, levied, or recovered shall be deemed as payment on account of the next effective rate which shall be made for the relief of the poor of the same parish, &c. 41 G. 3. U. K. c. 23. s. 1.

151. All money at which any person is rated for the relief of the poor of any parish, &c. shall be levied and recovered by distress and other lawful means, notwithstanding the person so rated has given notice of appeal from the rate; provided that if any person so rated shall give such notice of appeal as in s. 4. to the churchwardens and overseers of the poor of any parish, &c. or 2 of them, then after such notice, and until the appeal is determined, no proceeding shall be commenced to recover any greater sum than the sum at which he or any occupier of the same premises have been rated in the last effective rate collected on such person, *id.* s. 2.

152. The goods of any person assessed and refusing to pay may be levied by warrant of distress, not only in the place for which such assessment was made, but in any other place within the same county or precinct; and if sufficient distress cannot there be found, on oath thereof before some justice of any other county, &c. (which oath shall be certified under the hand of such justice on the warrant) such goods may be levied in such other county, &c.; and if any person find himself aggrieved by such distress, he may appeal to the next general or quarter sessions of the peace for the county, &c. where such assessment was made, and the justices there shall finally determine the same, 17 G. 2. c. 38. s. 7. [See further, as to distraining for poor's rates 43 El. c. 2. s. 4., *ante*, pl. 6., 54 G. 3. c. 170. s. 12., *post*, pl. 169.]

153. Where any distress is made for any money due for the relief of the poor, the distress itself shall not be deemed unlawful, nor the party making it a trespasser, on account of any defect in the warrant for the appointment of such overseers, or in the rate or in the warrant of distress; nor shall the party distraining be deemed a trespasser *ab initio*, on account of any irregularity afterwards done by him; but the party aggrieved by such irregularity shall recover satisfaction for the special damage sustained and no more, in an action of trespass or on the case, *id.* s. 8.

154. Provided that where the plaintiff recovers in such action he shall be paid his costs, and have the usual remedy for the same, *id.* s. 9.

155. No plaintiff shall recover for any such irregularity, if tender of amends hath been made by the party distraining, before such action brought, *id.* s. 10.

156. In case any person neglect to pay such overseers any sum that he shall be legally rated to, the succeeding overseers shall levy such arrears, and reimburse their predecessors all sums expended for the use of the

poor, and allowed to be due to them in their accounts, 17 G. 2. c. 38. s. 11. [see also 13 & 14 G. 2. c. 12. s. 18. VAGRANT, 41 G. 3. U. K. c. 23. s. 9. *post*, pl. 167.]

157. Where any person shall come into or occupy any house, land, or hereditament, out of which any person assessed shall be removed, or which at the making such rate was empty, every person so removing from, and every person so coming into the same, shall be liable to pay to such rate in proportion to the time that such person occupied the same, in like manner and under like penalties of distress as if such person so removing had not removed, or such person so coming in had been originally rated, which proportion, in case of dispute, shall be ascertained by any 2 justices, *id.* s. 12.

158. Copies of all rates made for the relief of the poor shall be entered in a book to be provided by the churchwardens and overseers, who shall take care that such copies shall be entered within 14 days after all appeals from such rates are determined, and shall attest the same by putting their names thereto; and all such books shall be preserved by the churchwardens and overseers, or one of them, whereto all persons assessed, or liable to be assessed, may resort, and shall be delivered over from time to time to the succeeding churchwardens and overseers, as soon as they enter into their offices, and shall be produced by them at the general or quarter sessions when any appeal is to be heard, *id.* s. 13.

159. If any churchwarden, overseer of the poor, or other officer of any parish, &c. shall neglect to obey this statute, where no penalty is before provided thereby, or shall act contrary thereto, he shall for every such offence, on oath thereof made within 2 calendar months after the offence, before any 2 justices, forfeit for the use of his poor not exceeding 5*l.* nor less than 20*s.*, to be levied by distress and sale of the offender's goods, by warrant from such justices; which sum shall be paid to some churchwarden or overseer of such parish or place, *id.* s. 14.

160. Overseers of the poor, within every township or place where there are no churchwardens, shall execute all the acts and powers concerning the relief of and relating to the poor, as churchwardens and overseers may by this or any former statute, and shall suffer all such penalties for neglect to which churchwardens and overseers are liable by this or any former statute, *id.* s. 15.

161. If such sessions shall, upon appeal, order any rate for the relief of poor to be quashed, such sessions may order the whole or part of any sum thereby charged on any person not to be paid, and then no proceedings shall be had after such order made, or if any have been commenced they shall be stayed; provided no justice, peace officer, or other person, shall be deemed a trespasser, or liable to any action for any warrant, order, act, or thing which such justice, &c. shall have granted or done to enforce such payment, before they had notice in writing of the order for its non-payment which the sessions shall make, 41 G. 3. U. K. c. 23. s. 3.

162. All notices of appeal from any rate for the relief of the poor, or from the account of the churchwardens and overseers, shall be in writing, and signed by the person giving it, or his attorney; and such notices shall be delivered to or left at the usual abode of the churchwardens and overseers of the parish, &c. or any 2 of them, and the causes and grounds of appeal shall be stated therein; and on the hearing of such appeal from such rate, the court shall not enquire into any other causes than those specified in such notice, *id.* s. 4.

163. With the consent of the overseers, signified by them or their attorney in open court, and with the consent of any party interested therein, the sessions may hear and decide on such appeal, although no notice has been given in writing, and may also, with like consent, hear and decide on grounds of such appeal not stated or mis-stated in any notice given in writing, *id.* s. 5.

164. If any person shall appeal against any such rate because any other person is rated therein, or is not rated therein, or because any other person is rated at a greater or less sum than he ought to be rated at, or for any other cause that may require any alteration to be made in such rate with respect to any other person, then the person so appealing, shall give such notice of appeal in writing as in s. 5. mentioned, not only to such churchwardens, &c. as in s. 4. but also to every other person interested in the event of such appeal, who shall be heard in such appeal; and the quarter sessions may, on hearing such appeal, order the name of such other person to be inserted in such rate, and him to be rated at any sum, or to be struck out, or the sum at which he is rated to be altered as such court shall think right, *id.* s. 6.

165. If on hearing of any appeal from or against any rate, such court shall order the name of any person to be inserted, and him to be rated at any sum, or shall order the sum at which any person therein is rated to be increased, then all money at which such person was so ordered to be rated or increased, or so much as is not already paid, shall be recovered in the same manner as if he had been originally named in such rate, and rated thereon at such sum, *id.* s. 7.

166. If upon the hearing of any appeal from any rate for the relief of the poor, the court of quarter sessions shall order the name of any person to be struck out of such rate, or the sum at which he is rated to be

deceased, and if it is made to appear to such court that such person has, previously to the hearing of such appeal, paid any money in consequence of such rate which he ought not to have been charged with, such court shall order all such money to be repaid, by such churchwardens or overseers, to him, with the costs occasioned by his paying or being required to pay the same; and all money so ordered to be repaid, and all such costs and expences may be levied and recovered from such churchwardens, &c. by distress and such other ways as the money rated on any person for the relief of the poor may be, 41 G. 3. U. K. c. 23. s. 2.

167. The churchwardens and overseers of any parish, &c., out of any money received by virtue of any rate for the relief of the poor of such parish, &c., may reimburse the preceding churchwardens and overseers, or guardians of the poor of such parish, &c., all money advanced or expended for the relief or maintenance of such poor during the time no rate for their relief has been made, or during the pending of any appeal affecting the whole rate, or on the hearing of which the same might be wholly quashed; and in case such churchwardens and overseers shall not pay the preceding churchwardens, overseers, or guardians, all money so advanced or expended, such preceding churchwardens, &c. may apply to the next quarter sessions for the county, town, corporation, or franchise, &c., giving due notice thereof, in writing, to the then churchwardens and overseers, or 2 of them, and such sessions shall enquire into the matter, and examine the parties and their witnesses on oath, and shall make an order on the then churchwardens and overseers, or any of them, out of the money received by them under any poor rate, to pay such sum to the preceding churchwardens, &c. as such court shall think fit; and the sum so ordered to be repaid, may be levied by distress and such other ways as money charged on any person for relief of the poor may be, *id.* s. 9. [See 17 G. 2. c. 38. s. 11. *pl.* 156.]

168. Two justices acting for any county, city, or place, &c. in which any parish, &c. is situated, in petty sessions, on application made by any person rated to any rates or cesses within such parish, &c. to be discharged therefrom, and proof of his inability, through poverty, to pay the same may, with the consent of the churchwardens, overseers, or such other person who is competent to act under any act of parliament for the management of the poor of any such parish, &c., order such person to be excused from the payment thereof, and strike out his name therefrom; and the sum at which such person is rated in such rate shall not afterwards be collected, nor shall any person be charged therewith, or be in any way liable to account for, or for omitting to collect the same, 54 G. 3. c. 170. s. 11.

169. The goods and chattels of any person neglecting to pay any sum legally assessed upon him for any rate for the relief of the poor, church cess, or highway cess of any parish, &c. for 7 days after demand made, may be distrained, not only within such parish, &c. but also within any other within the same county or jurisdiction; and if sufficient distress cannot be found within such county, &c. then, on oath thereof, made before the justice of peace of any other county, &c. where any of such person's goods may be, which oath such justice shall administer, and certify by indorsing his name on the warrant granted to make such distress, such goods, &c. shall be liable to such distress and sale in such other county, &c., and may, under such warrant and certificate, be distrained and sold as if found within the parish, &c. where the rate was due, *id.* s. 12. [See *pl.* 152., and 43 *El.* c. 2. s. 4., *pl.* 6.]

170. FOR THE BETTER RELIEF OF THE POOR WITHIN THE SEVERAL HUNDREDS, TOWNS, AND DISTRICTS IN *Eng.* incorporated by divers acts of parliament, for the purpose of the better maintenance and employment of the poor, and for enlarging the powers of the guardians of the poor within the said several hundreds, &c. as to the assessments to be made upon the several parishes, hamlets, and places within their respective hundreds, &c. for the support and maintenance of the poor, 36 G. 3. c. 10. [REPE. in part, as in next *pl.*, 52 G. 3. c. 73.]

171. The directors and acting guardians of the poor within any hundred, town, or district in *Eng.* incorporated by any act of parliament for the relief or maintenance and employment of the poor, or any other persons, by whatever name called, to whom is given by any such incorporating act the power of appointing the sum to be assessed on the several parishes, hamlets, or places within their respective hundreds, &c. for the maintenance of the poor, and other purposes of such act, at any of their general meetings, whenever the average price of wheat at the corn market in *Mark Lane, London*, for the quarter immediately preceding such meeting has exceeded the average price of wheat at the same market during those years from which the average amount of poor's rates was taken, upon the passing of such incorporating acts, [shall exceed 3*l.* per quarter, 39 & 40 G. 3. c. 40. s. 2., which is *Exp.*] may assess the several parishes, &c. within their respective hundreds, &c., which now are, or usually have been, charged to the poor rates in such sum as such directors, &c. think necessary for defraying the expences attending the maintenance of the poor for the current quarter, and for paying the interest of money borrowed under such acts, and any debts incurred since 1st Jan. 1795, in the maintenance of the poor, and

for the other purposes of such acts, although the sums so to be assessed should exceed the amount limited, in any one year, by such acts: provided that the sums so to be assessed, and the assessments to be made under this act in each incorporated hundred, town, or district, shall be assessed, made, collected, and paid in the same manner, and subject to the like restrictions, powers of appeal, &c., and with the like powers for compelling payment, as the sums to be assessed, and the assessments to be made under such acts are to be assessed, &c.: provided the sums to be assessed under this act upon any parish, &c. shall be in the same proportions as the assessments hitherto made under such incorporating acts, [and the sums to be assessed under this act in any parish, &c. shall never exceed, in one year, the amount of double the sum at present raised under any incorporating act now existing, REPE. 39 & 40 G. 3. c. 40. s. 1., but which is *Exp.*; and now by permanent act, 52 G. 3. c. 73.], 36 G. 3. c. 10.

V. Relief and Contracts.

172. FOR AMENDING THE LAWS RELATING TO THE RELIEF OF THE POOR, 3 W. & M. c. 11. s. 11. [see the rest of this act, *pl.* 199—210.], 9 G. 1. c. 7. ss. 1, 2, 4. [see s. 3. JUSTICE OF PEACE, ss. 5—9., POOR, *pl.* 221—225., *AMD.* as to relieving poor at their homes, 56 G. 3. c. 23. (PUBLIC clause, s. 5.) and as to contracts for maintenance of the poor, 45 G. 3. c. 54., and as to orders of relief to the poor at their own homes, 55 G. 3. c. 137. ss. 3, 4, 6, 7., and as to the jurisdiction of justices over contractors, 50 G. 3. c. 50. s. 2., and when relief may be given by way of loan, and persons receiving pensions from government, 59 G. 3. c. 12. s. 29—31. POOR, *pl.* 125—127.]

173. There shall be kept in every parish a book wherein the names of all such persons as receive collection shall be registered, with the day and year when first admitted to have relief, and the occasion which put them under that necessity; and yearly, in *Easter* week, or oftener, the parishioners of each parish shall meet in vestry, and such book shall be produced before them, and all persons receiving collection called over, their reasons for taking relief examined, and a new list made of such persons as they think fit to receive collection; and no other person shall have relief without an order under the hand of one justice residing within or near the parish, or by order of sessions, except in cases of pestilential diseases, plague or small pox, in respect of such families only as are infected therewith, 3 W. & M. c. 11. s. 11.

174. No justice of peace shall order relief to any poor person, till oath be made before such justice of some matter, which he shall judge to be a reasonable cause for such relief, and that the person had applied for relief at some public meeting of the parishioners at a vestry, or to 2 of the overseers of such parish, and was by them refused; and till such justice has summoned 2 of the overseers to shew cause why such relief should not be given, and the person so summoned has been heard or made default, 9 G. 1. c. 7. s. 1. [see further 59 G. 3. c. 12. s. 5., *pl.* 103.]

175. The person, whom such justice shall order to be relieved, shall be entered in the parish books, kept under 3 W. & M. c. 11. s. 11. *pl.* 173., as one of those who is to receive collection, as long as the cause of such relief continues; and no officer of any parish shall (except on sudden occasions) bring to the account of the parish any monies he shall give to any poor person of the same parish, who is not registered in the parish book, on forfeiture of 5*l.*, to be levied by distress and sale, by warrant of 2 justices, who have found him guilty of such offence; to be applied for the use of the poor by direction of such justices, *id.* s. 2.

176. The churchwardens and overseers of the poor in any parish or place, with the consent of the major part of the inhabitants in vestry or other parish meeting, or of so many as shall be so assembled, on the usual notice given, may purchase or hire any house in such parish, &c. and contract with any person for the lodging, keeping, maintaining, and employing any or all such poor in their respective parishes, &c. as desire relief, and to maintain and employ them, and take the benefit of the work, and service of any poor person maintained in any such house, and in case any poor person shall refuse to be lodged or maintained in such house, he shall be put out of the books of the parish, of the persons who receive relief, and shall not be entitled to have any relief, [but see *pl.* 177—182.] and where any parish, &c. is too small to purchase or hire such house, two or more parishes, with like consent as aforesaid, and with the approbation of one justice dwelling in or near such parish, signified under his hand and seal, may unite in purchasing or hiring such house for such purposes as aforesaid, with like punishment for any poor person refusing to be maintained or lodged there; and the churchwardens and overseers of the poor of any parish, with like consent signified as aforesaid, may contract with the churchwardens, &c. of any other parish, &c. for the lodging, maintaining, or employing of any poor persons of such other parish, with like punishment for any poor person of such other parish refusing to be lodged, &c. there as aforesaid, provided that no poor person, or his apprentice or children, shall acquire a settlement in any parish, &c. to which he is removed under this act, but his settlement shall be in such

parish, &c. as it was before such removal, 9 G.1. c.7. s.4. [See a provision as to building such houses on waste lands, with the consent of the lord, 43 El. c.2. s.5. pl. 7.] So much of 9 G.1. c.7. s.4. as relates to the maintaining or hiring out to labour of the poor, by contract within any parish, township, or place which shall adopt the provisions of this act, shall be REP. 22 G.3. c.85. s.1. [and see further as to workhouses, Div. 7.]

177. The overseers of any parish, town, township, or place, with the approbation of the majority of the parishioners in vestry, or other usual place of meeting assembled, or with the approbation in writing of a justice usually acting for the district, may distribute collection and relief to any industrious poor person at his own home, under circumstances of temporary distress or illness, and in certain cases respecting such poor person or his family, or the situation, health, and condition of any poor-house in any parish, &c. wherein an house is hired, built, or purchased, and a contract made for lodging, maintaining, and employing all poor persons who shall desire relief, although such poor person refuses to be lodged or maintained in such house, 9 G.1. c.7. notwithstanding, 36 G.3. c.23. s.1.

178. Any justice of peace usually acting in and for the district wherein the same is situated, may at his discretion order relief to any industrious poor person, and he shall be entitled to receive the same at his own home, notwithstanding any such contract as in s.1. has been entered into, and the churchwardens and overseers for such parish, &c. shall obey such order for relief, *id.* s.2.

179. The special cause, as before mentioned, of ordering relief to any poor person at his own house, shall be assigned in each order of relief so given by such justice, provided that such order be given for a time not to exceed one month from the date thereof; provided that any 2 justices may make a further order for the like purposes, for any further time not exceeding one month from the date of such order, and so on as occasion requires, such justice or justices first administering an oath as to the need and cause of such relief, and summoning the overseer of the parish, &c. to shew cause why such poor person should not receive such relief in manner by law provided where no such contract as aforesaid is made, *id.* s.3.

180. Any justice in the cases and in the manner mentioned in 36 G.3. c.23. s.1. pl. 177., may direct and order relief to be paid to any poor person at his own house, during such time as such justice may think proper, not exceeding 3 months from the date of such order; but any 2 justices may make like order for 6 months, and so on as occasion requires, such justice or justices in such cases administering the oath as to the need and cause of such relief, and summoning the overseer to be charged therewith, to shew cause why such poor person should not be relieved as by law provided, where no contract for lodging and maintaining the poor has been made, and if it afterwards appears to the justice or justices making such order, that the payment of such relief ought to be discontinued before the expiration of the time for which such order was made, he or they may order the same to be discontinued, 55 G.3. c.137. s.3.

181. The sum which such justice or justices shall order to be paid to such poor person for any longer time than one month, shall not exceed, for each person, 5s. per week, or three-fourths of the average weekly expence usually borne by the parish on which such order is made, for the maintenance of such poor person in any workhouse belonging to such parish, *id.* s.4.

182. Nothing in this act shall extend to enable any overseer, or any justice or justices, to direct or distribute any relief to any poor person at his own house in any parish, &c. in and for which any house of industry, or place for the reception of poor persons has been or shall be provided under the 22 G.3. c.85., or under any special act of parliament already passed and now in force, but in such cases, such persons shall be relieved as before passing this act, 36 G.3. c.23. s.4.

183. No contract shall be entered into by the churchwardens and overseers of the poor of any parish, with any person, for the lodging, keeping, maintaining, or employing of the poor of such parish or parishes, where 2 or more are united, and for taking the benefit of their work, labour, and service, for their better maintenance and relief by virtue of 9 G.1. c.7. s.4., pl. 176., or any other law, shall be valid, unless the person with whom the same is entered into, shall, during the continuance of such contract, be resident within the parish so contracting, or the parish where the poor shall be lodged and maintained; or who, where two or more parishes are united, shall be resident in one of such parishes; and unless one or more responsible householders, resident within such parish to be approved of by the churchwardens and overseers, at or before the signing of such contract shall, by their joint and several bond, with a penalty of one-half the assessments of the poor for the parish, or united parishes, for the year next but one preceding that in which the contract is made, give security to such churchwardens, &c. for the faithful observance and performance of such contract on the part of the person so to be contracted with, nor unless such contract is signed and approved of by 2

justices for the county, &c. where such parish, or united parishes, or one of them, is situated, 45 G.3. c.54. s.1.

184. All such contracts entered into otherwise than according to this act, shall be absolutely void, and such contract so made conformable to s.1. with any person who shall, before the expiration of the term for which such contract was made, remove from, or cease to reside in any such parishes, shall from that time determine, provided such removal shall not vacate the security entered into by such householder, but the same shall be in force for the indemnification of the churchwardens, &c. against any loss in consequence of such removal, but nothing herein shall extend to any place where the poor are maintained under any special statute, nor to such contracts already made, 45 G.3. c.54. s.2.

185. No churchwarden or overseer of the poor, or other person in whose hands the collection of the rates for the relief of the poor, or the providing for, managing, &c. of the poor of any parish, &c. may be placed jointly with, or independent of such churchwardens, &c. under any statute, shall either in his own or another's name, provide or supply for his own profit, any goods, materials, or provisions for the use of any workhouse, or otherwise for the support of the poor in any parish for which he is appointed, during the time of his appointment, nor shall he be concerned in supplying the same, or in any contract relating thereto, upon pain to forfeit 100l., with costs, to any person who will sue for the same, by action of debt or on the case, in any of the courts of record at Westminster, wherein no essoin, &c., and only one imparlance allowed; provided that if it happen in any parish, &c. that a person competent and willing to undertake the supply of any articles required for such workhouse, or for the use of the poor there, cannot be found within a convenient distance therefrom, other than such churchwardens or overseers, or other person as aforesaid; then any 2 or more neighbouring justices, (proof thereof being made before them on oath) by certificate under their hands and seals, may permit one or more of such churchwardens, &c. to contract for such supply during his appointment, and such certificate shall be entered with the clerk of the peace, or town clerk of the county, &c. where such person resides, and a copy thereof left with him, for which entry he shall pay 1s., and such person shall thenceforth be discharged from such penalty, and if any action is brought against any person having such certificate for such penalty, he may plead generally that he was duly discharged from any liability to such forfeiture, by certificate granted under this act, and on due proof being given of such certificate and entry, the jury shall find for the defendant, and if the plaintiff is nonsuited, or discontinues, or if verdict or judgment, or demurrer pass against him, the defendant shall have double costs, with usual remedy to recover the same, *id.* s.6.

186. When any contract is entered into for purchasing any articles, materials or things for the use of the poor in any workhouse in any parish, &c. or for erecting any buildings, the expence whereof is defrayed out of any rate or other money applicable to the relief of the poor, the churchwardens and overseers, or other persons having the management of the poor, shall cause notice thereof, and of the time and place of assembling for such purpose, and of the security required for the performance of such contracts, to be affixed to the church door of the parish, &c. or to be inserted in a newspaper circulated in the neighbourhood, 7 days before such meeting, in order that proposals may be made to them, *id.* s.7.

187. The persons contracting for the maintenance of the poor of any parish shall, with respect to all such things as they contract to perform and provide for the poor, be subject to the jurisdiction and orders of the justices, in like manner as overseers of the poor; and all orders of any such justice on such contractors may be enforced and executed by such means as against such overseers, and such contractors neglecting to obey any such order shall be punishable by the like forfeitures and penalties, to be levied in the same manner as in cases of neglect of the orders of justices by such overseers, 50 G.3. c.50. s.2.

188. POOR PERSONS RECEIVING RELIEF OF THEIR PARISHES shall wear badges, 8 & 9 W.3. c.30. s.2. [REP. 50 G.3. c.52.]

189. FOR THE MORE EFFECTUAL RELIEF OF SUCH WIVES AND children as are left by their husbands and parents upon the charge of the parish, 5 G.1. c.8.

190. The churchwarden and overseers of the poor of any parish or place where any wife or children are left by the husbands, or any children by their mothers, upon application to, and by warrant or order of any 2 justices, may take and seize so much of the goods, and the annual rents and profits of the lands and hereditaments of such husband, father, or mother, as such 2 justices shall order for the discharge of the parish where such wife or children are left, for bringing up and providing for them which warrant or order, on confirmation at the quarter sessions, the justices there may make an order for such churchwardens, &c. to dispose of such goods by sale or otherwise, and to receive such rents, or so much as shall be so ordered for such purposes, *id.* s.1.

191. Churchwardens and overseers shall account to such sessions for all money received under this act, *id.* s.2.

192. FOR PREVENTING PARISH POOR BEING PAID IN PAPER OF counterfeit coin, 9 G.3. c.37. s.7.

193. If any churchwarden or overseer of the poor of any parish, township or place, or other person intrusted by them to make payments for the use of the poor, shall wilfully make such payments in base or counterfeit money, or other than the lawful money of G. B., then on complaint thereof to a justice for the county or place, such justice shall summon such churchwarden, &c. and in a summary way, on his non-appearance or confession, or on proof by oath of one witness shall, adjudge the party offending to forfeit not less than 10s. or more than 20s., and levy the same by distress and sale of his goods, rendering the overplus to the owner deducting the costs, and which sum shall go to the uses of the poor of such parish, in such manner as such justice shall direct, *id. ibid.*

VI. Settlement and Removal.

194. FOR THE BETTER RELIEF OF THE POOR, (*viz.* by allowing persons likely to become chargeable to be removed, and to compel persons going out of their parishes to work, to carry certificates of residence with them,) 13 & 14 C.2. c.12. ss.1—3. [See rest of this act accounted for, *pl.* 245. AMD. as to settlements, 1 Ja.2. c.17. s.3., further EXPL., AMD., and CON. as to settlement, 3 W. & M. c.11. ss.3—4., *pl.* 199—250., and as to certificates of residence, and appeals concerning settlements and removals, 8 & 9 W.3. c.30. (ss.1. 3, 4. 6—8., see s.2., REP., and s.5. APPRENTICE, *pl.* 35.) which is EXPL. 9 & 10 W.3. c.11., AMD. 12 A. S.1. c.18. s.2., further AMD. as to settlements and appeals from orders of removal, 9 G.1. c.7. ss.5—9., and as to certificates of residence, and the removal of persons coming into parishes under such certificates, 3 G.2. c.29. ss.8—9., and 3 W. & M. c.11. ss.3—10. 12.; and see s.11. ante, *pl.* 173., AMD. as to the settlement of apprentices 31 G.2. c.11., and also of bastards born in houses of industry within incorporated hundreds, as contained 20 G.3. c.56. s.2., (see the rest of this act, APPRENTICE,) and the whole law AMD. as to the removal of persons to their parishes, 35 G.3. c.101., which is AMD. 49 G.3. c.124. s.1—4., and the whole laws as to gaining settlements by renting tenements AMD. 59 G.3. c.50. See further as to settlement, 54 G.3. c.170., *pl.* 237.]

195. On complaint made by the churchwardens or overseers of the poor of any parish to any justice of the peace, within 40 days after any person coming to settle in any parish, in any tenement under the yearly value of 10l., any 2 justices, whereof 1 is of the quorum, of the division where any person who is likely to become chargeable to the parish shall come to inhabit, may by their warrant remove him to the place where he was last legally settled, either as a native, householder, sojourner, apprentice, or servant for 40 days, unless he give security for the discharged of such parish, 13 & 14 C.2. c.12. s.1. [Paupers not to be removed till actually chargeable, 8 & 9 W.3. c.30. s.1. *post.* *pl.* 211.; and see now 35 G.3. c.101. *post.* *pl.* 214.]

196. Provided all persons aggrieved by any such judgment of such 2 justices, may appeal to the next quarter sessions for the county, who shall do them justice according to the merits of their case, 13 & 14 C.2. c.12. s.2. [See 8 & 9 W.3. c.30. s.6. *post.* *pl.* 218.]

197. Any person may go into any county, parish, or place, to work in time of harvest, or at any time to work at any other work, so that he carry with him a certificate from the minister of the parish and one from the churchwardens and overseers of the poor, that he has a dwelling house in which he inhabits, and has left his wife and children, or some of them there, (or otherwise as the condition of the person requires,) and is declared an inhabitant there; and in such case, if the person shall not return when his work is done, or shall fall sick whilst he is in such work, it shall not be deemed a settlement in such cases; but 2 justices may convey such person to the place of his habitation, under the pains hereby prescribed; and if such person shall refuse to go, or shall not remain in the parish where he ought to be settled, but shall return to the parish from whence he was removed, any justice of the county, city, or place where the offence was committed, may send the offender to the house of correction, to be punished as a vagabond, or to a public workhouse in this act mentioned, (s.4. *pl.* 246.) to be employed in work or labour; and if the churchwardens and overseers of the parish to which he is removed refuse to receive such person, and to provide work for him, as other inhabitants of the parish, any justice for that division shall bind such officer, so making such default, to the assizes or sessions, to be indicted for such his contempt 13 & 14 C.2. c.12. s.3. [See further as to this certificate, 3 W. & M. c.11. s.10. *pl.* 209., 8 & 9 W.3. c.30. s.1. *pl.* 211., 3 G.2. c.29. s.9. *post.* *pl.* 213.]

198. The 40 days' continuance of any person in a parish, intended by 13 & 14 C.2. c.12. (s.1. *pl.* 195.) to make a settlement, shall be accounted from the time of his delivery of a notice in writing, (which he shall do,) of the house of his abode, and the number of his family, to any one of the churchwardens or overseers of the parish to which he shall remove, 1 J.2. c.17. s.3.

199. The 40 days' continuance of any person in a parish or town, in-

tended by 13 & 14 C.2. c.12. s.1. *pl.* 195., and 1 Ja.2. c.17. s.3. last *pl.*, to make a settlement, shall be accounted from the publication of a notice in writing, which he shall deliver, of his house, and the number of his family, to the churchwardens and overseers of the poor, which notice shall be read publicly after service in church on the next Lord's day, and such churchwardens and overseers shall register such notice in the book of the poor's accounts, 3 W. & M. c.11. s.3.

200. No soldier, seaman, shipwright, or other artificer, or workman, employed in H. M.'s service, shall have any settlement in any parish, port, or town, by delivery and publication of such notice, unless the same be after dismission from H. M.'s service, *id.* s.4.

201. No person coming into any parish, &c. shall be enabled to gain any settlement therein, by delivery and publication of any notice in writing, 35 G.3. c.101. s.3.

202. If any churchwarden or overseer shall neglect to read such notice in the manner, time, and place in *pl.* 199., he shall (on proof thereof, by two witnesses on oath, before a justice for the county, riding, division, city, or town corporate, where complaint made) forfeit 40s. to the party grieved, to be levied by distress and sale of his goods, by warrant under hand and seal of any such justice, to the constable of the parish or town where such offender dwells; and for want of such distress he may be committed to the common gaol of such county, &c. for one month; and if any churchwarden shall neglect to register such notice, he shall on like conviction forfeit 40s. to the poor of his parish, to be levied as above; and in case of no distress he shall be committed as aforesaid, *id.* s.5.

203. If any person who shall come to inhabit in any town or parish, shall execute for himself any annual public office therein for one year, or shall be charged with and pay his share towards the public taxes of the town or parish, he shall be adjudged to be legally settled there, though no such notice be so delivered and published, *id.* s.6.

204. If any unmarried person, not having any child, shall be lawfully hired into any parish or town for one year, such service shall be a good settlement, though no such notice be delivered and published, *id.* s.7.

205. No such unmarried person so hired shall be adjudged to have a settlement, unless such person continue in the same service one year, 8 & 9 W.3. c.30. s.4.

206. If any person is bound apprentice by indenture, and inhabit in any town or parish, such binding shall be a good settlement, though no such notice be delivered and published, 3 W. & M. c.11. s.8.

207. No person who shall be bound an apprentice by any deed, writing, or contract not indented, being first legally stamped, shall be liable to be removed from the parish, &c. where he was so bound and resident 40 days, by virtue of any order of removal granted by two justices, or by sessions, on account of such deed, &c. not being indented only, 31 G.2. c.11. s.1.

208. Persons aggrieved by the judgment of any justice or justices in any such cases, may appeal to the next quarter sessions for the county, division, city, or town corporate, who shall finally determine the same, 3 W. & M. c.11. s.9.

209. If any person be removed under this act, from one county, city, town corporate, &c. to another, by warrant under the hands and seals of two justices, the churchwardens and overseers of such parish to which he shall be removed shall receive such person; and if they refuse so to do, they shall (on proof thereof, before any justice of the county, &c. to which such person shall be removed, by two witnesses) forfeit 5l. to the use of the poor of the parish from which removed, to be levied by distress and sale of the goods of the offender, by warrant under the hand and seal of any justice for the county, &c. to which such person was removed, to the constable of the parish or town where such offender dwells, which warrant such justice may grant, the overplus to be returned to the owner; and for want of such distress, such justice shall commit the offender to the common gaol for such county, &c. for 40 days, provided that persons aggrieved may appeal as in s.9., *id.* s.10.

210. In all actions to be brought in the courts of record at Westminster, or at the assizes, for the recovery of any sum mis-spent or taken by churchwardens or overseers of the poor, the evidence of the parishioners, other than such as receive alms, or any pension out of the collections for the poor, or the public money of the parish, whereof the defendant is an inhabitant, shall be admitted, *id.* s.12.

211. If any person that shall come into any parish to inhabit, shall deliver to the churchwardens or overseers a certificate under the hands and seals of the churchwardens and overseers of any other parish, or of the overseers of the poor of any other place where there are no churchwardens, attested by two witnesses, owning such person to be an inhabitant settled in that parish; such certificate, having been subscribed by two justices of the county, &c. wherein the parish from whence such certificate shall come doth lie, shall oblige such parish to provide for such person together with his family, whenever he shall become chargeable to the parish to which such certificate was given: and then,

and not before, such person and his children, though born in that parish, not having otherwise acquired a legal settlement there, may be removed to the parish from whence such certificate was brought, 8 & 9 W. 3. c. 30. s. 1.

212. The witnesses or one of them who attests the execution of such certificates by the churchwardens or overseers signing and sealing the same, shall make oath before the justices directed by 8 & 9 W. 3. c. 30. s. 1. last *pl.*, to allow the same, that such witness, &c. did see the churchwardens, &c., whose names and seals are thereunto set, severally sign and seal the same; and that the names of such attesting witnesses are of their own hand-writing, which justices, shall certify that such oath was made before them; and such certificate so allowed, and the oath of its execution so certified, shall be deemed and allowed in all courts as duly proved, and be taken as evidence without other proof, 3 G. 2. c. 29. s. 8.

213. No person, who shall come into any parish by any such certificate, as in 8 & 9 W. 3. c. 30. s. 1. *pl.* 211., shall be adjudged by any act to have procured a legal settlement in such parish, unless he shall take a lease of a tenement of the (yearly) value of 10*l.*, or execute some annual office in such parish being legally placed therein, 9 & 10 W. 3. c. 11. [see next *pl.*]

214. No person coming into any parish, township, or place shall gain a settlement there, by delivery or publication of any notice in writing (s. 3.), or by being charged with and paying his share of the public taxes or levies of such parish, &c. for any tenement under 10*l.* yearly value, 35 G. 3. c. 101. s. 4.

215. No person shall acquire a settlement in any parish or township in *Eng.*, by dwelling for 40 days in any tenement rented by him, unless such tenement consists of a house or building, being a separate and distinct dwelling-house or building, or of land within such parish, or of both, *bonâ fide* hired by such person at 10*l.* a-year, for the term of one whole year; nor unless such house or building is held, and such land occupied, and the rent for the same actually paid, for the term of one whole year, by the person hiring the same; nor unless the whole of such land is situate within the same parish or township as the house wherein the person hiring such land shall dwell, 59 G. 5. c. 50.

216. If any person who shall be apprentice bound by indenture, or shall be hired as a servant to, or with any person who came into any parish, township, or place in *Eng.* by certificate, and not afterwards having gained a legal settlement in such parish, &c., such apprentice under his indentures, or such servant by being hired or serving as a servant to such person, shall not gain any settlement in such parish thereby, but shall have their settlements as if they had not been bound or hired, 12 A. S. 1. c. 18. s. 2.

217. The justices in their quarter-sessions, upon any appeal concerning the settlement of any poor person, or upon any proof made before them of notice of such appeal, to have been given by the proper officer to the churchwardens and overseers, (though they did not afterwards prosecute the same) shall order to the party for whom such appeal is determined, or to whom such notice did appear to have been given, such costs as they think just, to be paid by the churchwardens, overseers, or any other person against whom such appeal is determined, or by the person that did give such notice; and if the person ordered to pay such costs shall live out of the jurisdiction of the court, any justice of the county, &c. wherein such person shall inhabit, shall, upon request made, and a copy of the order for costs produced, and proved on oath, by warrant, under hand and seal, cause the money mentioned in that order to be levied by distress and sale of his goods; and if no such distress can be had, may commit such person to the common gaol for 20 days, 8 & 9 W. 3. c. 30. s. 3.

218. The appeal against any order of removal of any poor person shall be determined at the quarter-sessions for the county, division, or riding, wherein the place from whence such person is removed doth lie, *id.* s. 6. [see 13 & 14 C. 2. c. 12. s. 2., *ante*, *pl.* 196.]

219. This act shall not hinder the justices of peace within the liberty of *St. Alban's*, from hearing and determining any appeals for the settlement of the poor in their quarter sessions, *id.* s. 8. [Nor the justices in the hundred of *Nassaborough*, 9 G. 1. c. 7. s. 7., *post*, *pl.* 223.]

220. When any overseers or other person shall remove back any persons or their families residing in any parish or place, or sent thither by certificate and becoming chargeable, as in 8 & 9 W. 3. c. 30. s. 1. *pl.* 211., to the parish or place to which such person belongs, such overseers or persons shall be reimbursed such reasonable charges as they have been put to in maintaining and removing such person, by the churchwardens or overseers of the place to which such person is removed, such charges being first allowed by a justice of peace for the county or place to which such removal is made; and if the same be not paid, they may be levied by distress and sale of the goods of the churchwarden and overseers of the poor of the parish or place to which such certificate person is removed by warrant, under hands and seals of such justice, returning the overplus, which warrant he shall grant, 3 G. 2. c. 29. s. 9. [See further as to removal, 5 W. & M. c. 11. s. 10., *pl.* 209., and 8 & 9 W. 3. c. 30. s. 1., *pl.* 211.]

221. No person shall acquire any settlement by virtue of any purchase of an estate within any parish whereof the consideration does not amount to 30*l.* for any longer time than such person shall inhabit in such estate; and shall then be liable to be removed to his last place of legal settlement before such purchase, 9 G. 1. c. 7. s. 5.

222. No person shall be deemed to have a settlement in any city, parish, &c. by reason of his paying to the scavenger's rate, or repairs of the highway, *id.* s. 6.

223. The justices within the liberty of the borough of *St. Peter*, and hundred of *Nassaborough* in the county of *Northampton*, may hear and determine appeals against any order for removal of any poor person in their quarter sessions, *id.* s. 7.

224. No appeal from any order of removal shall be proceeded upon, unless notice be given by the churchwardens or overseers of the parish who shall make the appeal, to the churchwardens, &c. of the parish from which such poor person is removed; the reasonableness of which notice shall be determined by the quarter sessions; and if reasonable notice was not given, they shall adjourn the appeal to the next quarter sessions, and then finally determine the same, *id.* s. 8.

225. If the justices shall, at their quarter sessions, upon an appeal concerning the settlement of any poor person, determine in favour of the appellant, they shall award him so much money as shall have been reasonably paid by the parish on whose behalf such appeal was made, for the relief of such poor person, to be recovered in the same manner as costs on an appeal, by 8 & 9 W. 3. c. 30. s. 1. *pl.* 211., *id.* s. 9.

226. All bastards born in any house of industry within any particular incorporated hundreds or districts within *Eng.* shall be deemed to belong to the place where their mothers were last legally settled, 20 G. 3. c. 36. s. 2.

227. So much of 13 & 14 C. 2. c. 12. s. 1. as enables justices to remove any person who is likely to become chargeable to the parish or place in which they inhabit shall be *REP.*, and no poor person shall be removed by any order of removal from any parish where he inhabits to the place of his last legal settlement, until such person is actually chargeable to the parish or place where he inhabits; in which case 2 justices may remove him in the same manner, and subject to the same appeal, with the same powers as before this act with respect to persons likely to become chargeable, 35 G. 3. c. 101. s. 1.

228. If any poor person is brought before any justice to be removed under any order of removal or a vagrant pass, and it appears that he is unable to travel by sickness or other infirmity, or that it would be dangerous for him so to do, the justice making such order or pass may suspend the execution of it until it may be executed without danger to the subject of it; which suspension, and subsequent permission to execute the same, shall be indorsed on such order or pass, and signed by such justice; and no act done by such person so continuing to reside in any parish, &c. under the suspension of such order, shall give him a settlement in the same; and the charges proved on oath to have been incurred by such suspension may, by such justices, be directed to be paid by the churchwardens and overseers of the parish to which such person is to be removed, in case the removal takes place, or in case of the death of such poor person before the execution of such order; and if such churchwardens, &c. shall refuse to pay such charges within 3 days after demand made, and shall not within such time give notice of appeal as after mentioned, one justice, by warrant under hand and seal, may levy the same by distress and sale of goods of the person so neglecting to pay, and also such costs not exceeding 40*s.*, as such justice shall direct; and if the parish, &c. to which such removal is or was to be made before the death of such person be without the jurisdiction of the justice issuing the warrant, such warrant shall be transmitted to any justice having jurisdiction there, who shall indorse the same for execution; provided that if the sum so ordered to be paid for such costs and charges exceed 20*l.* the party aggrieved may appeal to the next quarter sessions against the same as against an order of removal for poor persons (under 13 & 14 C. 2. c. 12. s. 2. *pl.* 196., 8 & 9 W. 3. c. 30. s. 6. *pl.* 218.); and if the quarter sessions think that the sum awarded be more than ought to be paid, such sessions may strike out such sum and insert the sum which ought to be paid, and shall in such case direct the order so amended, to be executed by the justices, or either of them, who first made it; or in case of the death of either of them, by such other as the court may direct: but this act shall not abridge the power of justices to pass or punish vagrants in manner and under the circumstances in 17 G. 2. c. 5. (VAGRANT), set forth, except so far as regards the power of suspending the pass as before mentioned, *id.* s. 2.

229. In all cases where the execution of any order of removal or of any vagrant pass is suspended under the 35 G. 3. c. 101. s. 2. any other justice for the county or other jurisdiction within which such order of removal or pass is made, may direct the same to be executed, and the charges incurred thereby to be paid, and execute any such order amended by the sessions as fully as the justice who made the order or granted such pass, 49 G. 3. c. 134. s. 1.

230. Every person who has been convicted of larceny or other felony, or who is by law deemed a rogue, vagabond, idle or disorderly person, or who appears to any 2 justices of the division wherein such person resides, upon oath of one witness, to be a person of evil fame, or a reputed thief, such person not being able to give a satisfactory account of his way of living, shall be considered as a person actually chargeable within the meaning of this act to the parish where he resides, and shall be liable to be removed to his last legal settlement by order of such justices, whereof one is of the *quorum* of the division where such person resides, 35 G. 3. c. 101. s. 5.

231. Every unmarried woman with child shall be deemed a person actually chargeable, within the meaning of this act, to the parish or place where she inhabits, and may be removed to her last legal settlement; and if any order of removal obtained for such purpose is suspended for any of the reasons in s. 2. *pl.* 228. mentioned, and during such suspension she is delivered of a child, which by the law is a bastard, such child shall be deemed to be settled in the same parish, &c. in which the mother's legal settlement was at the time of her delivery: provided that all acts heretofore made touching bastard children, or the mothers or reputed fathers of such children, shall be in force after the passing of this act, as well in cases where by this act the place of settlement of such children is directed to be the same as that of their mothers, as in cases where the place of settlement of such bastards remains the same as before this act, *id.* s. 6.

232. When the execution of any order of removal is suspended, the time of appealing against such order shall be computed according to the rules that govern like cases, from the time of serving such order, and not from the time of making the removal under it, 49 G. 3. c. 124. s. 2.

233. Where any order of removal or vagrant pass is so suspended on account of the sickness or other infirmity of any person thereby to be removed or passed, the execution thereof shall also be suspended for the like period with respect to every other person named therein who was actually of the same household or family of such sick or infirm person at the time such order was made or pass granted, *id.* s. 3.

234. Whenever any pauper, by age, illness, or infirmity, is unable to be brought up to the petty sessions to be examined as to his settlement, one magistrate acting for the district where the pauper is, shall take his examination, and report the same to any other magistrate acting for the district, and such magistrates on such report, shall adjudge the settlement, and make and suspend the order of removal as fully as if the pauper had appeared before 2 magistrates, *id.* s. 4.

235. TO PREVENT PRISONERS IN THE K. B. PRISON, OR THE rules thereof, or their families or servants, gaining settlements in the parish of *St. George the Martyr* in the borough of *Southwark*, and county of *Surrey*, and for the relief of such parish with respect to the families of prisoners in the K. B. or *Marshalsea* prison, or in the county gaol or house of correction belonging to such county; and for regulating the manner of choosing overseers of the poor; and for appointing collectors of the poor's rates within such parish, 23 G. 3. c. 23. [PUBLIC clause, s. 11. This act being local, its title only has been given.]

236. TO REPEAL CERTAIN PROVISIONS (*viz. relating to settlements*) in local acts for the maintenance and regulation of the poor, and to make other provisions in relation thereto, 54 G. 3. c. 170. ss. 1—6. 9, 10. [See s. 7. *pl.* 265.; s. 8. BASTARD, *pl.* 18.; ss. 11, 12. *pl.* 168, 169.]

237. All enactments contained in any act of parliament since the 1 G. 1. whereby any alteration is made in respect of gaining or not gaining a settlement within any particular district, parish, township, or hamlet, shall be R&F., and all persons may acquire a settlement in any parish, &c. in the same way they might have done in case any such acts had not been passed, 54 G. 3. c. 170. s. 1.

238. No person shall gain a settlement in any parish, district, &c. by being born of any mother actually confined as a prisoner within the walls of any prison or any house licensed for the reception of pregnant women pursuant to 13 G. 3. c. 82. wherein such prison or house was situate, *id.* s. 2.

239. Whenever any person is born of any poor person in any house of industry or house for the reception of the poor of any parish, &c. which is locally situate in any parish contributing to the expences of such house, or in any other parish, &c. not so contributing, the settlement of such person shall be in the parish, &c. by which the mother was sent to, and on whose account she was received into such house, *id.* s. 3.

240. No person shall gain any settlement by reason of any residence within any parish, &c. while he or she is detained as a prisoner there on any civil process, or for any contempt, *id.* s. 4.

241. No gate or toll keeper of any turnpike road or navigation, or person renting the tolls and residing in any toll-house, shall thereby gain any settlement in any parish, &c., *id.* s. 5.

242. No person shall gain any settlement in any parish, &c. by reason of residence in any house or place provided by any charitable institution, while such person is supported by such institution as an object of charity, *id.* s. 6.

243. No inhabitant, or person liable to be rated to any rates or cesses of any parish, &c., or wholly or in part maintained thereby, or holding any office thereof or therein, shall, before any court or person, be deemed an incompetent witness for or against such parish, &c., in any matter relating to such rates or cesses, or to the boundary between such parish, &c. and another; or to any order of removal to or from such parish, &c., or to the settlement of any pauper there, or touching any bastards chargeable, or likely so to be, to such parish, or the recovery of any sums for the maintenance of such bastards, or the election, or appointment, or allowance of the accounts of any officer of such parish, &c., 54 G. 3. c. 170. s. 9.

244. The churchwardens, overseers, and others having the management of the poor of any parish, &c., may employ any proper persons to remove any pauper ordered to be removed by any justices competent to make such order; and a delivery by such person of any such pauper shall be as valid as if he were delivered by any churchwarden or overseer, *id.* s. 10.

VII. Workhouses.

245. FOR THE BETTER RELIEF OF THE POOR, (*viz. by erecting corporations or workhouses within the weekly bills of mortality*), 13 & 14 C. 2. c. 12. ss. 4—15. 20. 24. [see ss. 1—3. *pl.* 195—197.; ss. 16—18. 23. VAGRANT; s. 19. BASTARD, *pl.* 8.; ss. 21, 22. *pl.* 4. CON. and REG. 1 J. 2. c. 17. ss. 1, 2., 3 W. & M. c. 11. s. 2., 4 & 5 W. & M. c. 24. s. 11., 11 & 12 W. 3. c. 13. s. 6., 5 & 6 A. c. 34. s. 1., made PERP. 12 A. S. 1. c. 18. s. 1., AMD. 22 & 23 C. 2. c. 18. 54 G. 3. c. 170. s. 7., &c. *pl.* 265., &c. Note, The 13 & 14 C. 2. c. 12. was only temporary, but was continued by 1 J. 2. c. 12., except as to corporations, and by 3 W. & M. c. 11. only as to settlements, but by 5 & 6 A. c. 34. and 12 A. S. 1. c. 18. it was continued and made perpetual generally, without exception. *Qr.* how far is it in force? And see as to building workhouses and providing land, 59 G. 3. c. 12. ss. 8—18. 24, 25. *pl.* 106—116. 122—123.]

246. There shall be one or more corporations or workhouses within the cities of *London* and *Westminster*, and within the boroughs, towns and places of *Middlesex* and *Surrey*, situate within the parishes mentioned in the weekly bills of mortality, consisting of a president and his deputy, and a treasurer; and the mayor of *London* shall be president, and the aldermen assistants, with 52 other citizens, to be chosen by the common council of such city, and the majority of such president and assistants shall choose a deputy, president, and treasurer, and other officers hereby constituted to execute this act; and on any vacancy in such assistants, the power to elect in their rooms shall be in such common council, and the election of a deputy president and treasurer in such president; and the major part of such assistants, and a president, a deputy president, a treasurer, and assistants, shall be nominated by the chancellor, out of the most fit inhabitants of *Westminster*, or the liberties thereof, for workhouses or corporations within the same, 13 & 14 C. 2. c. 12. s. 4.

247. And for the places within the weekly bills of mortality, in the counties of *Middlesex* and *Surrey*, there shall be elected, by the majority of the justices for such counties, in their quarter sessions assembled, out of the most honest inhabitants and freeholders of such counties respectively, a president, a deputy president, a treasurer, and assistants, for the corporations or workhouses of such places in *Middlesex* and *Surrey*; and upon any vacancy of any such officers in *Westminster*, or *Middlesex* and *Surrey*, the power to fill the same shall be in the major part of the justices in quarter sessions, and at such sessions they shall take an account in writing of all receipts, charges, and disbursements of the officers and treasurer of such corporations or workhouses, how, and how many poor people have been employed and set to work in the year past, and what stock there is remaining; which president, deputy president, and treasurer, shall for ever, in name and fact, be bodies politic and corporate in law, and have perpetual succession, and sue and be sued by the name of the president and governors for the poor of the respective places aforesaid, in all courts and places of judicature within *Eng.*, *Wa.*, and *Ber.*, and by that name such corporation may, without licence in mortmain, purchase or receive lands, tenements, or hereditaments not exceeding the yearly value of 3000*l.*, by gift, alienation, or devise of any person who may give the same without further licence, and any goods or money to the use hereafter mentioned; and each corporation, or any 7 of them, shall meet and keep courts for the purposes of this act, at such time and place as shall be appointed by the president, his deputy, or treasurer; who shall, on the desire of 4 of the corporation, warn a court accordingly, and appoint a common seal, *id.* s. 5.

248. Such president and governors, or any 2 of them, or any person appointed by 2 of them, may apprehend any rogues, vagrants, sturdy beggars, or idle and disorderly persons, within such cities and liberties, places, &c., and cause them to be kept and set to work within their respective workhouses; and the major part of the justices, in their quarter sessions, shall signify unto the privy council the names of such rogues, &c. as they think fit to be transported, [but see now 17 G. 2. c. 5.

s. 9. VAGRANT.], and on the approbation of such council signified to such justices as to which persons shall be transported, any 2 of such justices may transport them, during 3 years next ensuing, for not exceeding 7 years, to the English plantations, there to be disposed in the usual way of servants, 13 & 14 C.2. c.12. s.6. [QU. EXP.]

249. If the president and governors of such corporation shall certify under their common seal their want of stock, and what sum they require for the same, to the common council of the city of London, and to the burgesses and justices of peace, in their quarter sessions of Westminster and the liberties thereof, and to the justices for the counties of Middlesex and Surrey in quarter sessions, thereupon such common council, &c. shall set down such sum for such purposes, not exceeding one year's rate usually set on any person for the relief of the poor, and the same proportion set upon the several wards, counties, hundreds, and parishes as they think fit; and then the aldermen, deputies, and common councilmen of every ward in London, and the burgesses and justices of Westminster, and the justices for Middlesex and Surrey, shall equally, according to such proportions, tax and rate such wards, &c.; and any person aggrieved thereby may complain to the justices at the next sessions, who shall make final order therein, as in like cases already by law provided, *id.* s.7.

250. Any alderman of London, or his deputy, or the burgesses and justices of Westminster, or two of them, or any two justices for Middlesex and Surrey, by warrants under their hands and seals, may authorize the churchwardens and overseers of the poor of such parishes to receive the sum so taxed on each person, and in default of payment, within 10 days after demand, or notice left at his dwelling house, may levy the same by distress and sale of his goods, restoring the surplusage to the party distrained, *id.* s.8.

251. Stocks or legacies formerly given to any corporation for the relief of the poor in London, shall be payable to the treasurers of the corporations or workhouses, under this act, *id.* ss.9, 10.

252. The president and governors, or any 7 of them, shall make orders and by-laws, for the better relieving, regulating, and setting the poor to work, and the apprehending and punishing of rogues, vagabonds, and beggars within such cities, limits, and places (s.11.); such orders and by-laws shall be presented to the quarter sessions for allowance and confirmation, *id.* ss.11, 12.

253. Such president and governors, or 1st of them assembled together, shall choose all such officers and others as may be needful in the premises, and may remove them, and fill up vacancies as they occur, and may give them allowances out of the stock and revenue belonging to the corporation or workhouse, *id.* s.13.

254. All sheriffs, bailiffs, constables, and other officers of justice shall aid the officers of such corporation in the execution of such service, *id.* s.14.

255. In case any constable, headborough, or tithingman shall die, or go out of the parish, any two justices may make and swear a new one, until the lord of the manor holds a court leet, or until the next quarter sessions, who shall approve such officers, or appoint others; and if any person shall continue in office for more than one year, such justices may discharge him, and put another in his place until the lord holds a court, *id.* s.15.

256. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence, and if he obtain a verdict, or if the plaintiff is non-suited or discontinues, the defendant shall have treble costs, *id.* s.20.

257. This act not to prejudice any franchise, right, liberty, or privilege heretofore granted to the dean and chapter of St. Peter, Westminster, *id.* s.24.

258. The officers of such corporations, as in 13 & 14 C.2. c.12., shall make and give quarterly accounts to the justices who shall call for the same, and not give new certificates to raise more money till such accounts are given and allowed, 22 & 23 C.2. c.18. s.1.

259. The tax shall not exceed one-fourth of the poor's assessment, and no assessment shall be laid after 29th Sept. 1775, *id.* s.4.

260. This act shall not affect the powers given by 13 & 14 C.2. c.12. to the mayor and governors of a corporation, with the city of London, or the parish of St. Margaret's, Westminster, *id.* s.6.

261. TO EMPOWER JUSTICES AND OTHER PERSONS TO VISIT WORKHOUSES OR POOR-HOUSES, and examine and certify the state and condition of the poor therein to the quarter sessions, 30 G.3. c.49.

262. Any justice of peace, or any physician, surgeon, or apothecary, authorised by warrant under the hand and seal of any justice, or the officiating clergyman of the parish or place, so authorised, may in the day-time visit any parish workhouse, or house kept for the maintenance of the poor of any parish within the county or division wherein such justice shall reside and have jurisdiction, and may examine into the condition of the poor there, and of their food, clothing, and bedding, and the condition of such house; and if they find cause of complaint, they shall certify the condition of such house, and the state of the poor

therein, and of their food, clothing, and bedding, to the next quarter sessions of the county, &c., under their hands and seals; and such justices and other persons, shall cause the overseers of the poor, or the master or governor of such house, to be summoned to appear at such sessions to answer the complaint, and such sessions, on hearing the parties, shall make such orders for removing the cause of complaint as to them seems meet, and the parties shall abide by and perform such order, 30 G.3. c.49. s.1.

263. In case any justice or person so authorized, shall on visitation find any of the poor in any such house afflicted with any infectious disease, or in want of medical or other assistance, or of sufficient food, or requiring separation from the other poor, then, if such visitation is made by a justice, he shall apply to another justice of the same county, &c., and certify to him the condition of the poor in such parish workhouse; and if such visitation is made by such other persons, they shall apply to two justices of the same county, who may order immediate medical or other assistance, or proper food, or such separation of the poor afflicted with infectious diseases, in such manner as they shall under their hands [and seals direct, until the next quarter sessions for the county, &c., at which sessions such two justices are to certify the same, under their hands and seals, to the justices assembled there, who shall make such further order for the relief of the poor in such parish workhouse, as to such sessions seems meet, and the charges of such relief shall be paid out of the poor's rates, in such manner as the sessions shall direct, *id.* s.2.

264. Nothing herein shall extend to any poor-house in any district now or hereafter to be incorporated, or regulated by special act of parliament, *id.* s.3.

265. FOR PREVENTING THE TOO SEVERE PUNISHMENT of persons residing within any poor-house, 54 G.3. c.170. s.7. [AMD. 56 G.3. c.129. s.2. See the rest of 54 G.3. c.170. referred to *pl.* 236.; and of 56 G.3. c.129. *pl.* 23, 24.] and for preventing the embezzlement by such persons of the goods and materials belonging to any workhouse, 55 G.3. c.137. 1, 2, 5, 8, 9. [See the rest of 55 G.3. c.137. Div. V.]

266. The master, governor, or other person entrusted with the superintendence of any house for the reception of poor persons, or the churchwarden, or overseer, or other person, elected or appointed under any act of parliament for the management of the poor of any parish, &c., shall not punish with corporal punishment any adult person under his charge, or confine him for a longer space than 24 hours, or such further time as may be necessary in order to have him before a justice, 54 G.3. c.170. s.7.

267. No governor, director, guardian, or master of any house of industry or workhouse shall, on any pretence, chain or confine by chains or manacles, any poor person of sane mind, 56 G.3. c.129. s.2.

268. The property of and in all and singular the goods and chattels, furniture, provisions, clothes, linen and wearing apparel, tools, utensils, materials, and things, had, bought, or provided for the use of the poor of any parish, township, hamlet, or place, shall be vested in the overseers of the poor of such places, who may bring any action, or prefer any indictment against any person who shall steal, take, or carry away, or buy or receive any such goods, &c.; in which action or indictment, such goods, &c. shall be laid as the property of such overseers, without stating their names; but nothing herein shall repeal any of the provisions of any act, whereby the property of such goods, &c. are vested in any other persons, jointly with or independent of such overseers, 55 G.3. c.137. s.1.

269. Such overseers or other person appointed for the regulating, managing, &c. for the poor of any parish, &c. jointly with or independent of such overseers, may cause all such goods, &c. to be marked or branded with the word "workhouse," or such other mark as may identify the same; and if any pawnbroker or other person shall knowingly take in pawn, buy, exchange, or receive such goods, &c. provided for the use of any person in any workhouse, or to whom the same has been given by the overseers or such other persons so appointed, or any of the goods or materials carried into any workhouse to be manufactured or used by the poor there, or shall receive or buy any provisions provided by such workhouse, or shall assist therein, or if any person shall obliterate or deface any such mark, they shall forfeit not exceeding 5*l.* nor less than 1*l.* on conviction by confession or on oath of one witness before any justice for the county, city, or division where the offence was committed; to go one moiety to the informer and the other to the overseers of the poor of the parish, &c. to which the articles may belong, for the use of the poor there; and if such penalty is not paid, such justice may commit the offender to the common gaol or house of correction for not exceeding 2 calendar months; and if any person shall run away from such workhouse with any such goods, he shall, on conviction as aforesaid, be committed to such gaol, &c. for 3 calendar months; and in all such cases, such mark being duly authenticated, shall be considered sufficient evidence, without further proof of the right of property: provided such mark shall

not be placed on any wearing apparel so as to be publicly visible on the exterior, 55 G. 3. s. 157. s. 2.

270. In case any person maintained in any public workhouse shall refuse to work at any employment suited to his age or capacity, or shall be guilty of drunkenness or other misbehaviour, he shall, on conviction before any justice, be committed to prison for not exceeding 21 days, and be kept to hard labour, *id.* s. 5.

271. All justices before whom any person is convicted of any offence against this act, shall draw the conviction in the form here set down, or to that effect; *viz.*

'Be it remembered, that on the — day of — in the year of our Lord — A. B. is duly convicted before — of H. M.'s justices of the peace for the county of — [or city or liberty of — as the case may be,] of having [here state offence] contrary to the statute in that case made and provided. Given under my hand and seal [or our hands and seals, as the case may be,] the day and year above written.'

and the same shall be good, and not quashed, set aside, or made void, or removed by *certiorari* or otherwise, into any court at *Westminster*, *id.* s. 8.

272. Any person aggrieved by the judgment of such justices; may appeal to the next quarter sessions for the county, city, or place, such person, at the time of conviction, entering into a recognizance, with 2 sureties conditioned personally to appear at such sessions to try such appeal, and to abide the further judgment of such sessions; and the justices there may determine the same in a summary way, and make such order therein as they think proper; and their determination shall be final, *id.* s. 9.

POPULATION.

1. FOR TAKING AN ACCOUNT OF THE POPULATION OF G. B., and of the increase and diminution, 41 G. 3. (G. B.) c. 15., 51 G. 3. c. 6., 1 G. 4. c. 94. [Exp.]

2. The accounts made for preparing the returns hereby required shall be preserved by the churchwardens, &c. in *Eng.*, and by the parties preparing them in *Scot.*, and shall be delivered over to their successors, 1 G. 4. c. 94. s. 9.

PORTS.

(STATUTES repealed.)

1. FOR THE PRESERVING OF H. M.'s harbour moorings, 10 A. c. 17. ss. 21, 22. [for the rest of this act, GREENWICH HOSPITAL. REP. 9 G. 3. c. 30. s. 1., 54 G. 3. c. 159. s. 1.]

2. TO REPEAL 10 A. c. 17. ss. 21, 22. and for the more effectual preservation of such harbour moorings, 9 G. 3. c. 30. ss. 1—4. [see the rest of this act, SEAMEN. REP. 54 G. 3. c. 159. s. 1.]

3. FOR THE BETTER SECURITY OF H. M.'s naval arsenals in the river *Medway*, and *Portsmouth* and *Hamoaze* harbours, and of H. M.'s ships and vessels lying at and resorting to the same, 51 G. 3. c. 73. [REP. 54 G. 3. c. 159. s. 1.]

(STATUTES in force.)

1. NO PERSON SHALL CAST OUT OF ANY VESSEL, being within any haven, road, channel, or river running to any city, borough, or town, any ballast, rubbish, or other filth, but only on land above the full sea mark, upon pain to forfeit 5*l.* in moieties to H. M. and the party suing by action of debt or information, wherein no *essoins*, &c., 34 & 35 H. 8. c. 9. s. 6.

2. FOR THE BETTER PRESERVATION OF HAVENS, ROADS, channels, and navigable rivers within *Eng.*, 19 G. 2. c. 22. [extended as meant to be extended, 54 G. 3. c. 159.]

3. If any master or owner, or person acting as master of any ship, pink, crayer, lighter, keil boat, or other vessel whatsoever, shall cast or unlade, or if there shall be cast or unladed out of any ship, &c. riding within any haven, port, road, channel, or navigable river within *Eng.* any ballast, rubbish, gravel, earth, stone, wreck, or filth, but only on the land where the tide or water never flows, any justice for the county, city, town, liberty, or place where or near which such offence is committed, on information thereof, may summon or issue out his warrant to apprehend and bring before him the master or owner of such ship, &c., or person acting as master, against whom such complaint is made, and on his appearance or default may examine into the matter, and, on due proof made, either by confession, view of justice, or oath of one witness, that any ballast, &c. has been cast or unladed out of any ship, &c. the master or person acting as master is hereby declared an offender against this act, and, on conviction in manner aforesaid, shall forfeit not exceeding 5*l.* nor under 50*s.* in discretion of such justice, to go one moiety to the informer and the other to the overseers of the poor of the parish, &c. where conviction had, for the use of the poor there, 19 G. 2. c. 22. s. 1.

4. The penalties hereby inflicted shall be levied by distress and sale of the goods of the party convicted, or of the ship, &c., or of their tackle, apparel, and furniture, by warrant under hand and seal of such justice, directed to the constables or other proper officer of the parish, &c. where such warrant is to be executed, and who shall execute same accordingly, together with the charges of distress and sale, rendering overplus, on demand in writing, to the owner; and for want of distress, such justice shall commit such master or person so convicted to the common gaol or house of correction of the county or place where the conviction was had, for 2 months, or until payment is made, *id.* s. 2.

5. As soon as any ship or vessel is sunk, stranded, or run on shore in any harbour, port, channel, or navigable river, or shall be brought or drove in, or is there in a ruinous and shattered condition, and the owner or other person pretending property therein, or the command thereof, or any other person by their privity, order, or assent, shall begin to take down or carry away the rigging or tackle, or if there be not any person to take care of the ship, one justice for the county or place near which the same shall happen, may summon or issue his warrant to apprehend such owner or person, and proceed to examine the matter as in s. 2.; and in case, on examination, such justice shall find such owner or person guilty of such offence, he may issue his warrant for seizing and removing such ship or vessel, and also the rigging or tackle thereof, in such manner as he shall direct; and if such owner or person shall not, within 5 days, give security to the approbation of such justice to clear such harbour, &c. of all wrecks and parts thereof, and pay the charges and expences of seizing, removing, and disposing of the ship, tackle, &c., then he may cause the hulk, rigging, or tackle to be sold, and out of the money raised thereby, pay the charges of clearing the harbour, &c. and of seizing, removing, and selling such ship, &c. rendering the overplus to the owner of the manor, *id.* s. 5. [see 54 G. 3. c. 159. s. 17. *infra*, pl. 29.]

6. All justices may put this act in execution against any person within their jurisdictions, although such justice is rated to the relief of the poor of any parish in which such convictions may be had (s. 4.); and all convictions pronounced under this act shall be final, and not be appealed from or removed into any court of record at *Westminster*, *id.* ss. 4, 5.

7. No distress made under this act shall be sold till 5 days after made, but the parties convicted may, within that period, redeem such distress by payment of the money for which made, together with the costs of making and seizing such distress, *id.* s. 6.

8. This act shall not alter or abridge any right, benefit, or lawful use that any lord or lady of any manor adjoining any such haven, port, &c., or any other person, hath to such haven, &c. or to the banks, shores, or sides thereof, or any fisheries, manufactories, or royalties therein, nor to the casting out of any ship, &c. any stone, &c. or other materials used in building, amending, and repairing any quay, pier, wharf, wear, or bridge, or the banks or sides of any haven, &c. within this realm; but this act shall be construed to prevent mischiefs that may be done to any havens, &c. which may tend to obstruct, prejudice, or do any annoyance therein, and not otherwise, *id.* s. 7.

9. This act shall not abridge or limit any other jurisdiction or right or remedy to punish any nuisance done to any haven, port, road, channel, or navigable river, *id.* s. 8.

10. FOR THE PRESERVATION OF THE PUBLIC HARBOURS of the U. K., 46 G. 3. c. 153.

11. No person shall make, construct, or erect any pier, quay, wharf, jetty, breast, or embankment in or adjoining to any public harbour in the U. K., or any river immediately communicating therewith, so far as the tide flows up the same, without giving one month's notice of their intention so to do to the secretary of the admiralty, who shall lay it before the admiralty, the receipt of which notice such secretary shall acknowledge, upon pain that persons so offending shall forfeit 200*l.*, to be recovered by action of debt, &c. or information, in which no *essoins*, &c. and only one imparlance shall be allowed, *id.* s. 1.

12. This act shall not prejudice the estates, rights, franchises, &c. or authority of the city of *London*, or the lord mayor of such city, or to defeat or alter the jurisdiction of such city or mayor, as the conservator of the *Thames* and *Medway*, *id.* s. 2.

13. FOR THE BETTER REGULATION OF PORTS, HARBOURS, roadsteads, sounds, channels, bays, and navigable rivers, in the U. K.; and of H. M.'s docks, dock yards, arsenals, wharfs, moorings, and stores therein; and for repealing several acts passed for that purpose, 54 G. 3. c. 159.

14. The lord high admiral, or 3 of the commissioners for executing the office of lord high admiral of the U. K. may, as occasion shall require, make such rules, orders, and regulations, in writing under their respective hands, or the hand of their secretary, as they think proper for the preservation of H. M.'s moorings, and for the mooring, anchoring, and placing of all private ships of war, transports, and all other

private and merchant ships and vessels, lighters, barges, boats, and other craft whatsoever, in all the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers of the U. K., so far as the tide flows and re-flows, where or near to which H. M. now hath, or may hereafter have any docks, dock yards, arsenals, wharfs, or moorings; and harbour masters to be appointed as hereinafter mentioned, for superintending the same for the purpose of insuring free and safe ingress, egress, and regress unto, into, to, and from such ports, &c., and to and from H. M.'s docks, &c. and moorings therein; and for that purpose may direct such spaces along the sides of, over, against, or near to such docks, &c. and moorings, as they judge necessary to be kept free and open, and may cause the same to be marked out by piles, buoys, or other marks, and direct what spaces and distances shall be appropriated for the sole use and purpose of moorings for H. M.'s vessels of war and hired armed vessels in H. M.'s service; and also may specify the distances from H. M.'s docks, &c. moorings, ships, and hulks, within which no private ship of war, transport, or any other private or merchant vessel, lighter, barge, boat, or other craft whatever shall be moored, anchored, or placed, and for any other the purposes hereinafter mentioned; and may vary and alter such rules, &c.; and may appoint proper persons, to be called *The King's Harbour Masters*, to superintend such ports, harbours, &c. for such purposes, and enforce obedience to all such rules, &c.; all which said rules, &c. shall, upon the making thereof, and also whenever the same are in any manner altered, be forthwith published in *The London Gazette*, and constantly kept hung up in some conspicuous part of the custom-house, or other place of public resort for business in the port, harbour, or haven, for which the same shall be made, or where same are directed to be in force, 54 G. 3. c. 159. s. 2.

15. If any private ship of war, transport, or other private or merchant vessel, lighter, barge, boat, or other craft, for which no licence so to do has been first obtained in writing under the hand of any commissioner of the navy, port admiral, or other person duly authorized by the admiralty to grant such licences, for the time and purpose to be therein particularly specified, shall, unless forced thereto by stress of weather or other unavoidable accident, be moored to any of H. M.'s moorings, chains, anchors, buoys, piles, ships, or hulks, or shall in any manner be moored, anchored or placed within any such distances so to be appropriated as in s. 2. for the use of moorings for H. M.'s vessels of war or vessels in his service, or within any such distance, so to be specified, from H. M.'s docks, &c. as in s. 2., or within any such spaces so to be directed to be kept open, or in the fair way or channel or across the stream in any such port, harbour, haven, or navigable river, so as to obstruct the passage into the same; the master or other person then on board, and having the command of any such vessel, lighter, &c.; and in case the proper master is not then on board the same, then the owners thereof, whether on board or not; shall forfeit not exceeding 10*l.*, for each tide which such vessel, lighter, &c. shall remain so moored, anchored, or placed, *id.* s. 3.

16. And in case the owner, master, &c. of any vessel, &c. so moored as in s. 3. shall neglect to unmoor, and remove any such vessel, lighter, &c. which is so moored, anchored, or placed beyond such spaces and distances, and also out of such fair way, channel, or stream, for one hour after notice to him given in writing, or left on board such vessel, lighter, &c. for that purpose, by one of H. M.'s naval or dock yard officers; then any harbour master, and also any officer belonging to any of H. M.'s vessels of war, docks, dock yards or arsenals, and any person acting in his aid, may unmoor such vessel, lighter, &c. and remove the same beyond such spaces and distances, and out of such fair way; and every such owner, master, or other person, so neglecting, shall forfeit a further 10*l.*, *id.* s. 4.

17. Whenever any private ship of war, transport, or other private or merchant vessel, shall, by accident or otherwise, hook any of H. M.'s moorings, the owner, master, or other person having the command of such vessel, shall not proceed to unhook the same, under the penalty of 10*l.*, to be paid by every such owner, master, or other person; but shall forthwith give notice thereof to H. M.'s harbour master, commissioner of the navy, or other chief officer of H. M.'s dock or naval yard, nearest to the place where the same may happen, in order that aid may be given for the purpose of clearing such vessel from such moorings without damage to the same; for which aid such master, owner, or other person, shall pay such sum, not exceeding 5*l.*, as shall be adjudged in a summary way, by any commissioner of the navy or justice of peace, to be recovered as any penalty may be by this act, and with such power of commitment, on non-payment thereof, as in cases of penalties under this act, *id.* s. 5.

18. The admiralty may by order or notice in writing under their hands, or the hand of their secretary, prohibit the breaming of any vessels, lighters, barges, boats, or other craft, at any place on shore, where they see fit, and also order at what place within or near all or any of such ports, harbours, &c. as in s. 2. *pl.* 14., in this kingdom, no private

ships of war, transports, or other private or merchant vessel, lighter, &c. shall come, or be laden with or having on board any gunpowder, exceeding 5 lbs. in the whole; and also may appoint fit places, either afloat or on shore, where all gunpowder, exceeding 5 lbs. in the whole, may be deposited, by and from, or received into, any such vessels, lighters, &c.; all which orders, notices, and appointments shall be notified in the *London Gazette*; and that the master general or principal officers of H. M.'s ordnance, or any 3 of them, shall appoint fit persons there, to receive and deliver out such gunpowder, and upon the taking in thereof to give receipts for the same, and also to grant a certificate to any such owner, master, or other person, of his having deposited such gunpowder, and having made and signed a declaration in writing under his hand, of his having so done, and that neither he nor any other person to his knowledge or belief, had any gunpowder, exceeding 5 lbs. in the whole, then on board such vessel, lighter, &c.; which declaration every such master, &c. shall make, and for which certificate 1*s.* shall be paid; and every such person so to be appointed, shall be accountable to the owners of such gunpowder for the same, and shall deliver the same to them upon demand, on being paid such sum for warehouse room as shall be fixed, either by the admiralty or by the ordnance office, by any rule, &c. made in that behalf; and no vessel having or having had any such quantity of gunpowder on board, shall be allowed to clear at any custom house where there shall be any such place so to be appointed, without producing and leaving such certificate, together with the christian and surname of the pilot who piloted such vessel into such port, at the custom house of such port; and every owner, master, pilot, or other person having the command of any such private ship of war, vessel, lighter, &c. which shall be (except in cases of stress of weather) within any of the distances so to be specified, having on board gunpowder exceeding 5 lbs. in the whole, or which, having come in under stress of weather, shall not unship and deliver all such gunpowder within 24 hours next after the ceasing of such weather (and thereof forthwith give notice at the custom house to excuse the production of such certificate), shall forfeit 5*l.* for every 5 lbs. of gunpowder found or which has been on board any such ship or vessel, lighter, &c. within any such distances, and so in proportion for any greater or less quantity; and every such pilot who shall wilfully and knowingly offend in the premises, shall, on conviction, be rendered incapable of acting as a pilot, 54 G. 3. c. 159. s. 6.

19. No private ship of war, transport, or other private or merchant ship or vessel, lighter, &c. whatever, shall be breamed afloat in any of the ports, &c. of this kingdom, for which any such rules, &c. shall be made, nor at any place on shore where such breaming is prohibited as in s. 6., upon pain to forfeit 5*l.*; and no fire shall be kept on board of any such vessel, lighter, &c. in any such port, &c. between 11 in the evening and 5 in the morning, from the 1*st* Oct. to the 31*st* Mar. inclusive; nor between 11 in the evening and 4 in the morning, from the 1*st* April to the 30*th* Sept. inclusive, in every year; upon pain that every owner, master, other person having command of any such vessel, lighter, &c. shall forfeit 5*l.*; and no pitch, tar, rosin, turpentine, grease, tallow, oil, or any other combustible matter whatsoever, shall be boiled or heated on board any such vessel, lighter, &c. within 250 yards from any of H. M.'s vessels of war, or hired armed vessels in his service, in any of the ports, &c. as in s. 2. *pl.* 14., where the same may happen to be; nor within 250 yards from any of H. M.'s docks, dock yards, arsenals, or wharfs, upon pain that every owner, master, or such other person, commanding any such vessel, lighter, &c. shall forfeit 5*l.*, *id.* s. 7.

20. If any owner, master, or other person, having the command of any private ship of war, transport, or other private or merchant vessel, shall, while such ship or vessel shall lie in any of such ports, &c., as in s. 2. *pl.* 14., keep any gun shotted or loaded with ball, or shall discharge or cause or permit to be discharged any gun on board such ship or vessel lying therein, before sun-rising or after sun-setting, he shall, for every such gun so kept shotted or loaded, forfeit 5*s.*, and for every gun so discharged, 10*s.*, *id.* s. 8.

21. Any such harbour master, and also any officer belonging to any of H. M.'s vessels of war, docks, dock yards, or arsenals, and also any person in their aid, at any hour between sun-rising and sun-setting, may go on board of any such ship or vessel, lighter, &c., in order to search for gunpowder, guns shotted, and the heating and melting such combustible matters, as in s. 7. *pl.* 19., within the limits wherein the same are by this act prohibited; and if the owner, master, or other person then on board, having the command of any such vessel, lighter, &c. shall, upon demand made, refuse to permit or shall not permit any such person to come on board and make such search, he shall forfeit 10*l.*, *id.* s. 9.

22. No person, not being in H. M.'s service, or employed in H. M.'s dock-yards or arsenals, and in the regular performance of his duty, or not being authorized so to do, by licence under the hand of some commissioner of the navy, (which licence any such commissioner may grant, and also revoke at his will,) shall on any account creep or sweep for anchors, cables, ropes, rope-yarns, or other stores, lost in any of the

ports, &c., as in *s. 2. pl. 14.*, within 100 yards from any of H. M.'s ships or vessels of war, or hired ships or vessels in his service, or from any moorings belonging to H. M., or within any such distance so to be marked, upon pain of forfeiting 10*l.*, *54 G. 3. c. 159. s. 10.*

23. If the owner, master, or other person having the command of any private ship of war, transport, or other private or merchant ship or vessel, lighter, &c., or any person working any quarry, mine, or pit, near to the sea, or to any such harbour, haven, or navigable river, or any other person shall throw, empty, or unlade, or cause to be thrown, &c., either from or out of any such ship, vessel, lighter, &c., or from the shore, any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, into any of such ports, &c., so as to tend to the obstruction of the navigation thereof, or in any place on shore where the same are liable to be washed into the sea, or into any such ports, roads, &c., either by ordinary or high tides, or by storms or land floods; such person so offending shall forfeit not exceeding 10*l.* besides all expences incurred in removing such matters so deposited contrary to this act, such expences to be recoverable in such manner and with such power of commitment on non-payment, as in cases of penalties under this act: provided nothing herein shall extend to the casting out, unlading, or throwing out of any ship or vessel, lighter, &c. any stones, rocks, bricks, lime, or other materials to be used in the building or repairing any quay, &c. or other building, or the banks or sides of any port, harbour, &c., or any materials for repairing any highway, *id. s. 11.*

24. No vessel, lighter, &c. whatever shall unlade on any part of the shore (except on some wharf properly constructed for the purpose) any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, except at high water, or within two hours before or after high water; and for such purpose, such vessel, lighter, &c. shall approach the shore, as far as the tide and the draught of water of such vessel, lighter, &c. will admit, and shall not deposit any of such matters below low water mark at neap tides; and vessels drawing above 11 feet of water at the stern, shall unlade all such materials into some lighter, &c. as herein-before directed, in order that the same may be conveyed as near the shore as possible at high water, as herein-before directed, *id. s. 12.*

25. All such ballast and other matter shall, in all the above-mentioned cases, be cast on shore, from the side of the ship, lighter, &c. nearest to the land, and not otherwise; and every person who shall offend in any of the above particulars shall forfeit not exceeding 10*l.*, besides all expences incurred in removing such matters deposited contrary to this act, such expences to be recoverable in such manner and with such powers of commitment on non-payment as in cases of penalties under this act, *id. s. 13.*

26. No person shall take any ballast or shingle from the shores or banks, or any portion of the shores or banks of any port, harbour, or haven, from which the admiralty shall, for the protection of such port, &c. or the works thereof, by order under their hands, or the hand of their secretary, and published in the *London Gazette*, prohibit the taking or removing of such shingle or ballast, upon pain of forfeiting 10*l.*, *id. s. 14.*

27. In the taking of ballast into any vessel, lighter, &c., and also in the discharging of the same, such vessel, lighter, &c. shall make use of one or more tarpaulins properly stretched and spread, in order to prevent such ballast from falling into the sea, or into any harbour, haven, or navigable river; and in case of neglect herein, every person offending shall forfeit 5*l.*, *id. s. 15.*

28. The admiralty may grant licences under their hands and seal of office, or under the hand and seal of office of their secretary, for dispensing with the foregoing provisions relative to ballast, in cases that may require such dispensation, *id. s. 16.*

29. When any vessel, lighter, &c. is sunk or stranded in any port, harbour, haven, &c., as in *s. 2. pl. 14.*, where such harbour master is so appointed, such harbour master, and also any commissioner of the navy residing in or near the place where the same shall happen, in case the owner or person having the command of such vessel, lighter, &c. shall neglect to weigh and raise the same for 28 days, may cause any such vessel, lighter, &c. to be weighed and raised, and the same, and the furniture, tackle, and apparel thereof, and also all or any part of any goods, merchandizes, and effects found on board, to be sold by auction, or otherwise, and therewith pay the expences of weighing and raising the same, and clearing the port, harbour, &c. where the same shall happen, and also the expences of such sale, rendering the overplus to the owner or person entitled to the same, *id. s. 17. [see 19 G. 2. c. 22. s. 5. pl. 5.]*

30. Every such harbour master, and the commissioners of the navy, and every officer of any of H. M.'s ships of war, docks, dock-yards, and arsenals, and all other persons acting in their aid, shall be indemnified for what they do or cause to be done in pursuance of this act, *id. s. 18.*

31. In case such harbour master or commissioner of the navy, shall not proceed to call such vessel, lighter, &c. to be weighed and raised within 2 calendar months after the expiration of such 28 days, then

such owner, master, or other person, may weigh and raise such sunken or stranded vessel, and the goods and effects therein, in the same manner as if this act had not been made, *54 G. 3. c. 159. s. 19.*

32. Every commissioner of the navy, who is residing at any port, dock-yard, or arsenal, near to any place where any offence against this act is committed, shall be deemed to be a justice of peace for all the purposes of this act; and all the laws now in force, for the ease, safety, and protection of justices in the execution of their office, shall extend to him, and to all constables, or other peace officers or persons acting under his warrant or authority, as fully as if the same were herein re-enacted as to and for the protection of such commissioners of the navy, and the constables or peace officers, or persons acting under their warrant, *id. s. 20.*

33. All penalties imposed by this act shall be sued for within 12 calendar months after the offence committed, before any commissioner of the navy or justice of peace residing at or near to the place where any such offence was committed, and shall go as follows: viz. one moiety to H. M., and the other with full costs to the informer; and such commissioner of the navy and justice shall, upon information exhibited or complaint made, grant his warrant under his hand, to bring before them such offender at the time and place in such warrant specified; and if on conviction, on confession or oath, (which oath such commissioner of the navy and justice may administer,) such penalty together with such costs is not forthwith paid, such commissioner of the navy or justice may commit such offender to the common gaol or house of correction for the county, city, or borough, at or near to the place where the offence was committed, for not exceeding 3 months, unless such penalty and costs are sooner paid, *id. s. 21.*

34. Any commissioner of the navy, residing at or near to any port, harbour, or haven, or any part thereof, or any justice for any county, city, or borough, acting for any district or place adjoining to any such port, &c., as in *s. 2. pl. 14.*, or any member of any of them, where any such offence is committed, may proceed in the execution of this act, and of all the authorities hereby given to them, in the same manner, and as fully as if such offence had been committed locally within the limits of the jurisdiction of such commissioner or justice, although the same may have been committed out of the limits of their jurisdiction, or out of the body of any county, *id. s. 22.*

35. The conviction of any person under this act shall be drawn up according to the following form, or to the like effect, *mutatis mutandis*; and shall be good; viz.

'Be it remembered, that on the — day of — in the year of our Lord — A. B. is convicted before me — one of the commissioners of the navy, or one of H. M.'s justices of the peace for the — of — [as the case may be] for that the said A. B. on the — day of — at — did [here state the offence against this act] contrary to the statute in such case made and provided. Given under my hand and seal the day and year first above written.'

Which conviction such commissioner or justice shall cause to be written upon parchment or paper, and returned to the next quarter sessions for the county, city, or place, where such conviction was made, to be filed by the clerk of the peace, and there to remain among the records; and the same shall not be removed by *certiorari*, advocacy, or suspension, or any other process, into any court, *id. s. 23.*

36. If any person is summoned as a witness to give evidence before any such commissioner or justice, touching any matter relative to this act, either on the part of the prosecutor, or of the party accused, and shall neglect to appear at the time and place to be for that purpose appointed, without a reasonable excuse, to be allowed by such commissioner or justice, then such person shall forfeit 10*l.*, to be recovered, levied, and applied in such manner and by such means as in *s. 21. pl. 33.*, with respect to fines on summary convictions, *id. s. 24.*

37. If any person, upon examination on oath or affirmation before any commissioner of the navy, or before any justice in any matter relating to this act, shall wilfully and corruptly give false evidence, or shall in any information or deposition sworn, or affirmation taken in writing, before any such commissioner or justice, wilfully and corruptly swear or affirm any matter false or untrue, such person shall be subject to the like pains and penalties as any persons convicted of wilful and corrupt perjury, *id. s. 25.*

38. Any person or persons so convicted by any commissioner of the navy or justice, of any offence against this act, within 3 calendar months after, may appeal to the quarter sessions for the county, &c., first giving 10 days' notice of such appeal to the respondent, and of the matter thereof, and entering into a recognizance before some commissioner of the navy, or justice for the county, city, or place, with 2 sufficient sureties conditioned to try such appeal, and for abiding the determination of the court therein; and such sessions shall, upon due proof of such notice having been given, and a recognizance entered into, hear and determine such appeal, and may either confirm or quash such conviction, and award such costs to either party as to them seems just, and their decision therein shall be final and binding, *id. s. 26.*

39. Actions for any thing done in pursuance of this act, shall be commenced within 6 months after the thing done, and the venue laid in the proper county, and not elsewhere; and the defendant may plead the general issue, and give this act and the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff is nonsuited or discontinued, after the defendant has appeared, or if judgment is given upon verdict or demurrer against him, the defendant shall recover treble costs, with usual remedy to recover the same, 54 G.3. c.159. s. 27.

40. This act shall not prejudice any right, &c., or jurisdiction, or any powers of conservancy, enjoyed by any body corporate or politic, or by any lord or lady of any manor, or any person whatsoever, in, to, upon, or over any of the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, or navigable rivers of the U. K., or to the banks, shores, or sides thereof; nor repeal any of the provisions in any act of parliament passed for the regulation of any river, port, or harbour, in the U. K., or the shipping frequenting the same, except the acts hereby expressly repealed; but that such respective rights, &c. shall be enjoyed as beneficially as if this act had never been made, *id.* s. 28.

POSTHUMOUS CHILDREN.

1. TO ENABLE POSTHUMOUS CHILDREN TO TAKE ESTATES as if born in their father's lifetime, 10 & 11 W.3. c.16. [This statute was occasioned by the dissatisfaction of the judges, on the reversal by the lords of their decision *against* the posthumous son, in *Reeve v. Long*, 1 Salk. 227.]

2. Where any estate is, by any marriage or other settlement limited in remainder to, or to the use of, the first or other sons of the body of any person lawfully begotten, with remainder over to or to the use of any other person, or in remainder to or for the use of one or more daughters lawfully, &c. with remainder to any other person, any son or daughter of such person, born after the decease of his father, may take such estate in the same manner as if born in the lifetime of the father; though no estate be limited to trustees after the father's decease, to preserve the contingent remainder to such after-born son or sons, daughter or daughters, until he, she, or they come *in esse*, or are born to take the same, *id.* s. 1.

PRINTING.

(STATUTES repealed and expired.)

1. TO INDEMNIFY PERSONS WHO HAVE INADVERTENTLY printed, published, or dispersed papers or books, without full description of the abode of the printers, from the penalties of 39 G.3. c.79. s.27., 49 G.3. c.69. [EXP.]

2. TO INDEMNIFY ALL PERSONS WHO HAVE PRINTED, PUBLISHED, or dispersed, or who shall publish or disperse any papers printed under authority of the commissioners or head officers of [state, 41 G.3. U. K. c.80.] or of any public boards, [or other public authorities, 41 G.3. U. K. c.80.] from all penalties incurred by reason of the printer's name and residence not being printed thereon, 39 & 40 G.3. c.95., and 41 G.3. (U. K.) c.80.

(STATUTES in force.)

1. TO REGULATE THE PRINTING OF BOOKS AND PAPERS, 39 G.3. c.79. ss. 23—38. (see rest of this title, and ss. 1—22. ASSEMBLIES.) [AMD. generally by 39 & 40 G.3. c.95., 41 G.3. U. K. c.80., 51 G.3. c.65. ss.2—5., and as to s. 27. by s. 1. of the last act. *Indemnity* for publishing law proceedings without printer's name, 42 G.3. c.23. s.9. EXP. See as to printing newspapers, 38 G.3. c.78. NEWSPAPER.]

2. Every person having any printing press or types for printing shall cause a notice thereof, signed in the presence of, and attested by one witness, to be delivered to the clerk of the peace for the county, stewardry, riding, division, city, borough, town, or place where it is intended to be used, who shall grant a certificate in form as in schedule, for 1s. only, and shall file such notice, and transmit an attested copy to a principal secretary of state; and every person keeping any press or types without such notice or certificate, or who, having complied with those requisites, shall use such press or types in any other place than that expressed in the notice, shall forfeit 20l., 39 G.3. c.79. s. 23.

3. Nothing herein shall extend to H. M.'s printers for Eng. and Scot., or to the public university presses of Oxford or Cambridge, *id.* s. 24.

4. Every person carrying on business as a letter founder, or maker or seller of types for printing, or of printing presses, shall cause notice of his intention to carry on the same to be delivered to the clerk of the peace of the county or place, or his deputy, in form as in schedule, who shall grant a certificate in like form for 1s. only, and shall file such notice, and transmit an attested copy to a principal secretary of state; and every person carrying on such business without such notice and certificate shall forfeit 20l., *id.* s. 25.

5. Every person who shall sell types or printing presses shall keep a

fair account in writing of all persons to whom any shall be sold, producing the same to any justice requiring it; or for neglect to keep, or refusal to produce it, on demand in writing made to inspect it, shall forfeit 20l., 39 G.3. c.79. s. 26.

6. Any person who shall print any paper or book soever, which is meant to be published or dispersed, whether sold or given away, shall print on the front of every such paper, if printed on one side only, and on the first and last leaves of every paper or book which consists of more than one leaf, in legible characters, his name, and that of the city, town, parish or place, and, if any, that of the square, street, lane, court or place in which his abode is; and every person omitting so to print his name on every such paper or book so printed by him, and every person who shall publish or disperse, or assist in publishing, &c. either gratis or for money, any printed paper, &c. on which the printer's name and abode is not printed, shall forfeit 20l. for every copy, *id.* s. 27.

7. Nothing in the last *pl.* shall make any offender liable to more than 25 penalties for printing or publishing, or dispersing or assisting in publishing, &c. any number of copies of one paper or book contrary to that section, 51 G.3. c.65. s. 1.

8. Nothing in this act shall extend to any papers printed by authority and for use of either house of parliament, 39 G.3. c.79. s. 28.

9. Every person who shall print any paper for hire or profit, shall carefully preserve one copy at least of every paper so printed by him, for 6 calendar months, on which shall be written or printed, in fair and legible characters, the name and abode of the persons employed to print the same; and if he neglect the above, or to produce it to any justice within that time requiring to see it, he shall forfeit 20l., *id.* s. 29.

10. Any person to whom, or in whose presence, any printed paper not having the name and abode of any person, or having a fictitious name or abode, printed thereon, shall be sold or offered for sale, or shall be delivered *gratis*, or offered so to be, or shall be posted or left in any public place, or in any other manner exposed to public view, may seize and detain the person so selling or offering to sell, or delivering or offering to deliver, or posting, &c. in any public place, or any otherwise exposing to public view any such printed paper, and forthwith take him before some justice for the county, &c. or place where he is seized, or deliver him to some constable, &c. or peace officer to be so taken, that such justice may determine on his guilt under this act, *id.* s. 30.

11. Nothing herein shall extend to the impression of any engraving, or to printing by letter-press the name, address, business or profession of any person, and the articles in which he deals, or to any papers for sale of estates or goods by auction or otherwise, *id.* s. 31.; or to alter any provision of any statute now in force respecting the printing, &c. or distributing any printed newspaper or other printed paper, *id.* s. 32.

12. If any justice acting for any county, &c. or place, shall, from information on oath, have reason to suspect that any printing press, or types for printing are used or kept for use, without notice given and certificate obtained under this act, or in any place not included in such notice and certificate, he may, by warrant, direct any constable or other peace officer, in the day time, with any persons called to his assistance, to enter into any such house in the day time, and to secure and carry away the press, types, and printed papers found therein, *id.* s. 33.

13. The justice or other magistrate before whom any person is convicted of any offence against 39 G.3. c.79., may, if he see cause, mitigate the same to any sum not less than 5l. above all reasonable costs incurred in the prosecution, 51 G.3. c.65. s. 2.

14. Nothing in 39 G.3. c.79., or this act, shall extend to require the printer's name and residence to be printed on any note or post bill of the Bank of Eng., bill of exchange or promissory note, or on any bond or other security for payment of money, or on any bill of lading, policy of insurance, letter of attorney, deed, or agreement, or on any transfer or assignment of any public funds or securities, or of the stocks of any public corporation or company authorized by statute, or on any dividend warrant of or for the same, or on any receipt for money or goods, or on any proceeding in law or equity, or in any inferior court, warrant, order, or other papers printed by authority of any public board, or officer in execution of their respective offices, notwithstanding the whole or any part of such securities, &c. shall be printed, *id.* s. 3.

15. No person shall be prosecuted for any penalty imposed by this act, unless the prosecution is commenced or action brought within 3 calendar months next after such penalty incurred, 39 G.3. c.79. s. 34.

16. Any persons grieved by any conviction or determination of any justice relating to any thing in 39 G.3. c.79., may appeal to the quarter sessions next after the expiration of 20 days from making thereof, first giving 6 days notice of appeal to the person prosecuting for such penalty; which appeal the sessions shall then determine or adjourn its hearing till the next sessions, and if they see cause may mitigate any penalty, and order any money paid or levied under any conviction to be returned; and may award payment of costs by either party to the other as they think reasonable, 51 G.3. c.65. s. 4.

17. Any pecuniary penalty imposed by this act, exceeding 20l., may

be recovered by any person who will sue for the same, by action of debt, in any court of record at Westminster, if incurred in Eng., Wa., or Ber., and in exchequer in Scot., if such penalty is incurred there, in which action it shall be sufficient to declare that defendant is indebted to plaintiff in 20*l.* (being the sum demanded by such action), being forfeited by "an act made and passed in the 59th year of the reign of H. M. king George the 3d, intituled, an act [state the title];" and plaintiff, if he recovers thereon, shall have full costs; and any pecuniary penalty imposed by this act, and not exceeding 20*l.*, for recovery of which no provision is above contained, may be recovered before any justice or justices for the county, &c. or place where the same are incurred, or where the defendant happens to be, in a summary way; and if not forthwith paid, such justice, &c. shall, by warrant directed to any constable or peace officer, cause it to be levied by distress and sale of offender's chattels, with all costs attending the same; and in case of no sufficient distress, shall commit the offender to the common gaol or house of correction for not more than 6 nor less than 3 calendar months, 39 G. 3. c. 79. s. 35.

18. All pecuniary penalties imposed by this act shall, when recovered, either by action or in a summary way, go one moiety to the plaintiff or informer, and the other to H. M., *id.* s. 36.

19. Every action brought against any justice, constable, or other person, for any thing done in pursuance of this act, shall be commenced within 3 calendar months after the fact committed, and laid in the proper county: defendant may plead the general issue, and give this act and the special matter in evidence at any trial thereon; and if such action is brought after such 3 months, or venue laid in any other place than above, the jury shall find for defendant, in which case, or if they find for him on the merits, or if plaintiff discontinue after appearance, is nonsuited, or has judgment against him on demurrer, defendant shall have double costs, *id.* s. 37.

20. Convictions for offences against this act, and adjudication of forfeitures of licences and notices, and certificates delivered in pursuance thereof, shall be in the forms in the schedule, *id.* s. 38.

PRISON AND PRISONER.

(STATUTES repealed and expired.)

1. IN WHAT PLACE AND MANNER THE GAOLS OF THIS REALM shall be edified and made, 23 H. 8. c. 2. [CON. 33 H. 8. c. 17., 37 H. 8. c. 23., 1 M. S. 2. c. 14., 5 El. c. 24., and 13 El. c. 25. s. 13. ALL EXP.]

2. FOR BETTER SECURING THE PAYMENTS OF CERTAIN SUMS OF money directed by 43 El. c. 2. s. 14. to be paid by the respective treasurers of every county in Eng. and Wa., for relief of the poor prisoners of K. B. and Marshalsea prisons, 11 G. 2. c. 20. [REP. 53 G. 3. c. 113. s. 1.]

3. FOR ORVIATING DOUBTS THAT MAY ARISE TOUCHING THE keeping of prisoners until the prison of the Marshalsea of K. B. is repaired, 26 G. 2. c. 34. s. 3. [EXP. see rest of title and statute, VAGRANT.]

4. TO PREVENT ANY INCONVENIENCE WHICH MAY ARISE TO sheriffs, gaolers, suitors, prisoners, or others, by the prisoners in several gaols in Middlesex, Surrey and London, having been set at liberty during the late tumults, 20 G. 3. c. 64. [EXT. to persons arrested and bailed since the destruction of the said gaols, and before they shall be repaired, or other prisons substituted for them, 21 G. 3. c. 1. BOTH EXP.]

(STATUTES in force.)

1. NOTHING SHALL BE TAKEN BY THE SHERIFF OR OTHER for escape of a thief or felon, till it be judged an escape by the justices in eyre, and he that doth otherwise shall restore as much to him that paid it and as much to H. M., 5 E. 1. (St. West. 1.) c. 3.

2. NONE SHALL HAVE JUDGMENT OF LIFE OR MEMBER FOR breaking prison only, except the cause for which he was imprisoned did require such judgment if he had been convicted thereof, 1 E. 2. S. 2. Stat. de Frangentibus Prisonam, [and see now 16 G. 2. c. 31.]

3. THE MARSHAL'S FEE IN K. B. IN IRELAND, 17 E. 1. c. 5.

4. Persons committed by K. B. to prison, shall, on deliverance, pay 4*d.* and no more; and if any do contrary, and be attainted thereof at H. M.'s or party's suit, he shall make satisfaction, and be grievously punished, *id.* *ibid.*

5. AS TO SHERIFFS, GAOLERS, AND KEEPERS OF PRISONS, who have paid the prisoners and compel them to become appellors [informers, see 3 Inst. 91. and 4 Bla. Comm. 128.] against innocent persons, in order to have ransom of them for fear of imprisonment, the justices of both benches, and of assise and gaol delivery, shall enquire of such compulsions and procurements, and hear all complaints thereof by bill, and determine the same, as well at suit of the party as of H. M., 1 E. 3. S. 1. c. 7. [Semb. AMD. by 14 E. 3. S. 1. c. 10. next *pk.*]

6. SHERIFFS SHALL HAVE THE CUSTODY OF THE GAOLS AS annexed to their bailiwicks, [see 19 H. 7. c. 10. *infra*, *pl.* 17. s. F.] and shall put in keepers for whom they will answer; and if such keeper or underkeeper shall, by too great duress of imprisonment and pain, make any prisoner

to become an appellor [or informer, 3 Inst. 91. 4 Bla. Comm. 128.] against his will, and is thereof attainted, he shall have judgment of life and member, [as a felon with clergy, 3 Inst. 91.] to be enquired of by H. M.'s justices before whom such cases shall happen, 14 E. 3. S. 1. c. 10.

7. SHERIFFS AND GAOLERS SHALL RECEIVE THIEVES AND FELONS by delivery of constables and townships, without taking any thing for the receipt; and the justices assigned to deliver the gaols shall hear complaints in such case, and punish the sheriffs and gaolers, 4 E. 3. c. 10.

8. OF THE CUSTODY OF PRISONERS BY THE MARSHALS OF K. B., 5 E. 3. c. 8.

9. Persons indicted of felonies who have removed the indictment before H. M. and there yielded themselves, and all persons appealed of felony, who, after exigent awarded, have yielded themselves before H. M., shall be safely kept in prison, according to the charge which the marshals shall have of the justices; and if any marshal do otherwise, then, at complaint of every man, the justices shall do him right during the terms, and at the end of the terms, on their rising, the marshals shall choose before the justices, before they depart their courts, in what town they will keep such prisoners at their peril, and in the same town they shall hire them houses to keep such prisoners at their own cost, and there shall keep them in prison, without suffering them to go wandering abroad, neither by or without bail; and if any such prisoner be found wandering out of prison, and that be found at suit of H. M. or party, the marshals shall have half a year's imprisonment, and be ransomed at H. M.'s will, and the justices shall thereof make enquiry when necessary; and as to the marshals within the verge, that which is reasonable shall be done; and if they suffer by assent prisoners to escape, they shall be at law as before, and H. M. shall not by this statute lose the escape where he ought to have the same, *id.* *ibid.*

10. NO WARDEN OF THE FLEET SHALL HENCEFORTH SUFFER ANY prisoner there, being by judgment [or, on final process] to go out of prison by bail, nor by baston, [i. e. an officer,] without the assent of those at whose suit they were judged, unless by writ or other command of H. M., on pain to lose his office; and if he be attainted of suffering such prisoner to go at large, the plaintiffs shall recover against him by writ of debt, [in which no protection is allowed, 7 H. 4. c. 4.] 1 R. 2. c. 12. s. 1.

11. If any at the suit of a party adjudged to another prison for debt, trespass, or other quarrel, will confess himself by a feigned cause debtor to H. M., and is by that means judged to the prison of the Fleet, there to have greater liberty of prison than elsewhere, the recognizance shall be received; and if he be not debtor to H. M. of record, he shall be remanded to his former prison till satisfaction made to such party, when he shall be remanded to the Fleet to abide till he make satisfaction to H. M. of his said recognizance, *id.* s. 2.

12. H. M.'s castles and gaols shall be rejoined to the bodies of counties, 13 R. 2. S. 1. c. 15.

13. Justices of peace shall imprison none but in the common gaols, [saving to the lords their franchises, *semb.* EXP.] 5 H. 4. c. 10.

14. FOR PREVENTING PRISONERS IN EXECUTION FROM BEING enlarged without due satisfaction made to their creditors, 2 H. 5. S. 1. c. 2.

15. "Whereas men condemned to prison, there to remain till they have made satisfaction to plaintiffs at whose suit they were condemned, have had writs called *certiorari corpus cum causa* to have their bodies and cause of detention in chancery, at days therein specified," it is ordained that, if such writ is granted, and it is thereupon returned, that the prisoner who is so detained in prison is condemned by judgment against him, that presently he shall be remanded or remain in prison without bail or mainprize, against the will of plaintiffs, till satisfaction be made to them of the sums so adjudged, *id.* *ibid.*

16. AGAINST WILFUL AND NEGLIGENT ESCAPES, 19 H. 7. c. 10. s. 1. and s. 6., [ss. 2—4. *semb.* EXP., see s. 5.]

17. Sheriffs shall have the custody of H. M.'s common gaols in their counties, except gaols whereof any persons spiritual or temporal, or body corporate, have the keeping, of estate, of inheritance, or by succession; all future patents for life or years, of the keeping of such gaols, or constableness of any castle wherein such common gaol is, by H. M. being hereby declared void, *id.* s. 1.

18. No sheriff of Surrey or other sheriff shall have the custody of the gaols of K. B. or Marshalsea, *id.* s. 6. [then in custody of Sir Thomas Brandon and Sir John Digby, knights, *id.* *ibid.*]

19. FOR RATING AND LEVYING THE CHARGES FOR CONVEYING malefactors and offenders to gaol, 3 J. 1. c. 10. [CON. indefinitely, 3 C. 1. c. 4. s. 22., 16 C. 1. c. 4., AMD. 27 G. 2. c. 3., 41 G. 3. U. K. c. 78.]

20. All persons committed to the common gaol within any county or liberty, by any justice or justices of peace having ability thereunto, shall bear their own charges for conveying them to gaol, and the charges of those appointed to guard them thither; and if any such person refuse to defray them, such justice, &c. shall give warrant to the constables of the hundred or township to sell such of their goods as by discretion of the justice shall satisfy the charges, the appraisement to be made by 4 inhabitants of the parish where such goods shall be, 3 J. 1. c. 10. s. 1.

21. If any action is brought for taking any distress, or for any other act done by authority of this act, defendant may either plead *not guilty*, or make avowry, cognizance, or justification for taking the said distress, &c. alleging that such distress, &c. was done by authority of, and according to the effect of this act, without expressing any other matter in this act contained, to which avowry, &c. the plaintiff shall reply, that defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause, &c., whereupon issue shall be joined; and after such issue tried for the defendant, or nonsuit of plaintiff after appearance, defendant shall recover treble damages, with costs, to be assessed by the same jury, or writ of enquiry of the damages, as the case is, 3 G. 1. c. 10. s. 3.

22. ALL STATUTES IN FORCE MADE FOR BUILDING HOUSES OF CORRECTION shall be put in due execution, 7 J. 1. c. 4. s. 1. [See rest of this section VAGRANT.]

23. FOR PREVENTION OF DELAYS IN SUITS OF LAW, [viz. by debtors remaining prisoners in the Fleet, where they may not be proceeded against, as if they were at large, s. 5. 13 C. 2. §. 2. c. 2. s. 5. See ss. 1—4., and part of title, ARREST, pl. 16. ss. 6—7. WRITS, ss. 8—11. EXECUTION, pl. 8—11.]

24. Every person having cause of personal action against any prisoner in the Fleet, may sue forth an original writ on his or their cause of action, and an *habeas corpus*, directed to the warden, shall be granted to the plaintiff desiring him to have the body of the prisoner before the justices of C. P. at some day certain in term, to answer the plaintiff therein; and if the plaintiff at that day put into court his declaration according to his writ against the prisoner, being present at the bar, such prisoner shall be bound to appear in person or by attorney; and unless he plead on a rule given, to be out at 8 days at least after such appearance, judgment by *nil dicit* may be entered against him as appearing in person; and such charge in court by declarations, signified by rule to the said warden, shall be good cause of detention of the prisoner in his custody, and he shall not be discharged by *supersedeas* or rule of court; and if the warden do otherwise, he shall be responsible to the court and the party grieved for damages by action, on the case brought against him for discharging such prisoner, *id.* s. 5. [but see pl. 52.]

25. FOR RELIEF OF poor prisoners, and for setting them to work, 19 C. 2. c. 4. [AMD. 31 G. 3. c. 46. s. 12.]

26. The justices of peace in general sessions may provide a stock of materials for setting poor prisoners in gaols [committed to gaol for felony or other misdemeanors, see preamble to this section.] on work, [in like manner as other county charges are raised, *semb.* REP. 12 G. 2. c. 29. s. 22. pl. 107., and see next pl.] and pay and provide fit persons to oversee and set such prisoners on work, and make, revoke, and alter the necessary orders for accounts concerning the premises; and for punishing neglects and abuses, and for bestowing the profit arising by the labour of the prisoners for their relief, which shall be duly observed, [but no parish shall be rated above 6d. a week towards the premises. REP. 12 G. 2. c. 29. s. 22. pl. 100.] *id.* s. 1. [as to providing materials for work of prisoners in houses of correction, see 17 G. 2. c. 5. s. 31. pl. 106.]

27. They shall have power to execute the above provisions as well in regard to the persons therein described, as in favour of all other prisoners in the common gaols, who are inclined to work; and may at the general or quarter sessions of the county or adjournment thereof, direct the payment of such sums out of the county rates as they shall, from time to time, think fit to be expended in executing the said provisions according to the extension thereof hereby made, 31 G. 3. c. 46. s. 12.

28. Any sheriff or persons having custody of the gaol with consent of 3 justices, (one being of the *quorum*), may, on emergent occasions, [viz. in case of sickness or infectious diseases of the prisoners,] provide other safe places for removal of sick or other persons from the ordinary gaols, which places shall be used, and the prisoners conveyed to and from the places of gaol delivery, as by law they may to and from common gaols; but no such place shall be used for the above purposes against the will of the owners, 19 C. 2. c. 4. s. 2.

29. The mayor, bailiff, and other head officer or person having custody of the gaol within any corporation of Eng. or Wa. shall, with advice of 3 justices within the corporation, (one being of the *quorum*), in time of infection, have the like power for removing their prisoners to some other place within their jurisdiction, and also to raise a stock as in ss. 1. 11—13., *id.* s. 5. [ss. 4—5., relate to a house and grounds provided near Exeter, for the county of Devon, and to be used as a common gaol and work-house, as in those sections provided. Saving to H. M. his rights, *id.* s. 6.]

30. TO PREVENT EXTORTION FROM PRISONERS, 22 & 23 C. 2. c. 20. ss. 10—13. [See s. 9. ARREST, pl. 11—13.]

31. Every under-sheriff, gaoler, and person to whose custody any person shall be committed, shall permit him to send for beer, ale, victuals, and other food, where he pleases, as also to have such bedding and other things as he shall think fit, without detaining or paying for the same; nor shall receive of him any other fees, [for their commitment or discharge abolished, 55 G. 3. c. 50. s. 1.] or for chamber-rent, than

what is allowable by law; until the same be settled by 3 justices of peace, one being of the *quorum*, of each county, city, and town corporate; and for London, Middlesex, and Surrey, the two chief justices and chief baron, or any two of them, and the justices of the same, in their several jurisdictions, 22 & 23 C. 2. c. 20. s. 10.

32. The chief justices, chief baron, and justices of peace, and all commissioners for charitable uses, shall use their best endeavours to find out gifts and bequests given for the benefit of poor prisoners for debt; and send for any deeds, wills, writings, and books of accounts, and any persons concerned therein, and examine them upon oath, to make true discovery thereof, and the same so found out, to order in some way, that the prisoners may not be defrauded, but receive the full benefit thereof, *id.* s. 11. [See *infra*, 32 G. 2. c. 28. s. 9. pl. 161. s. p.]

33. These accounts of gifts and bequests bestowed upon the prisoners for debt, and the rates of fees, and the future government of prisons, shall be signed and confirmed by the chief justices and chief baron, or any 2 of them, and the justices of peace in London, Middlesex, and Surrey, and by the judges for the several circuits, and justices of peace in their precincts, and registered by every clerk of the peace; and no other fees than shall be so established shall be demanded, *id.* s. 12.

34. No sheriff or gaoler shall lodge prisoners for debt and felons together in one room, but they shall be kept apart; on pain that they that shall offend against this act shall forfeit their office, and treble damages to the party grieved, *id.* s. 13.

35. FOR DELIVERING DECLARATIONS TO PRISONERS, 4 & 5 W. & M. c. 21. s. 1.

36. If any defendant be taken or charged in custody at suit of any person on any writ out of the respective courts of record at Westminster, and is detained in prison for want of sureties for his appearance thereto, the plaintiff, before the end of the next term after such process is returnable, may declare against such prisoner in the court out of which the writ shall issue, whereupon the prisoner is taken or charged in custody, and shall cause a true copy thereof to be delivered to such prisoner or to the gaoler, in whose custody he is, to which declaration he shall appear and plead, or on default plaintiff shall have judgment, as if he had appeared and refused to plead, *id.* s. 2. [See more particular regulations, 8 & 9 W. 3. c. 27. s. 13. *infra*, pl. 52.]

37. Declarations against prisoners detained by virtue of K. B. process, shall allege in custody of what sheriff, bailiff, or steward of any franchise or other person having return and execution of writs, such prisoner shall, at the time of such declaration be, by virtue of the process of such court at suit of the plaintiffs; which allegation shall be as good as if such prisoner were in the custody of the marshal, *id.* s. 3.

38. FOR MORE EFFECTUAL RELIEF OF CREDITORS IN CASES OF ESCAPES, and for preventing abuses in prisons and pretended privileged places, 8 & 9 W. 3. c. 27. [AMD. as to s. 12., by 59 G. 3. c. 64. See s. 15. PRIVILEGED PLACES, pl. 2.]

39. TO FACILITATE PROCEEDINGS AGAINST THE WARDEN OF THE Fleet in vacation, 59 G. 3. c. 64. [Occasioned by the decisions in 6 Taunt. Rep., 547. 552. See 2 Brod. and Bing. Rep. 52.]

40. All prisoners, either upon contempt or mesne process, or in execution, who shall be committed to the custody of the marshal of K. B., or warden of the Fleet, shall be detained within the said prisons or the rules thereof, until discharged by due course of law; and if the marshal or warden, or any other keeper of any prison, suffers any prisoner to go at large out of the rules (except by *habeas corpus*, or rule of court, which rule shall not be granted, but by motion made, or petition read in court) every such being out of the rules shall be judged an escape, 8 & 9 W. 3. c. 27. s. 1.

41. Every person obtaining judgment in any action of escape against the marshal or warden, or their deputies, shall have not only the remedies already by law allowed, but the judges of the courts where such judgment shall be obtained (on oath made by the persons obtaining such judgment, that it was obtained without fraud or covin, and that the debt of the prisoner making such escape, was a real debt and unsatisfied) shall, on motion, sequester the profits of the office of marshal and warden, or so much thereof as they think fit, and apply the same towards satisfaction of the debt due from the prisoner who escaped, together with all costs and damages recovered, *id.* s. 2. [See s. 11. *infra*, pl. 49.]

42. If the marshal or warden, or their deputies, sue forth any writ of error in any action of escape, they shall put in special bail, *id.* s. 3.

43. Every marshal, warden, or keeper of any other prison, who shall take any reward or security to commit or permit any escape, and is convicted, shall forfeit 300*l.* and his office, and be for ever disabled from holding any such office, *id.* s. 4.

44. But this act shall not avoid securities given by any prisoners for their lodging without the prisons within the rules, so as they be not taken for the enlargement beyond the rules, *id.* s. 5.

45. No retaking on fresh pursuit shall be given in evidence on the trial of any issue in any action of escape against the marshal or warden, or other keeper of any prison, unless specially pleaded; nor shall any

special plea be received, unless oath be made in writing by such marshal, &c. and filed, that the prisoner did, without his consent, privy, or knowledge, make such escape; and if such affidavit appears to be false, and the marshal, &c. be convicted thereof, he shall forfeit 500*l.*, 8 *§* 9 *W. 3. c. 27. s. 6.*

46. If any prisoner committed in execution to any of the prisons, shall escape, the creditors, at whose suit such prisoner was charged in execution, may retake him by any new *capias* or *ca. sa.*, or sue forth any other kind of execution, as if his body had never been in execution, *id. s. 7.*

47. If the marshal, &c. or keeper of any prison, shall, after one day's notice in writing, refuse to show any prisoner in execution, to the creditor at whose suit he was charged, or his attorney, such refusal shall be judged an escape, *id. s. 8.*

48. If any person desiring to charge any person with any action or execution, shall desire to be informed by the marshal or other keeper of any prison, whether such person be a prisoner in his custody or not, the said marshal, &c. shall give a note thereof to the person requesting, or his attorney, on demand at his office, or in default shall forfeit 50*l.*; and if he give a note that such person is an actual prisoner in his custody, the same shall be sufficient evidence that such person was then a prisoner, *id. s. 9.*

49. The profits and inheritances of the offices of marshal and warden shall be sequestered or extended, to make satisfaction for forfeitures, escapes, and misdemeanors, *id. s. 11. [and see s. 2. pl. 41.]*

50. Any person having cause of action against the warden of the *Fleet*, on bill filed in C. P. or exchequer, and a rule being given to plead, to be out 8 days at most after filing such bill, may sign judgment against the warden, unless he plead within 3 days after such rule is out, *id. s. 12.*

51. Any person having cause of action against such warden for escape of any person in his custody out of the same, may commence his action by filing his bill against him at any time in vacation, in the office of the prothonotaries of C. P., or with the clerk or deputy clerk of the pleas in the exchequer office of pleas, entitling his bill as of the preceding term, a copy of which bill so filed shall, within 24 hours after filing, (unless *Sunday* or a public holiday intervene, and in that case on the day next after such *Sunday*, &c.) be delivered to such warden or his deputy, or to the turnkey or porter of the prison; and such warden shall appear and plead within the first 4 days of the following term, or the plaintiff may sign judgment; and the proper officer, or his deputy, of the court in which such bill is filed, shall, at the time of filing the same, indorse thereon a memorandum of such time of filing, and such warden, turnkey, &c. shall, at receipt of the copy thereof, indorse thereon a memorandum of the time of such receipt, 59 *G. 3. c. 64.*

52. Any person having cause of action against any prisoner in the *Fleet*, may, after filing or entering a declaration, deliver a copy to such defendant in any personal action, or to the turnkey or porter of the *Fleet*, and after rule given to plead, to be out at 8 days at most after delivery of such copy of declaration, and affidavit made of such delivery, may sign judgment against such defendant, as if he had been charged at the bar of C. P. or exchequer, 8 *§* 9 *W. 3. c. 27. s. 13. [but see pl. 24.]*

53. No prisoner shall pay any chamber rent for any chamber within any of the said prisons, for longer than he is in possession thereof, nor above 2*s.* 6*d.* per week for any chamber; and if the marshal or keeper of any other prison demand greater sum, he shall forfeit 20*l.*, *id. s. 14.*

54. The penalties in this act, not particularly disposed of, shall go, one half to H. M., and the other half to him that will sue for the same, *id. s. 16.*

55. This act shall be a general law, and construed most beneficially for preventing the mischiefs provided against. And any person sued for putting in execution any power hereby given, may plead the general issue, and give in evidence this act and the special matter; and if the plaintiff is nonsuited or discontinues, or if verdict or judgment, on demurrer, be given for defendant, he shall have double costs, *id. s. 17.*

56. TO ENABLE JUSTICES OF PEACE TO BUILD AND REPAIR GAOLS in their respective counties, 11 *§* 12 *W. 3. c. 19. [CON. 10 A. c. 14. s. 2., which is MADE PERP. 6 G. 1. c. 19. s. 1., AND. 24 G. 3. S. 2. c. 54., PUBLIC clause, id. s. 25. See as to houses of correction, pl. 102, 103, &c.]*

57. The justices of peace, on presentment of the grand jury at the assize, great sessions, and gaol delivery, of the insufficiency or inconvenience of their gaol, may agree on such sums of money as on examination of workmen are thought necessary for building or repairing a gaol, and by warrant by equal proportion may charge the money on the several hundreds or other divisions of the county; and at the quarter sessions held for the respective divisions, may direct their warrants to high or petty constables, or other officers, for collecting the same, 11 *§* 12 *W. 3. c. 19. s. 1.*

58. If any person neglects to pay his assessment 4 days after demand, or convey away his goods or estate, whereby the money cannot be levied, the collectors may, by warrants from any one justice present at the said quarter sessions, levy the sum assessed by distress and sale of goods, and the distress keep 4 days; and if he do not pay the money, then the distress shall be appraised by 2 persons, and sold by the collector; and the justices may appoint a receiver of the money, giving security to account

for all money received or disbursed in pursuance of such order of justices: and if the receiver, constable, or other officers shall, 4 days after demand, refuse to account for all money received by them, the justices may commit them to prison till they have made account or paid such money; and the discharge of the justices of peace at the assize, great sessions, and gaol delivery, to their receivers, shall be sufficient; and they are empowered to contract for the building or repairing of the gaols, 11 *§* 12 *W. 3. c. 19. s. 2.*

59. All murderers and felons shall be imprisoned in the common gaol only, and the sheriff shall have the keeping of the gaols, *id. s. 3.*

60. This act shall not prejudice any person having any common gaol by inheritance, for life, or years, *id. s. 4.*

61. This act shall not charge any person inhabiting in any liberty, city, or borough corporate, which have common gaols for felons, and commissions of assize, or gaol delivery of such felons, for any assessment to making the gaol of the county, *id. s. 5.*

62. If any action be commenced against any person for what he shall do in pursuance of this act, he may plead the general issue *not guilty*, giving this act and the special matter in evidence; and if the plaintiff become nonsuit, discontinue, or has a verdict against him, the defendant shall recover treble costs, *id. s. 6.*

63. Where any prisons belonging to any county of this realm, or *Wa.*, are situate on lands belonging to H. M., the said lands shall not be alienated from the crown, but remain for the public benefit of the county, *id. s. 7.*

64. No officer shall enter into the mansion-house of a peer or peeress to distrain for the duties aforesaid, *id. s. 8.*

65. The justices for every county, riding, division, city, town, or liberty within *Eng.* and *Wa.*, at their general quarter sessions, those there assembled, not being less than 7, or a majority of them, on presentment made by the grand jury, at the assizes, great sessions, or general gaol delivery, held for every such county, &c. of the insufficiency, inconvenience, or want of repair, of any gaol belonging to such county, &c. may contract with any person for the building, rebuilding, finishing, repairing, or enlarging such gaol, and the yards, courts, and outlets thereof, and adding such other buildings, and making such conveniences as shall be adjudged requisite by the justices, at a certain sum; or for erecting any new gaol, upon any site or ground within any distance not exceeding 2 miles from the site of the old gaol, and in that case for selling the old gaol and the site thereof, and land thereto belonging, or any part thereof, and also the materials of the old gaol, for the best price; such contractors giving security for the performance of their contracts, to the clerks of the peace for such county, &c. 24 *G. 3. S. 2. c. 54. s. 1.*

66. The said justices, after such presentment made, shall, at the next general quarter sessions, give notice, 3 times at least, in some public paper circulating in such county, &c. of such presentment made, and of their intention to take it into consideration at the next, or some following general quarter sessions; and after such consideration had, shall give notice in such public paper of their intention of contracting with any person for building, rebuilding, finishing, repairing, or enlarging such gaol, and of every other matter intended to be done in consequence of such presentment; which contract shall be made at the most reasonable rates, and with the most responsible persons; and every contractor shall give security for the performance of his contract to the clerk of the peace; and all contracts when made, and all orders relating thereto, shall be entered in a book to be kept by such clerk, among the records of such county, &c. to be inspected at all seasonable times, by any of the justices or other persons contributing to the rates of such county, &c. without fee, 24 *G. 3. S. 2. c. 54. s. 2.*

67. The justices may build any new gaol, in any part of the county, &c. in case, (in the presentment made of the inconvenience of such old gaol) it is expressly presented, that the place wherein the old gaol is situate is improper, and that it ought to be removed to some other part of the county, &c.; and in case 3-4ths in number of the justices, at 2 successive quarter-sessions (notice having been given 3 times in some public newspaper, of the time of the holding, and of the place to which such gaol is to be removed), shall approve of such removal, but not otherwise, *id. s. 5.*

68. The justices, as well in the choice of the ground, as in determining on the plans for building, rebuilding, enlarging, or altering such gaols, and the yards thereof, shall, as far as may be, pursue such measures and plans as shall provide separate places of confinement, and dry and airy cells, in which the prisoners may be confined, as well by day as by night: prisoners convicted of felony; those committed on charge or suspicion of felony; those committed for, or adjudged guilty of, misdemeanors only; and debtors, the males of each class to be separated from the females; and a separate place of confinement to be provided for such prisoners as are intended to be examined as witnesses on behalf of any prosecution of any indictment for felony; and separate infirmaries or sick wards, for the men and the women; and a chapel, and convenient warm and cold baths, or bathing tubs, for the use of the prisoners, as directed by 14 *G. 3. c. 59. s. 1. pl. 180., [and see 31 G. 3. c. 46.]*

s. 11. *post*, *pl.* 198.] and care shall be taken that the prisoners shall not be kept in any apartments under ground, 24 G. 3. S. 2. c. 54. s. 4.

69. The justices (after presentment made) shall have full power to purchase any houses, buildings, lands, tenements, hereditaments, ways, waters, and water-courses, for building, enlarging, and accommodating such gaols; and to direct the houses, &c. so purchased, to be conveyed to what person they think fit, in trust for the purposes aforesaid; and such houses, &c. when inclosed and added thereto, shall be deemed part of such gaols, and county, &c. where such gaol is situated, *id.* s. 5.

70. Whenever the justices, in their said general quarter-sessions, shall deem it necessary, that the felons, debtors, and other prisoners, shall be removed, either for repairing their old gaol, or using the materials thereof in building a new gaol, on giving notice to the sheriff of such county, he may remove such felons, debtors, and other prisoners, to the house of correction belonging to such county, &c., or such other place or places of confinement as the said justices, with the consent of the sheriff, shall approve of, and confine them there during the time such new gaol shall be building, or old gaol repairing or enlarging; and when such gaol shall be made fit for the reception of such prisoners, then he may remove thither all such prisoners then in his custody; the expence of which removal, and on account of the safe custody of such prisoners, shall be paid by such county, &c.; and such removal shall not be deemed an escape: provided nothing herein shall discharge the sheriff or gaoler from being answerable for the actual escape of any prisoner, *id.* s. 6.

71. The justices in their general quarter-sessions, shall nominate one or more justices, to visit and superintend the gaols, and from time to time report the state thereof to the general quarter-sessions, which, on such report, may order any sum, not exceeding 200*l.* in one year, to be laid out on the repair of such gaols, as they shall deem requisite (notwithstanding such want of repair be not presented by the grand jury as aforesaid); and if it happen that the said gaols, by any breach made in the same, from attempts of prisoners to escape, or other casualties, shall be rendered unsafe for the custody of prisoners, between the holding the general quarter-sessions, one justice may order the damages to be immediately repaired as far as is necessary for their safe custody; and shall report the same to the next general quarter-sessions, which shall order the payment of the money expended in such reparation, *id.* s. 7.

72. Where such gaols are repaired at the expence of the county, &c. to which they belong, the justices, at their general quarter-sessions, may cause such money to be raised as directed by 12 G. 2. c. 29., and 15 G. 2. c. 18. s. 7., [see COUNTY RATE.] *id.* s. 8.

73. When it appears that the amount of any estimate, approved by the justices, for building, rebuilding, enlarging, or removing and fitting up any gaol, under this act, exceeds one half of the ordinary annual assessment for the county rate, taken in a proportion thereof for the last 5 years, then the quarter-sessions may borrow on mortgage of the rates, by instruments in the form contained in the schedule, or to that effect, sums not less than 50*l.* nor exceeding 100*l.* each, at legal or lower interest, as to the major part (being not less than 5) shall appear necessary; and may secure the same on the credit of the county rates; and shall treat with any person for the loan of any money, and by order confirm such agreement; which agreement established by such order, and signed by the chairman, and 2 justices present at the making of it, shall be effectual for securing to the person advancing any money, all such money, with interest for the same, on the terms in such agreement stipulated; and copies of all such agreements or securities shall be kept with the clerk of the peace, or other officer having custody of the records of the quarter-sessions; and every person to whom such security is made, or who shall be entitled to the money thereby secured, may (by indorsing his name on the back of such security) transfer the same to any person, and such assignee may transfer the same again, and so *toties quoties*; and the persons to whom such securities or such assignment thereof shall be made, shall be creditors on the rates in an equal degree, without any priority, *id.* s. 9.

FORM of mortgage and charge on the county rates for securing the money borrowed. (See s. 9.)

“ We, A. B. one of H. M.’s justices of the peace and chairman of the court of quarter sessions of the peace for the county, &c. of — [as the case shall be], holden at — the — day of — C. D. and E. F. esquires, 2 other of H. M.’s justices of the peace acting for the said county, &c. and assembled in the said court in pursuance of the powers to us given by an act passed in the 24th year of the reign of H. M. K. G. the 3d, intituled “ An act to explain and amend an act made in the 11th and 12th years of the reign of K. H. the 3d, intituled ‘ An act to enable justices of peace to build and repair gaols in their respective counties,’ and for other purposes therein mentioned;” do hereby, in open court, mortgage and charge all the rates to be raised within the said county, &c. [as the case is] under the description of county rates, by the laws now in being, with the payment of the sum of — which G. H. of — hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the expences of building, repairing, &c. [as the case shall be] the gaol for the said county, &c.; and we do hereby confirm and establish the same unto the said G. H. his executors, administrators, and assigns, for securing the repayment of the said

sum of — and interest for the same, after the rate of — per cent. per ann., and do order the treasurer for such county, &c. or other person [as the case shall be], to pay the interest of the said sum of — *l.* half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the directions of the said act.”

74. The said justices shall not only charge the rates to be raised on such county, with the interest of the money so borrowed, but also with payment of a further sum, equal at least to the interest of such securities; which sums shall be assessed on such county, &c. in manner as county rates are assessed and paid, under direction of the said justices, in discharge of the interest, and of so many of the principal sums on the said securities as such money will extend to discharge in each year, till the principal and the interest thereof is fully paid; and the said justices shall fix one or more days in each year, on which such payment shall be made, and shall make orders for assessments, to provide for the regular payment thereof; and shall appoint a proper person to keep an account of all the receipts and payments under this act, in a book separate from all other accounts, and adjust the same so as to show what interest is growing due, what principal money discharged, and what remains due; and such books, so settled, shall deliver into court at every general or quarter-sessions; and the said justices, at such sessions, shall carefully inspect all such accounts, and make orders for carrying this act into execution; and if at any time it appears to them that the person appointed has neglected the order, and has not duly applied the money in hand, he shall forfeit double the money not applied; and they shall direct in what order such securities shall be discharged, by drawing lots, or otherwise, first discharging all securities which bear the highest interest, 24 G. 3. S. 2. c. 54. s. 10.

75. The justices in quarter-sessions shall make provision, by means of the rates and by their orders, in such manner, that the whole money borrowed under this act shall be fully paid within a time to be limited, not exceeding 14 years from the time of borrowing the same, *id.* s. 11.

76. All bodies politic and corporate, and all guardians, committees, husbands, trustees, and attornies, of any person being infants, lunatics, idiots, under coverture, or other disability, and all other persons may contract for, and sell, convey, and assure houses, buildings, lands, tenements, hereditaments, easements, and privileges, unto persons named by the justices, in trust, and for the purpose of erecting new gaols, &c.; all which contracts, &c. shall be valid, *id.* s. 12.

77. All money agreed to be paid to any corporation, &c. as in s. 12. whose houses, &c. as in s. 12. shall be limited as in strict settlement, for the purchase of such lands, &c. shall, if it exceed 100*l.* be laid out by such corporations, &c. as soon as may be, in the purchase of lands, &c. in fee simple, to be conveyed to or to the use of such corporations, &c. for such estate, and on such uses, &c. as the houses, &c. in respect whereof such purchase-money shall be paid as aforesaid, are limited, &c.; the charges of such conveyances and settlements to be paid like other gaol expences, and till such purchase made, such money, whether it exceed 100*l.* or not, shall be laid out by such corporations, &c. in some government securities, in the names of two persons, one to be nominated by the party interested therein, and the other by the justices; and the interest arising therefrom shall be paid to the person who would have been entitled to the rents and profits of such lands, &c. if the same had not been sold, 24 G. 3. S. 2. c. 54. s. 13.

78. If such corporations, &c., as in s. 12. *pl.* 82., or persons interested in such houses, &c., as in s. 12., deemed necessary for the purposes of this act, on notice in writing to them given, or left at the houses of abode of such persons, or of the principal officer of such corporation, shall, for 21 days after such notice, neglect, or refuse to treat, or to accept the price, offered by the justices or their agent, or shall otherwise not agree for the sale of such houses, &c., or if by absence or incapacity they are prevented from treating for such sale, then the justices at general or quarter sessions, or two of them appointed for that purpose, shall cause the value of such houses, &c. to be ascertained by a jury of indifferent men of the county, &c., and to that end shall summon before them, and examine on oath, administered by one of them, any persons soever; and shall, by ordering a view or otherwise, use all ways for their own and the jury’s information in the premises; and when such jury has ascertained the value of such houses, &c., shall thereupon order that the value of such houses, &c. shall be paid as before directed, touching the money to be paid for such houses, &c., whereof the person interested shall contract in manner aforesaid; which verdict and order shall be filed of record by the clerk of the peace or officer having custody of the records, and shall be conclusive against all parties soever, *id.* s. 14.

79. Such justices, or 2 of them, may issue warrants to the sheriff or bailiff of any county, or precinct, within which the houses, &c. are situate, requiring him to return a jury of 24 persons, qualified to serve on juries, to appear before them at a certain time, and such sheriff, &c. shall impaunel, summon, and return such persons, and out of those returned, or out of such as appear on such summons, the justices, or 2 of them, shall draw by ballot, and swear, or cause to be sworn, 12 men, who shall be the jury for the purposes aforesaid; and in default of a sufficient number returned,

a *tales* to make up 12; and all persons concerned shall have lawful challenges against any of the jurymen when they come to be sworn: and the justices, or 2 of them, may fine such sheriff, bailiff, or his deputy, defaulting in the premises, and any of the persons summoned and returned on such jury, who shall not appear, or appearing, shall refuse to be sworn on the jury, or being sworn, refuse to give, or shall not give a verdict, or in any other manner wilfully neglect his duty, and also on any person who, being summoned to give evidence before the jury, shall not appear, or appearing, shall refuse to be sworn or give evidence, so that no such fine be more than 10*l.* nor less than 20*s.* on one person, 24 G. 3. S. 2. c. 54. s. 15.

80. In case any jury shall give in a verdict for more money, as the value of such houses, &c. than has been offered for the purchase thereof by the justices, or their agent, the costs of summoning and maintaining the jury and witnesses shall be paid out of the same fund as the expences of the buildings; but if for no more, or for less money, than that offered, then the above costs shall be paid by the person with whom such controversy shall arise, *id.* s. 16.

81. Upon payment of the money ordered to be paid for the purchase of such houses, &c., or (on refusal or inability to receive the same) leaving the same in the hands of such person as the justices in quarter sessions shall appoint, for the use of the party entitled thereto; or in case of the said party not being to be found, then, on notice to be published in some paper circulating in the said county, &c. where such gaol is to be built or enlarged, of the payment of such purchase-money, the houses, &c., as in s. 12. *pl.* 76., so purchased, shall vest in the person authorised to take the same by this act; and the justices, or two of them, their workmen, or agents, may take possession of such houses, &c.; and thereupon all prior owners or occupiers thereof shall be divested of all right thereto, *id.* s. 17.

82. "As in several counties in *Eng.* there are several commissions of justices for several ridings into which they are divided, and several courts of sessions are holden for each riding, and in such counties there are not any courts of general or quarter sessions;" therefore in such counties, the justices for such ridings, at the next general quarter sessions, after such presentment of the gaol, may appoint 3 justices for the riding for which such general quarter sessions shall be holden, which justices, so appointed by each of such ridings, shall, within one month after such appointment (due notice thereof having been previously given to them by the clerk of the peace) meet at the gaol so presented; and such justices, or the majority of them there assembled, (not being less than 5,) shall hold a special sessions at the gaol, for receiving plans, and contracting for building, rebuilding, repairing, enlarging, or altering the same, and the yards, &c. thereto belonging, subject to the regulations before provided for counties not so divided; and shall make their report to the general quarter sessions of such ridings, of the several plans, estimates, and contracts made and entered into as aforesaid, and also a report of the money necessary to be raised on each riding, as their quota of the expence to be incurred on the accounts aforesaid; which money shall be raised on each riding as county rates are now raised, *id.* s. 18.

83. No justice who shall, under this act, do any matter in execution thereof, shall be capable of having any beneficial interest or concern, either in his own name, or in that of any other in trust for him, in any contract made under this act, or shall, for any design or plan he may deliver or produce, receive any benefit whatsoever, *id.* s. 19.

84. "As preventing gaolers from selling liquors or deriving any profit from the sale of liquors, may prevent drunkenness in gaols, &c., and it may be proper to give authority to the justices in sessions, to allow salaries to gaolers in lieu of the profits now derived from the sale of liquors," therefore the justices within *Eng.* or *Wa.*, at the general quarter sessions, may appoint salaries or allowances to gaolers and their assistants, in lieu of the profits derived from the sale of liquors, and vary the same as to them seems meet; and may order the same to be paid out of the county rate, by the treasurer of such county, on certificate, signed by the chairman of such quarter sessions, specifying the salaries directed to be paid, *id.* s. 20.

85. No chairman of any quarter sessions shall sign such certificate, unless such salaries have been settled at some general quarter sessions, or adjournment thereof, and notice given 14 days at least before such general quarter sessions, or adjournment, by two advertisements inserted in some county newspaper, of an intended application for granting them; such advertisements being signed by the clerk of the peace, or his deputy, *id.* s. 21.

85. No gaoler, or person employed by such gaoler, shall suffer tippling or gaming in such prison, or shall sell, or permit to be sold, or be capable of being licensed to sell, any wine, beer, ale, or other liquors; or have any beneficial interest or concern in the sale of any liquors of any kind, or in any tap-house, tap-room, or tap, under the penalty of 10*l.* for every offence, to be recovered by distress and sale of the offender's goods, by warrant under the hands and seals of 2 justices, (which they shall grant,) on the party's confession, or on information

of any witness on oath; and the said penalty, after charges of recovery deducted, shall be paid, one moiety to the informer, and the other to the use of the prisoners confined in such gaol; and in case sufficient distress cannot be found, such justices may commit the offenders to the house of correction, for not exceeding 3 months, unless such penalty and charges are sooner paid, 24 G. 3. S. 2. c. 54. s. 22.

86. All justices before whom any person shall be convicted of any offence against this act, shall cause the conviction to be drawn up in the following form, *id.* s. 23.

'County, } Be it remembered, that on the — day of — in the — year of the &c. of — } reign of H. M. — A. B. is convicted before — of H. M.'s justices of the peace for the said county, or riding, division, city, town, liberty, or precinct [as the case shall be], by virtue of an act of parliament made in the 24th year of the reign of H. M. K. G. the 3d, intituled [here set forth the title of the act, specify the offence, and when and where committed] Given under our hands and seals, the day and year aforesaid.'

87. Actions for any thing done in pursuance hereof shall be brought within 6 months, and laid in the county where the cause shall arise, and the defendant may plead the general issue, and if the plaintiff is nonsuit, or discontinues after appearance, or if he has a verdict or judgment against him on demurrer or otherwise, defendant shall have treble costs, *id.* s. 24.

88. FOR BETTER PREVENTING ESCAPES OUT OF THE K. B. and Fleet prisons, 1 A. S. 2. c. 6. [ENF. 5 A. c. 9. GENERAL law, and PUBLIC act, s. 5.]

89. If any person committed to the custody of the marshal of K. B., or to the prison of the Fleet, either in execution, or on mesne process, or on any contempt in not performing any order or decree, by any of H. M.'s courts at Westminster, shall, before making payment or satisfaction to the plaintiff or creditors, or having cleared himself of such contempts, escape from the custody of the marshal, or from the prison of the Fleet, or go at large; then on oath made before any judge of that court where such action was entered, or where the party was committed, such judge may grant to any person warrants, (such warrants being in force in all places in *Eng.*, *Wa.*, and *Ber.*) reciting the actions, executions, or contempts, with which such person escaping stood charged, at the suit of any person on whose behalf such warrants shall be demanded, directed to all sheriffs, mayors, bailiffs, constables, headboroughs, and tithingmen, commanding them in their respective counties and precincts, to seize and retake such person escaped, and him to convey to the common gaol of county where retaken, there to remain till the judgments on which such executions were sued shall be reversed, or till judgment in such actions be given for such person, or till the contempts for which such persons were committed are cleared; except he be charged with treason, felony, or other matter on behalf of H. M.: and if he, for any such cause, is removed to any other gaol, he shall be in custody there, charged with all the causes with which he shall be charged in the gaol from whence he is removed. And every mayor or other officer, after delivery of such prisoner, together with such warrant to the sheriff, shall take a note from such sheriff, testifying the receipt of such prisoner; and the sheriff, after the execution of such warrant, shall make a return thereof to the court where the action shall be depending, or judgment or decree obtained, which shall be filed, 1 A. S. 2. c. 6. s. 1.

90. If any person so retaken shall escape out of the gaol to which he shall be so conveyed, the sheriff shall be liable, as in case of any other escape, *id.* s. 2.

91. Any persons being bail in the courts at Westminster, for any person retaken by such warrant, may prosecute out of such courts where they shall be bail, a writ to the sheriff where such prisoner is committed, commanding such sheriff to detain him in custody in discharge of his bail; which writ, with an account whether he hath the prisoner in his custody, shall be returned at a day therein mentioned. And the delivery of such writ to the sheriff shall be a render of such prisoner in discharge of the bail. And in case such sheriff, or his officer, suffer the person to escape, he shall be liable to such action as the marshal of K. B. or warden of the Fleet are, *id.* s. 3.

92. All sheriffs, on request of such bail, who shall deliver such writ for detaining such prisoner, and for the usual fees of return, shall return the receipt of such writ, and the time, and whether the person was in custody, and in default thereof, shall forfeit 50*l.*; and on producing such return, such court shall cause a *reddidit se* to be entered upon the bail-piece, *id.* s. 4.

93. This act shall be a general law, and shall be construed most beneficially for preventing the mischiefs provided against; and any person sued for putting in execution any power given by this act, may plead the general issue, giving in evidence the special matter; and if the plaintiff be nonsuit, or discontinue, or if verdict or judgment be given on demurrer for defendant, he shall have treble costs, *id.* s. 5.

94. All persons taken by virtue of 1 A. S. 2. c. 6. shall, instead of being committed to the common gaol of the county, be committed to the prison where the sheriff keeps the debtors, to remain in custody of the sheriff, subject to the same rules as if they had been committed to

the common gaol of the county; and if any person so committed shall escape, the sheriff shall be answerable as in case of any other escape, 5 & 6 A. c. 9. s. 1.

95. The judges may grant like warrants on oath, in writing, made before any commissioner for taking affidavits in the country (the oath being filed), as on like oath made before himself, *id.* s. 2.

96. It shall be lawful to take upon the Lord's day any person by virtue of any warrant granted in pursuance of this or the former act, *id.* s. 3.

97. If any person is in custody of any sheriff or other officer for not performing any decree in chancery, or exchequer, whereby money is decreed to be paid, and escapes, the person to whom the money was to be paid shall have the same remedy against the sheriff as if such person had been in custody on execution, and shall recover the money decreed, against such sheriff, or other officer, with costs, in any action of debt or on the case in the courts at Westminster, with but one imparlance allowed, *id.* s. 4.

98. THERE SHALL BE BUT ONE RATE MADE BY THE JUSTICES OF MIDDLESEX on the county, city, and liberty of Westminster, for the purposes in ss. 1—14. [COUNTY RATE, *pl.* 1.] and for repair of the New Prison in Middlesex, 12 G. 2. c. 29. s. 15.

99. The justices for Westminster, in general or quarter sessions, may appoint the master of the house of correction within such city, who shall have the sum yearly accustomed for support of the prisoners in his custody who are sick or unable to work (not exceeding the present allowance of 50*l.* *per ann.*), and shall direct the repairs and management thereof, as heretofore done; and the treasurers of such rates in Middlesex and Westminster shall obey all orders made by the justices of such city, &c. at their sessions, for payment of any money for the allowance allotted to such master, and the repairs of such house of correction, which orders shall be sufficient discharges to such treasurers, *id.* s. 16.

100. So much of 14 El. c. 5. as relates to the method of taxing parishes for relief of prisoners, and so much of 43 El. c. 2. as relates to the method of raising money for the K. B. and Marshalsea prisons, hospital, and alms houses, and so much of 19 C. 2. c. 4. as relates to the method of rating parishes for providing materials for setting poor prisoners on work, shall be REPEALED, *id.* s. 22.

101. Materials for setting poor prisoners on work shall be paid out of the monies arising by this act, [*viz.* ss. 1—14. 17—21. COUNTY RATE, *pl.* 1., &c.], *id.* s. 23. [REP. 53 G. 3. c. 113. s. 1. *infra*, 220.]

102. FOR REPAIRING, ENLARGING, ERECTING, AND PROVIDING HOUSES OF CORRECTION, 14 G. 2. c. 33. s. 2. [See s. 1. *tit.* BRIDGES, *pl.* 29., and s. 3. *tit.* VAGRANT. AMD. 17 G. 2. c. 5. ss. 30, 31., and s. 33. in part. See *as to* gaols, *pl.* 56.]

103. FOR AMENDING and rendering more effectual the laws in being relative to houses of correction, 22 G. 3. c. 64. [AMD. 24 G. 3. S. 2. c. 55.; (and see 31 G. 3. c. 46. *infra*, *pl.* 187, &c., 7 J. 1. c. 4., VAGRANT), and 17 G. 2. c. 5. s. 30. are REPEALED and CONFIRMED in 24 G. 3. c. 64. s. 1., which as well as s. 2. are now EXPIRED.]

104. The justices for any county, city, or division, at their general or quarter sessions, or a majority of them, where there are no assizes, great session, or general gaol delivery held upon presentment of the grand jury to them in such sessions, may repair or enlarge any house of correction already built, or purchase others, or land to erect the same upon, and make a convenient outlet or back side thereto, as if such presentment had been made at the assizes, &c., as by 13 G. 2. c. 24. [REP. 17 G. 2. c. 5. s. 34.] directed, 14 G. 2. c. 33. s. 2.

105. Upon presentment of the grand jury, at the assizes, great session, or general gaol delivery, held for any county or liberty, that there is no house of correction, and that it will be necessary to provide one or more such houses in any such county, or in any division therein, or that the houses of correction already provided therein, are not sufficient, or convenient, or want to be enlarged, the justices of any county or division, assembled in general quarter sessions, may build or enlarge one or more fit houses of correction, or buy or hire houses for that purpose, with a convenient back side or outlet adjoining, or may purchase land and erect the same on part thereof, laying out the rest for such outlet, according to the true intent of the presentment; and such sessions may agree on raising such sums of money, as on examination of able workmen is necessary for these purposes; and if necessary any house or land shall be purchased and conveyed to such person as the sessions shall think fit, in trust for the above purposes, 17 G. 2. c. 5. s. 30.

106. Such sessions shall take care that the houses of correction within their limits, except those erected by a particular founder, shall be duly fitted up, and supplied with sufficient implements, materials, and furniture, for keeping, relieving, setting to work, and correcting all idle and disorderly persons, rogues, vagabonds, and incorrigible rogues, and others who shall be sent there; and two justices within their respective hundreds where any such house shall be, or any two justices appointed by the general or quarter sessions, shall visit the same twice

or oftener in each year, and examine into the management thereof, and report the same to such sessions, that if any thing is done amiss, the same may by order of sessions be amended; which sessions shall have like authority over houses built under as before this act; and if the governor or master thereof shall not set or keep such idle and disorderly persons, &c. to hard labour, and correct them according to the warrants of committal, or shall otherwise misbehave themselves, or neglect their duty, the sessions may fine them, as they may fine such governors, &c., under 7 J. 1. c. 4. [VAGRANT], which fines shall be paid to the county, &c. treasurer, and be part of the county stock; and the sessions may appoint and remove such governors, &c., and make orders, if necessary, for the better governing of such houses, and for employing and relieving the persons therein, or for sending them from thence according to this act, which orders shall not be removed by *certiorari*; and in case any person removed by order of sessions neglects to leave such house of correction within 10 days, after notice in writing given by the clerk of the peace, two justices for the same county, (on producing such order or an attested copy thereof, and on oath of one witness of such notice having been given, and of the neglect to quit possession,) may by warrant direct the sheriff to remove him out of such house, as in the case of a writ of *hab. fac. poss.*, 17 G. 2. c. 5. s. 31.

107. The above expences hereby required, as relating to houses of correction, shall be paid by a county rate, made according to 12 G. 2. c. 29., [COUNTY RATE, *pl.* 1.] *id.* s. 33. [See the rest of this section, *tit.* VAGRANT.]

108. As soon as houses of correction are made, or altered and completed according to s. 1. and 2. of this act [now EXPIRED], the justices at their quarter sessions, shall order them to be fitted up in manner as to them seems fit; and shall also provide mills, looms, utensils, and implements proper for employing the persons committed to them for hard labour: and shall, at every quarter sessions, call upon the keeper to produce a list of the persons then in custody, with a description of the offences, and the time for which each person was committed, distinguishing particularly those directed by the warrant to be kept to hard labour, and also the age and sex of every such person, and in what trade, manufacture, or business he hath been employed, and what he is most accustomed to, and best qualified for, and how each person has behaved during his confinement, according to the best of his information; which list he shall make out, and deliver to the chairman of such quarter sessions, as soon as such court is assembled; which court shall, before the end of that session, give such directions for the future employment of the prisoners as to them seems meet; and shall, from time to time, order a sufficient quantity of materials for manufactures to be provided for the use of the persons committed to such houses of correction for hard labour, of what kinds they think proper; and shall appoint some fit person to be the keeper of such house of correction, as well as a temporary assistant to instruct such prisoners in any business which they think proper to set on foot there, 22 G. 3. c. 64. s. 3.

109. The rules in the schedule shall be observed at every house of correction, subject to the additions made by the justices at their quarter sessions, held next after Midsummer or Michaelmas, and which they shall make at discretion; provided such addition be not contradictory to the rules established by this act: and, for the having them more generally known and attended to, the governors of every house of correction shall cause them to be printed in legible characters, and fixed up in some conspicuous part of every prison, *id.* s. 4.

110. The justices at their quarter sessions, may cause the sums necessary for erecting or repairing houses of correction, and the support of prisoners there, to be raised in the same manner as the county rates, *id.* s. 5.

111. The want of houses of correction, or their insufficiency, may be presented at the quarter sessions by a justice, on his own view or knowledge, as well as by the grand jury, pursuant to 17 G. 2. c. 5. s. 30. *pl.* 162., which presentment by the justice shall be proceeded on in the same manner as if made by the grand jury, *id.* s. 6.

112. The governor of every house of correction may employ all prisoners therein, and kept at the expence of the county, in some work which is not severe, although he was not by the warrant of commitment, ordered to be kept to labour; and shall enter a separate account of the work done by every such person, and shall account with and pay to him one-half of the nett profits by him earned at the time of his discharge, and not before, *id.* s. 7.

113. No governor of any house of correction, or his assistant, shall sell, or be licensed to sell, or have any benefit soever, directly or indirectly, from the sale of any wine, ale, beer, spirituous or other liquors, or other article used in such house of correction, or by any person confined therein during such employment; and every offender therein shall, on complaint upon oath, and conviction for the offence before a magistrate, forfeit 10*l.* and be dismissed from his employment, by order of the justices at the next quarter sessions, on proof on oath before

them of such offence; and no wine, ale, spirituous or other liquors, shall be brought into the house of correction to be drank there, unless for a medical purpose, by a written direction, under the hand of the apothecary or surgeon usually attending there, and the directions of 17 G. 2. c. 5. for the inspection and control by the justices over the governor, shall be enforced, and such governor shall be punished for neglect of duty or misbehaviour, according to that act, 22 G. 3. c. 64. s. 8.

114. The justices in quarter sessions, shall fix a salary for the governor, and moreover allow him some proportion of the profits earned by the prisoners, *id.* s. 9.

115. No woman shall be appointed keeper of any house of correction, *id.* s. 10. and see 31 G. 3. c. 46. s. 16., *infra*, pl. 201.

116. The governor shall have power to put handcuffs or fetters on any prisoner who shall behave in a refractory manner, or shew a disposition to break out of prison; but shall give notice thereof to one of the visiting justices, within 48 hours after, and shall not continue such fettering longer than 6 days, without an order in writing from one of the visiting justices, 22 G. 3. c. 64. s. 11. [see s. 12. pl. 167.]

117. Penalties shall, in default of payment, after due summons and demand made, be levied by distress and sale of the offender's goods, by warrant under the hand and seal of any justice, rendering the overplus, after charges of distress deducted; and in case sufficient distress is not found, then such justice may commit the offender to the common gaol or house of correction for not exceeding 6 months, nor less than one; such penalty being paid to the treasurer of the county, in aid of the common stock, out of which the expences of execution of this act are to be paid, *id.* s. 13.

118. [Rules to be observed and enforced at every house of correction established under authority of 7 J. 1. c. 4., 17 G. 2. c. 5., 22 G. 3. c. 64.]

1. The several persons committed to the house of correction, to be kept to hard labour, shall be employed (unless prevented by ill health) every day during their confinement (except Sundays, Christmas Day, and Good Friday) for so many hours as the day-light in the different seasons of the year will admit, not exceeding twelve hours, being allowed thereout to rest half an hour at breakfast, an hour at dinner, and half an hour at supper, the intervals noticed by ringing of a bell.

2. The governor of each house of correction shall adapt the various employments directed by the justices at quarter sessions to each person in manner best suited to his or her strength and ability, regard being had to age and sex.

3. The males and females shall be employed, and shall also eat and be lodged in separate apartments, and shall have no intercourse or communication with each other.

4. Every person so committed shall be sustained with bread, and any coarse but wholesome food, and water; but persons under care of the physician, surgeon, or apothecary shall be sustained with such food and liquor as he shall direct.

5. The governor, and such other persons (if any) as are employed by the justices to assist, shall be very watchful in seeing that the persons so committed are constantly employed during the hours of work, and if any one is found remiss or negligent in performing what is required to be done by him, to the best of his ability, or shall wilfully waste, spoil, or damage the goods committed to his care, the governor shall punish every such person in the manner hereinafter directed.

6. If any person so committed refuses to obey the orders given by the governor, or is guilty of profane cursing or swearing, or of any indecent behaviour or expression, or of any assault, quarrel, or abusive words to or with any other person, he or she shall be punished for the same in the manner hereafter directed.

7. The governor shall have power to punish the several offenders for the offences hereinbefore described, by closer confinement, and shall enter in a book to be kept by him, for inspection of the justices at quarter sessions, and the visiting justice or justices, the name of every person who shall be so punished by him, expressing the offence, and the duration of the punishment inflicted.]

119. The justices who have omitted to examine into the state of the houses of correction within their jurisdictions as by 22 G. 3. c. 64. ss. 1, 2. now Exp. may examine the same, and fully execute that act at any quarter session holden after its passing, as fully as if they had proceeded therein at the time mentioned in that act, 24 G. 3. S. 2. c. 55. s. 1.

120. Where the amount of any estimate approved by the justices for building, rebuilding, enlarging, and removing and fitting up any house of correction under this act, exceeds one-half of the ordinary annual assessment for the county rate, taken on a proportion of the last 5 years, the quarter sessions may borrow, on mortgage of the rates, by instruments, as in the schedule, *id.* s. 2. [24 G. 3. S. 2. c. 54. s. 9., as to borrowing money for building gaols, *supra*, pl. 73., except the words in brackets at the end, is re-enacted in s. 2.; and 24 G. 3. S. 2. c. 54. ss. 10, 11. pl. 74, 75. as to accounting for interest and final discharge of the money so borrowed, are re-enacted in s. 3. substituting the words "house of correction" for "gaol," throughout. See APPENDIX.]

121. The justices may dispose of old houses of correction, their materials if pulled down, and their sites at the best prices, which shall be

applied to the purposes of this act, and in case of any purchase of land which shall exceed what is necessary to be used, the justices may sell the same, and apply the money for the above purposes, 24 G. 3. S. 2. c. 55. s. 5.

122. Bodies politic, &c. [enumerating as in c. 54. s. 12. pl. 76.] may sell and convey lands, &c. to the persons named by the justices in trust, and for the purpose of erecting new, or enlarging old houses of correction, 24 G. 3. S. 2. c. 55. s. 6.

123. Such purchase money, exceeding 100*l.*, shall be laid out to purchase lands, subject to the same uses; and till such purchases are made, the money shall be laid out in government securities, *id.* s. 7. as in c. 54. s. 13. pl. 77. [ss. 8, 10. direct a jury to be summoned to ascertain the consideration to be paid for such purchase in the same manner as in c. 54. ss. 14, 16. *supra*, pl. 78. and 80.]

124. On payment of the money ordered to be paid for the purchase of such lands, or on refusal or inability to receive it, leaving it in the hands of such persons as the quarter sessions shall appoint, for the use of the party, or in case of their not being found, then, the lands purchased, on notice to be published in some county paper, shall vest in the person authorised to take the same; and the justices, or two of them, their workmen or agents, may enter on and take possession of such lands, *id.* s. 11.

125. Where any justice is, by any act, authorised to convict any person before him, in a summary way, without intervention of a jury he may, if he thinks fit, commit such person so convicted, to the house of correction within his jurisdiction, in lieu of the common gaol, *id.* s. 12. [The schedule of this act is the same as that of c. 54. *supra*, inserting "house of correction," for "gaol." See APPENDIX.]

126. FOR FURTHER PUNISHMENT OF PERSONS WHO SHALL ASSIST prisoners to attempt to escape out of lawful custody, 16 G. 2. c. 31.

127. Every person who shall by any means be assisting any prisoner to attempt to escape from any gaol, though no escape be made, (in case such prisoner was then attainted or convicted of treason, or of any felony except petty larceny; or committed to, or detained in any gaol for treason, or any felony except petty larceny, expressed in the warrant of commitment or detainer) shall, on conviction, be deemed guilty of felony, and transported for 7 years; and in case such prisoner was then convicted of, committed to, or detained in, any gaol for petty larceny, or other crime not being treason or felony, expressed in the warrant as above, or then was in gaol on any process soever, for any debt, damages, costs, sum or sums of money amounting to 100*l.* in all, every such offender shall, on conviction, be deemed guilty of a misdemeanor, and be liable to fine and imprisonment, 16 G. 2. c. 31. s. 1.

128. If any person shall convey, or cause to be conveyed, into any gaol or prison, any disguise, instrument, or arms proper to facilitate the escape of prisoners, and the same shall deliver, or cause to be delivered, to any prisoner or other person there for his use, without privity of the keeper or under-keeper, every such person (though no escape, or attempt to escape, be made, shall be deemed to have delivered such disguise, instrument, or arms, with intent to assist such prisoner to escape, or attempt to escape; and in case the latter then was attainted or convicted of treason or any felony, except petty larceny, or lawfully committed to, or detained in such gaol, for treason or other felony, except petty larceny, expressed in the warrant of commitment or detainer, every such offender shall, on conviction, be deemed guilty of felony, and transported for 7 years; but in case the prisoner to whom, or for whose use such disguise, instrument, or arms were delivered was then convicted, committed, or detained for petty larceny, or other crime not being treason or felony expressed in the warrant of commitment or detainer, or on any process for debt, damages, costs, or sum of money amounting to 100*l.*, every such offender shall, on conviction, be deemed guilty of a misdemeanor, and shall be liable to fine and imprisonment, *id.* s. 2.

129. If any person assist any prisoner to attempt to escape from the custody of any constable, headborough, tythingman, or other officer having charge of him, in order to carry him to gaol, under warrant of commitment for treason, or any felony except petty larceny, expressed therein; or if any person shall assist any felon to attempt to escape from any boat, ship, or vessel carrying felons for transportation, or from the contractor for their transportation, his assigns, or agents, or any other person to whom the felons are lawfully delivered, in order to transportation, such offender shall, on conviction, be deemed guilty of felony, and transported for 7 years, *id.* s. 5.

130. No prosecution for any of the said offences shall be commenced, unless within one year after the offence, *id.* s. 4.

131. If any person ordered for transportation in pursuance of this act, return from transportation, or be at large in G. B. without lawful cause before the expiration of his term, he shall be liable to the same punishment, and like methods of prosecution, trial, and conviction, as other felons transported or ordered for to be transported, *id.* s. 5.

132. FOR BETTER SECURING TO CONSTABLES AND OTHERS THE EX-

pences of conveying offenders to gaol, 27 G. 2. c. 3. ss. 1, 2. 4. [See rest of this act FELONY, *pl.* 79. AMD. 41 G. 3. c. 78. ss. 1, 2.]

133. The 3 J. 1. c. 10. s. 1. *pl.* 20. recited. When any person not having goods or money within the county wherein he is taken, sufficient to bear the charges of himself and of those who convey him, is committed to gaol or house of correction by a justice's warrant, then on application by the constable or officer who conveyed him to any justice for the same county or place [the latter *not in the act*] shall on oath examine into and ascertain the expences to be allowed such officer, and shall, without fee, by warrant, order payment thereof by the treasurer of the county or place, who shall be allowed the same in his accounts, *id.* s. 1.

134. The 5 J. 1. c. 10. s. 2. [viz. that if the offender is unable to bear his charges, the parish shall do it] is repealed, *id.* s. 2. [Except in *Middlesex*, see s. 4. *next pl.*]

135. Nothing herein shall empower any court or justice of peace to make orders on the treasurer of *Middlesex* for payment of the expences of the officer in conveying any person to gaol; but the same (after having been examined on oath and allowed, by the committing justice or justices, for which no fee shall be taken) shall be paid by the overseers of the poor of the parish or place where the offender was apprehended, *id.* s. 4.

136. Two justices of any county or place within *Eng.*, when any person has been appointed a special constable for executing any warrants in a case of felony, may order, by writing under their hands, such allowances to be made to him for his expences, trouble, and loss of time in executing, or endeavouring to execute, such warrant, as shall seem necessary; which orders shall be afterwards submitted, on oath of the special constable, to the consideration of the next general quarter sessions, which may allow or disallow the whole thereof, and shall order the treasurer of such county or place to pay such special constable what sum they think necessary, who shall forthwith pay and be allowed the same in his accounts, 41 G. 3. c. 78. s. 1.

137. Any 2 justices, within their respective jurisdictions, may, by writing under their hands, order such reasonable allowances to be made to any high constable within *Eng.*, for any extraordinary expences by him incurred in execution of his duty, in case of tumult, riot, or felony, which order shall be submitted on the high constable's oath to the quarter sessions, and shall be considered, &c. and allowed as in s. 1., *id.* s. 2.

138. AGAINST THE INTRODUCTION OF SPIRITUOUS LIQUORS into prisons, [This title is framed] 24 G. 2. c. 40. ss. 15—17.

139. No licence shall be granted for retailing spirituous liquors within any gaol, prison, house of correction, workhouse, or house of entertainment for any parish poor; and all licences granted contrary to this provision shall be void; and every gaoler or officer of any gaol or house of correction, or master or officer of any workhouse or parish poor-house, who shall sell, use, lend, or give away, or knowingly permit any such liquors to be sold, &c. therein, or brought into the same (except such liquors as are proscribed or given by direction of a regular physician, surgeon, or apothecary, and to be applied in pursuance thereof, from the shop of the latter), shall forfeit 100*l.*, one moiety to H. M. and the other, with costs, to the party suing in any court at *Westminster*, or in exchequer in *Scot.*, by action of debt, bill, plaint, or information, wherein no essoin, &c. and but one imparlance are allowed; and every such gaoler or officer, a 2d time convicted of such offence, shall forfeit his office, 24 G. 2. c. 40. s. 15.

140. Any justice, on information on oath that any such spirits are kept and disposed of in any such gaol, &c. as in *pl.* 154. in G. B., may enter and search, or, by warrant, authorize any constable or other peace officer of the same parish, to enter and search the same; and any spirits found therein (except those medicinally directed, as in s. 13.) shall be seized, staved, and destroyed by such constable, &c., *id.* s. 14.

141. No person shall bring, or attempt to bring, any spirits (except as medicine, see s. 13.) into any such gaol, &c. as in *pl.* 139., and the gaoler or chief officer thereof, or his servants, may apprehend offenders herein, and carry them before some justice for the county, city, or place where the gaol, &c. is situate (who shall hear and determine such offence in a summary way, administering an oath to the witness); and if, on oath of one witness, or otherwise, he convict the offender, he shall forthwith commit him to prison or house of correction for not exceeding 3 months, unless he immediately pay down not more than 20*l.*, nor less than 10*l.* fine, at discretion of the justice, to go one moiety to the informer, and the other to the use of the poor of such gaol, &c. or workhouse, &c., *id.* s. 15.

142. Every gaoler, &c., and chief officer of every gaol, house of correction, or poor house, shall keep a fair and legible written or printed copy of the 5 above clauses, to be hung up in one of the most public places of his gaol, &c., renewing it when necessary, on penalty of 40*s.* for every wilful default, to be levied by warrant of such justice, (as in s. 15. last *pl.*.) to be granted on conviction thereof before him in a summary way, by oath of one or more credible witnesses: and every justice may enter into every gaol, &c. within his jurisdiction, and demand a sight of the copy so hung up, and if it be not forthwith shown him so hung up,

and fair and legible, shall immediately convict such gaoler, &c. of such default; to go one moiety to the informer, and the other (or the whole if no informer) to the use of the poor of such gaol, &c., or poor-house, &c., 24 G. 2. c. 40. s. 16.

143. All H. M.'s justices within *London*, *Westminster*, and *Southwark*, or within the limits of the head excise-office in *London*, shall once in a month transmit to the clerk of peace of the county where they act, a certificate of all persons convicted before them respectively, for any offences against this or any former statute relating to spirits, or for licensing retailers thereof, who shall enter the same among the public records of the quarter sessions of the counties respectively where such conviction is so certified; which certificates shall be evidence on any information directed by this or other act relating to spirits, *id.* s. 17.

144. FOR REVESTING IN THE CROWN THE POWER OF APPOINTING the marshal of the marshalsea of the court of K. B., and for better regulation of that office, and of the inferior offices thereto belonging, and for rebuilding the K. B. prison, 27 G. 2. c. 17.

145. "After recital of original grant by letters patent, dated 15th May, 14 J. 1., of the office of marshal to Sir W. Smith, his heirs, and assigns, and several mesne conveyances, and a mortgage thereof (24th Feb. 1604) by William Lenthall to Sir John Cutler, for 10,000*l.*, and that on 1st Feb. 1753, there was due for principal and interest thereof, 30,397*l.*, &c.;" it is ENACTED, that out of any supplies granted for 1754, a sum not exceeding 10,500*l.* shall be paid to Thomas Martin and 4 others, their executors, administrators, or assigns, in satisfaction for the debt due to them on the said mortgage of the office of marshal as aforesaid, on their conveying and releasing unto H. M., his heirs, and successors, all their estate and interest in the said office, and debt, *id.* s. 1.

146. Immediately after payment of the said 10,500*l.* the prison of the marshalsea of the court of K. B., and the scite thereof, and the ground and appurtenances thereunto belonging, and the power of granting the custody of the said prison, and the office of marshal of the marshalsea aforesaid, shall be re-vested in H. M., and shall for ever remain unalienable; subject to redemption, and such regulations with regard to the execution of the said office and government of the prison, as are herein-after provided, *id.* s. 2. [Power of redemption given, ss. 3, 4.]

147. "J. A. to have the office of marshal after payment of the said 10,500*l.*" and H. M., his heirs, and successors, after J. A.'s death, resignation, or removal from office (subject to the above proviso for redemption), shall have full power to appoint, by letters patent, or sign manual, such person as H. M. shall think fit, to be marshal of the marshalsea aforesaid, and so from time to time may appoint to such office as often as it becomes vacant; and every person so appointed shall hold the same, and all fees and advantages thereto belonging, for so long as he shall behave himself well in his said office, and be resident in the said prison, or within the rules thereof: and all grants of the said office shall be made accordingly, or otherwise shall be void, *id.* s. 3.

148. The marshal aforesaid, and all officers belonging to that office, and the prisoners committed to the prison aforesaid, shall be governed by the rules made in pursuance of 2 G. 2. c. 22. [now *semble* *EXP.*, but its substance re-enacted, 32 G. 2. c. 28. *infra*, *pl.* 155, 156.] and shall take such fees only as have been or shall be settled in pursuance of that act, *id.* s. 6.

149. After payment of the said sum, the marshal shall have the nomination of all such inferior officers as have usually belonged to the office, and they shall hold their offices for so long as they shall respectively behave themselves well therein, and all grants of the said inferior offices shall be made accordingly, or otherwise be void, *id.* s. 7.

150. As well the marshal aforesaid, as the inferior officers, to be nominated in pursuance of this act, shall be liable to be removed by rule of the court of K. B., in case of any such non-residence or other neglect of duty, or any such misbehaviour as K. B. shall think sufficient cause for such removal, on complaint by motion or petition in a summary way, *id.* s. 8.

151. If any person after payment of the said 10,500*l.* shall bargain or sell the said office of marshal, or any inferior office thereto belonging, or any deputation of such office, or any part of them, or take any money or profit directly or indirectly, or any promise, covenant, or assurance to receive any money or profit, &c. for any such office, &c., or to the intent that any person should have any such office, &c., every such person who shall so bargain, &c. shall forfeit all his right, interest, and estate in any of the said offices, &c., or in the gift or nomination of any of the said offices, &c. for which he shall so bargain, &c.; and every person who shall give any money or reward, or make any promise or assurance to give any money, &c. for any of the said offices, &c., shall immediately upon the same money, &c. being given, or promise, &c. made, be disabled to have the said office, *id.* s. 9.

152. Out of any supplies granted for 1754, shall be applied not exceeding 7,800*l.* for rebuilding the prison of the marshalsea of the court of K. B. in such manner, and at such place, within the rules of the said prison, as the commissioners of the treasury, or any three of them, shall direct by writing under their hands, *id.* s. 15.

153. Bodies politic, trustees, mortgagees, and feoffees in trust, guardians of infants, and committees of lunatics and idiots, executors, and administrators, femes covert, and all other persons interested in any lands within the rules of the said prison, may sell the same to such persons as the treasury shall appoint to contract for the purchase thereof, to be conveyed to H. M., his heirs, and successors, by deed inrolled in the K. B. And every sum of money paid to the use of any such body politic, or other person aforesaid, for the purchase aforesaid, shall be laid out in the purchase of other lands to be settled and subject to such titles, uses, trusts, &c. as the lands sold; and until so re-invested in lands, shall be laid out in the purchase of stocks, in some of the public funds, or placed out on government or real securities at interest, such interest being paid to the use of such person as would have been entitled to the rents of the lands sold, 27 G. 2. c. 17. s. 16.

154. When such prison shall be rebuilt, the marshal for the time being, shall, at his own costs, out of the profits of his office, keep in repair the same, and all the appurtenances; and the same shall remain unalienably vested in H. M. for ever, *id.* s. 17.

155. FOR REGULATION OF PRISONS, (*this title is framed*), 32 G. 2. c. 28. ss. 5—12. [see ss. 1—4. ARREST, *pl.* 72, &c.; 13—25. INSOLVENT DEBTOR, *pl.* 1, &c.]

156. The chief justice of K. B. and C. P., and chief baron of exchequer, or any two of them, with mayor and 2 aldermen, or with 3 aldermen of London without the mayor, for the prisons within London; and such chief justices and chief baron, or any two of them, with 3 justices of peace of Middlesex and Surrey respectively for prisons in those counties; shall with all convenient speed, meet from time to time, at such place as they think fit, and settle a table of fees to be taken by any gaoler in London, Middlesex, and Surrey, where not already established; and where established, they shall meet and vary same from time to time as they see occasion: and the justices of peace of every other county and place, for the prisons in each county, &c. shall at any general or quarter session of peace with all convenient speed, settle a table of fees to be taken by any gaoler within their respective jurisdictions, where same hath not been already settled [*but all fees are abolished*, 55 G. 3. c. 50. s. 1.]; and where the same hath been settled, shall alter same from time to time as there shall be occasion; and tables of such fees so made or altered for the several prisons within London, Middlesex, and Surrey, shall be signed by such chief justices and chief baron, or 2 of them, and the mayor and 2 aldermen of London, or by 3 aldermen without the mayor, and by 3 justices of Middlesex and Surrey respectively; and tables of such fees made or altered for the rest of the prisons shall be signed by 3 or more justices of peace, who make or alter same at any general or quarter session of the peace, and shall afterwards be confirmed or moderated, within Eng. by justices of assize; within Wa. or the county palatine of Chester, by the justices of great sessions respectively, at the next assizes or great sessions held, in the respective counties within their several circuits, next after making or altering such table of fees; and same shall be afterwards signed by the respective judges of assize or justices of great sessions, who confirm or moderate the same, and 3 or more justices of peace of such county, &c. for prisons within their respective circuits, counties, or jurisdictions, 32 G. 2. c. 28. s. 5.

578. Rules for better government of prisons in Eng. and of the prisoners therein, where such rules have not already been made, shall with all convenient speed be made by the several courts in Westminster-hall, for the several prisons belonging to such courts; and by the chief justices and chief baron, or 2 of them, with the mayor and 2 aldermen of London, or 3 or more aldermen without the mayor, for the prisons within London; and by the chief justices and chief baron, or 2 of them, with 3 or more justices of peace, for the prisons in Middlesex and Surrey; and by 3 or more justices of peace of each county, &c. for prisons within their respective counties, &c. at some general or quarter sessions; and the same shall afterwards be reviewed, and may be altered if necessary, by the judge or judges of assize, or justice or justices of great sessions respectively, at the next assizes or great sessions within their several circuits, after making or altering such rules; and where any rules, &c. for regulating prisons had been or shall be made, the same may at all times hereafter be altered by the respective courts in Westminster-hall, and other persons authorized by this act to make same; and after every making or altering, all such rules so altered shall be signed by judges of respective courts in Westminster-hall, for prisons and prisoners belonging to such court; and in respect to the other prisons or prisoners by the respective persons authorized to make, &c. such rules, &c. And duplicates of every such table of fees made or altered, and of all rules, &c. for regulating any prison in pursuance of this act, belonging to courts in Westminster-hall, shall be inrolled on record in every such court by proper officer without fee: and a like duplicate of every such table of fees or rules, &c. so made or altered, which relate to any other prison or the prisoners therein in Eng., shall, from time to time, with all convenient speed be transmitted to the respective clerks of the

peace of the counties, &c. for which the same are made, and shall be by such clerk entered on the rolls of the sessions without fee: and such clerks shall cause another copy to be hung up in court where every assize, great session, or quarter sessions of peace for such county, &c. in his jurisdiction, shall be held, for public inspection; and shall cause another copy to be transmitted to every gaoler within his jurisdiction, who shall forthwith, after receipt of such table of fees or rules, &c. cause same to be hung up in some public room or place, and in a conspicuous manner, in his prison; and shall take care that the same be kept up there, so as prisoners may have free resort thereto, at reasonable times in the day-time, without paying any thing for the same, 32 G. 2. c. 28. s. 6.

159. The several courts of record in Westminster-hall shall, in every Michaelmas term, appoint some day in such term to inquire whether such table of fees, and such rules are hung up, and remain public, and easy to be resorted to in prisons to such courts belonging, and whether the same be duly observed; and shall cause 8 days' notice to be given in every Michaelmas term, to prisoners in such respective prisons of the time for such inquiry, and shall inform themselves touching the same in best manner they can, and redress whatever they find neglected, *id.* s. 7.

160. The judges and justices of assize, gaol delivery, and great sessions within their respective jurisdictions, shall at all assizes and sessions of gaol delivery and great sessions make inquiry whether such table of fees and rules are hung up, and remain public to be resorted to in their several prisons, and whether the same be duly observed; and shall inform themselves touching the same in best manner they can, and redress whatever they find neglected, and shall expressly charge every grand jury sworn before them, to make inquiries concerning the same, *id.* s. 8.

161. The several courts of K. B., C. P., and exchequer, judges of assize, and justices of great sessions, justices of peace within their respective jurisdictions, and all commissioners for charitable uses, shall, from time to time, use their best endeavours to discover the several gifts and legacies given for benefit of poor prisoners in prisons within their respective jurisdictions; and may cause to be brought before them any deeds, wills, writings, books of account, and papers, as they shall receive information of, to be in custody of any person within their respective jurisdictions and concern the premises; and may summon before them any persons who they apprehend may make discovery concerning same; and examine such persons on oath, in order to get a true discovery thereof, and settle the payment, recovery, and receipt of such gifts or legacies, in such way as they deem fit, *id.* s. 9. [See *ante*, 22 & 23 C. 2. c. 20. s. 11. *pl.* 32. s. p.]

162. A table of such gifts and legacies for benefit of prisoners in every prison respectively, shall, after every settling thereof, be transmitted by persons authorized to settle the same, unto the clerks of peace of the respective counties, &c., and shall be registered by them in manner tables of fees and orders are to be registered without fee; and a table of such gifts and legacies shall be transmitted, by order of such persons as aforesaid, to the keeper of every prison to which the gifts therein contained relate; and forthwith shall be hung up by him in a conspicuous manner in some public place in his prison, where the prisoners may have free resort thereto without fee: and every gaoler shall take care that every such table of gifts, or a copy thereof, be kept hung up in his prison, *id.* s. 10.

163. Upon petition in term time of any prisoner complaining of any extortion by any gaoler, bailiff, or other person in or employed in keeping any prison or other place where such prisoner shall have been carried, or in respect of arresting any person, or of any other abuse, done, unto any court of record at Westminster from whence the process issued under which the party was arrested, or under whose jurisdiction such prison or place is; or in vacation time, to any judge of any court at Westminster, from whence such process issued; or to judges of assize, or justices of great sessions, in their respective circuits; or to the judge of any other court of record, where any prisoner was arrested, or in custody, by process of such court within Eng.; and if within Wa. or the county palatine of Chester, then to the justices at some great sessions for the county where such prisoner was arrested, or in custody; every such court, &c. shall hear and determine the same in a summary way, and make order for redressing the abuses complained of, and for punishing such person complained against, and for making reparation to the party injured, with costs of such complaint: and all orders thereupon made shall have the same effect, and obedience thereto be enforced, as other orders of respective courts, judges, justices of assize and great sessions, or judges of inferior courts of record, may be enforced, *id.* s. 11.

164. No keeper of any prison or other person thereunto belonging, shall take directly or indirectly of any prisoner for debt, damages, costs, or contempt, any greater fees for his commitment, chamber-rent, release or discharge, than what allowed in table of fees inrolled and registered as aforesaid, s. 5. *pl.* 156. [*but see all fees abolished*, 55 G. 3. c. 50. s. 1.]; and every sheriff and other officer offending against this act, shall, for every such offence (over and above such penalties as he shall be liable to by

the laws now in force) forfeit to the party grieved 50*l.*, to be recovered with treble costs by action of debt, &c. or information, in any court of record at *Westminster*, wherein no essoin, &c. or more than one imparlance shall be allowed, 32 *G. 2. c. 28. s. 12.*

165. FOR PROVIDING CLERGYMEN TO OFFICIATE IN GAOLS AND HOUSES OF CORRECTION within *Eng.*, 13 *G. 3. c. 58.*, 22 *G. 3. c. 64. s. 12.* [AMD. by 55 *G. 3. c. 48.*, which is AMD. by 58 *G. 3. c. 32.*]

166. The quarter sessions in every county, riding, division, or place, in *Eng.* and *Wa.*, may ascertain how many clergymen shall be deemed necessary to be employed in performing religious duties according to the Church of *Eng.* in the several gaols within their respective jurisdictions, and what salaries, not exceeding 50*l.* yearly, [but see present amount of salary, 55 *G. 3. c. 48. s. 1. pl. 170.*, and 58 *G. 3. c. 32. s. 2. pl. 174.*] shall be paid to them, 13 *G. 3. c. 58. s. 1.*

167. The said quarter sessions may appoint a minister of the Church of *Eng.*, residing in or near the place where any house of correction shall be situate, to perform divine service there every Sunday, appointing such salary for his trouble as they shall think fit, not exceeding 20*l.* per ann., [but see *pl. 174.*], to be paid by the treasurer of the county, riding, division, or place where such house is situate, out of the county rates, but subject to diminution by the justices, 22 *G. 3. c. 64. s. 12.*

168. The treasurers of such counties, &c. receiving a certificate signed by the chairman of the quarter sessions, of the number of such clergymen, and their respective salaries, shall pay the same out of the county, &c. rates, and be allowed them in their accounts, 13 *G. 3. c. 58. s. 2.*

169. When the number of clergymen, and their salaries, have been so settled, the quarter sessions may appoint such number of clergymen; and if any of them die, or are considered unworthy to be continued in office, may appoint any other clergymen to officiate in their room, *id. s. 3.*

170. The quarter sessions in *Eng.* and *Wa.*, and the annual general session in the county palatine of *Lancaster*, may increase the salary of 50*l.* a-year given by 13 *G. 3. c. 58.* to not exceeding 100*l.* per ann., 55 *G. 3. c. 48. s. 1.*

171. All the provisions of 13 *G. 3. c. 58.* are applicable to houses of correction, *id. s. 2.* [See the present salary of clergymen officiating in houses of correction, 58 *G. 3. c. 32. s. 1. infra, pl. 174.*]

172. Every clergyman so employed, shall, in order to entitle himself to receive the salary, keep a journal in a book provided in the gaol or house of correction where he is employed, in which he shall enter his times of attendance there to perform his duty, with any observations which may occur to him in the execution thereof, which journal shall be regularly produced for the inspection of the quarter sessions, and signed by the chairman in proof of production, *id. s. 3.*

173. No clergyman so appointed to officiate in any gaol or house of correction shall so officiate till he has obtained a licence for the same from the bishop of the diocese, and only while the same remains in force; and the clerk of the peace shall, in one month after every such appointment, transmit a copy thereof to such bishop, 55 *G. 3. c. 48. s. 5.*

174. The quarter sessions may respectively assign any larger salary than that given by 55 *G. 3. c. 48. s. 1. pl. 140.* of 50*l.* per ann., but not exceeding 100*l.*, to clergymen officiating as chaplains in houses of correction, 58 *G. 3. c. 32. s. 1.*: and, if they think fit, may unite the offices of clergymen to gaols and houses of correction, by appointing one as a chaplain for both, with any salary not exceeding [30*l.*, 55 *G. 3. c. 48. s. 4. now*] 150*l.* per ann., 58 *G. 3. c. 32. s. 2.*

175. FOR RELIEF OF PRISONERS CHARGED WITH FELONY OR OTHER CRIMES, BUT ACQUITTED OR DISCHARGED BY PROCLAMATION, RESPECTING THE PAYMENT OF FEES TO GAOLERS, AND GIVING A RECOMPENSE FOR SUCH FEES OUT OF THE COUNTY RATES, 14 *G. 3. c. 20.*

176. Prisoners charged with felony or other crime, or as accessories thereto, before any court of criminal jurisdiction within *Eng.* and *Wa.*, against whom no indictment is found by grand jury, or who are acquitted on trial, or discharged by proclamation for want of prosecution, shall be set at large in open court, without payment of any fee or sum to the sheriff, gaoler, or keeper of the prison whence they are discharged, in respect of such discharge, *id. s. 1.* [and see 55 *G. 3. c. 50. s. 1. pl. 236.* abolishing all prison-fees soever.]

177. All fees usually payable to the sheriffs, gaolers, &c. in *Eng.* and *Wa.* in the above cases, shall absolutely cease, *id. s. 2.*

178. The treasurer or other proper officer of each county, or of such hundreds, &c. as are not assessed to the county at large, or of such cities, towns corporate, cinque ports, liberties, franchises, and places, as do not pay rates to the county in which they are situate, shall, on receiving a certificate signed by a judge or justice before whom such prisoner has been discharged (which certificate such judge, &c. shall give) pay out of the county rates, such sum, not exceeding 13*s. 4d.*, as is usual to such sheriff, gaoler, &c., and it shall be allowed in his accounts, *id. s. 3.*

179. FOR PRESERVING THE HEALTH OF PRISONERS IN GAOL, AND PREVENTING THE GAOL DISTEMPER, 14 *G. 3. c. 59.*

180. The several justices in *Eng.* and *Wa.*, within their respective jurisdictions, at quarter sessions, shall order the walls and ceilings of

the cells and wards, both of debtors and felons, as well as any other room used by prisoners in their gaols and prisons where felons are confined, to be scraped and white-washed once a-year; to be regularly washed and cleaned, and constantly supplied with fresh air; and shall order 2 rooms in each gaol to be set apart, one for the sick males and the other for sick females, directing them to be removed there when seized with any disorder; and may order warm and cold baths, or commodious bathing-tubs, to be provided in each gaol, and direct the prisoners to be washed therein, according to their condition, before they go out of such gaol on any occasion soever; and shall order this act to be painted, in large characters, on a board, and hung up in some conspicuous part of every gaol; and shall appoint a surgeon or apothecary, at a stated salary, to attend such gaol, and who shall report to each quarter sessions the state of health of the prisoners under his care, 14 *G. 3. c. 59. s. 1.* [See 24 *G. 3. S. 2. c. 54. s. 4. supra, pl. 68.*]

181. The quarter sessions may direct the courts of justice in their jurisdictions to be properly ventilated, and may order clothes to be provided for the prisoners, and prevent them from being kept under ground [24 *G. 3. S. 2. c. 54. s. 4. supra, pl. 68. s. 1.*], and make such orders for restoring or preserving their health as they see fit, 14 *G. 3. c. 59. s. 2.*

182. The expences attending the execution of orders made under this act, so far as respect county gaols, and courts of justice belonging to counties, shall be defrayed out of the county rates; and so far as they respect gaols, &c. belonging to cities, towns corporate, cinque ports, and places not contributing to the county rates, out of their respective rates; and if any gaoler, &c., keeper of any prison, neglects any orders made under this act, he may be proceeded against in a summary way, by complaint to the judges of assize, or to the quarter sessions; and, if found guilty thereof, shall pay such fine as they shall impose, and be committed in case of non-payment, *id. s. 3.*

183. FOR MORE EFFECTUAL EXECUTION OF THE LAWS RESPECTING GAOLS, 29 *G. 3. c. 67.*

184. At the Michaelmas quarter sessions in every year, the gaoler having the care of any gaol within jurisdiction of the sessions, shall deliver to the chairman, or other magistrate presiding in such court, a certificate (according to the form annexed, subscribed and verified by him, to the best of his belief, on oath to be taken either before such court, or in case of sickness, or inability to attend from other cause, then before some county justice), expressing after each provision therein enumerated, whether the same is observed within such gaol, and shall be read publicly in open court, in presence of the grand jury, and recorded as part of the minutes of the session, *id. s. 1.*

185. The sessions shall thereupon take such certificate into consideration, and summon any persons named therein to appear before them, and shall give directions and make orders relative to any matters therein, and take security from any person whom it may concern for his compliance therewith, *id. s. 2.*

186. If the gaoler of any county gaol neglect to deliver such certificate he shall forfeit 50*l.*, and if not of a county gaol, 20*l.*, to be recovered by any person in any court of record at *Westminster*, or of great session in *Wa.*, or the county palatine of *Chester*, by action of debt, &c. or information, wherein no wager of law, or more than one imparlance shall be allowed, *id. s. 3.*

Certificate referred to in s. 1.

— } At the general quarter sessions of the peace for the — holden at —
to wit. } this — day of — A. D. — the certificate of — in pursuance of the statute in this case made and provided, respecting the gaol of —

22 & 23 *C. 2. c. 20.* enacts, That felons and debtors shall be kept separate, under penalties upon the sheriff or gaoler (of loss of office), *id. s. 13.*

24 *G. 2. c. 40.* enacts, That, 1. No gaoler shall sell, lend, use, give away, or suffer spirituous liquors within any gaol, under a penalty, (100*l.*, *id. s. 13.*); 2. Copy of the clause last mentioned, as also of 2 other clauses respecting the same, shall be hung up in the gaol, under a penalty, (not exceeding 20*l.* nor less than 10*l.*, *id. s. 16.*)

32 *G. 2. c. 28.* enacts, That the clerk of the peace shall cause a list of the fees payable by debtors, and the rules and orders for the government of gaols and prisons, to be hung up in the court where the assizes or sessions shall be held, and send another copy to the gaol, and the gaoler shall cause the same to be hung up in a conspicuous place in the said gaol, (*id. ss. 6, 7.*)

13 *G. 3. c. 58.* enacts, That clergymen may be provided to officiate in gaols, [and see other provisions to this effect, *supra, pl. 165.*, &c.]

14 *G. 3. c. 20.* enacts, That persons acquitted or discharged upon proclamations for want of prosecution, shall be discharged immediately in open court, and without fee.

14 *G. 3. c. 59.* enacts, That, 1. The walls and ceilings of the cells in gaols shall be scraped and white-washed once in the year at least; 2. That the cells shall be kept clean; and, 3. That they shall be supplied with fresh air by ventilation or otherwise; 4. That there shall be 2 rooms set apart for the sick; 5. That a warm and cold bath, or bathing tubs, shall be provided; 6. That this act shall be hung up in the gaol; 7. That a surgeon or apothecary shall be appointed with a salary.

187. FOR BETTER REGULATING GAOLS AND OTHER PLACES OF CONFINEMENT, 31 *G. 3. c. 46.*

188. The justices assembled at one or more quarter sessions for any county, riding, or division, or at any special adjournment thereof held for such express purpose, of which public notice has been given in some newspaper circulating in such county, and signed by the clerk of the peace, and at which at least 5 justices are present, shall appoint a governor or task-master, and such other officer, for every house of correction or penitentiary in such county, &c. with such salaries as a majority shall deem necessary, payable out of the county rate, and may remove such governor and officers, and increase or diminish the latter, and alter the salaries of both; and in fixing the salary of the governor or task-master, shall have regard to making the emoluments of office depend on the quantity of work done in such houses, that it may be his interest to see that the prisoners are regularly employed; and such governor and officers shall give such security for performance of their duties as the sessions appoint, and may be proceeded against thereon for neglect or misdemeanor in their offices, or may be fined by the sessions as by 7 J. 1. c. 4. (s. 9.) or 17 G. 2. c. 5. (VAGRANT,) and if any governor removed by order of such sessions shall not quit possession of his house in 48 hours after notice in writing given by the clerk of the peace, any 2 or more such justices, on proof of such order and of notice and refusal to comply therewith, may, by warrant under their hands and seals, direct the sheriff of the county to remove the governor out of such house, and the sheriff shall clear the possession as under an *hab. fac. poss.*, 31 G. 3. c. 46. s. 1.

189. The quarter sessions (5 justices at least being present) shall make such rules as they think proper for receiving, classing, dieting, clothing, employing, reforming, governing, and watching all offenders during their confinement in penitentiary houses, and for adjusting what aid shall be given them during confinement or on release, having regard to 19 G. 3. c. 74. (PENITENTIARY) [EXP.]; but such rules shall not have force till submitted to the judges of assize or great session, at the county assizes, and they have submitted a certificate that they see nothing illegal in such rules; and additions may at any time be made therein, on like certificate; but nothing herein shall deprive any convict of the benefit of any weekly or other allowance usually granted by any statute, custom, or order for maintenance of convicts, provided that the application thereof shall be subject to the limitations contained in the rules and orders herein directed to be made for the government and police of such penitentiaries, *id.* s. 2.

190. Every governor of such houses of correction or penitentiaries, and his assistants, shall have the same powers over the offenders confined therein which are incident to the office of sheriff or gaoler, and in like manner shall be answerable for their escape; and moreover may hear complaints, examine persons touching offences, and punish them (except by whipping) in such manner as the governor of each penitentiary, directed by 19 G. 3. c. 75. to be built, may do; and in case of their repetition, or of offences more enormous being committed, shall report the same to the visiting justices, or one of them, who shall inquire on oath, and determine such offences, and punish the same either by moderate or repeated whippings, or by close confinement for not exceeding one month; and if any person ordered to hard labour shall at any time during the term break prison, or escape from confinement, or in conveyance thereto, or from the person having him in lawful custody, or if any person shall rescue the offender at any such times, or be aiding therein, or if any person having such custody, or his assistant, shall negligently permit him to escape, or if any person shall, by supplying arms, tools, or means of disguise, or otherwise assist such offender in escape, or attempt to escape, though no escape be made, such offence shall be punished as in 19 G. 3. c. 74. ss. 65, 66. (PENITENTIARY) [EXP.] *id.* s. 3.

191. The provision made by 19 G. 3. c. 74. s. 67. (PENITENTIARY,) [EXP.] for carrying on prosecutions for escapes, attempts to escape, breaker of prison, and rescues, from the penitentiaries therein mentioned, are extended to prosecutions for escapes, &c. under this act, *id.* s. 4.

192. Every quarter sessions shall appoint 2 or more justices visitors of each such gaol and other places of confinement, who shall, either together or singly, personally visit each such prison 3 times in each quarter, and oftener if occasion shall require, and examine into the state of the buildings, the conduct of the officers, treatment and condition of the prisoners, amount of their earnings, and expences of the prison; and in matters of pressing necessity, within their commission as justices, shall take cognizance of, and proceed to regulate and redress the same, and every justice of such county, &c. of his own accord, and without being appointed visitor, may enter and examine such prison, at such times and as often as he shall think fit; and if he discovers any abuses therein, shall report them in writing at the next general or quarter sessions, or adjournment thereof, held for such county, &c., and abuses so reported shall be there taken into immediate consideration, and the most effectual measures for rectifying the same adopted, *id.* s. 5.

193. A body of rules as bye-laws, for government of the said gaols and of the prisoners therein confined, shall be framed and confirmed by such persons, conformable and in the manner directed by 32 G. 2. c. 28. (INSOLVENT DEBTOR, *pl.* 1. *et seq.*) in which proper and particular direc-

tions shall be given for effectuating such separation and classing of prisoners as by 24 G. 3. S. 2. c. 14. s. 4. directed, with such further separation, &c. as is thought requisite, as well as for enforcing cleanliness and orderly behaviour among the prisoners, as for securing them just and humane treatment by the governor and servants, 31 G. 3. c. 46. s. 6.

194. The court by whom any offender is sentenced to transportation, or in case of the royal mercy being extended to him on that condition, or any judge of the court before which the offender was convicted, or any judge of K. B. or C. P., or baron of exchequer of the coif, or justice of oyer and terminer or gaol delivery, or justices of peace at quarter sessions, may order that such person be imprisoned and kept to hard labour in the common gaol of the county where convicted, till transportation, or till, by expiration of the time of such sentence or otherwise he is entitled to his liberty, provided that the time of such confinement shall be reckoned in whole or part discharge of the term of transportation, *id.* s. 7.

195. The keeper of the common gaol, and the governors or keepers of the several penitentiaries in such county, &c. on the first day of every assizes, great sessions, or general gaol delivery, shall make a just return in writing to the clerk of assizes, or other clerk or proper officer of such court, specifying the number and size of the cells completed for reception of prisoners ordered to imprisonment and hard labour—the name of every person in custody, with their offences—the court before whom they were convicted, and its sentence, if a court of record; or if committed by one or more justices of peace, on conviction before them, then the name or names and offence, and the age, bodily state, and behaviour of every such convict, *id.* s. 9.

196. Every such return, before delivery into court, shall be examined by one or more visiting justices, appointed as in s. 5., who shall sign the same, and may add any observations on the particulars, *id.* s. 9.

197. As long as any person under sentence of transportation remains in the common gaol, the gaoler having him in custody shall separate him as much as convenient from every person in his custody, except convicted felons, *id.* s. 10.

198. If such common gaol is not in a state to afford the means of separation, according to 24 G. 3. S. 2. c. 54. s. 4., the gaoler shall report such insufficiency to the grand jury at every assizes, great sessions, or general gaol delivery, till such means are effected, *id.* s. 11. [see s. 12., inserted *supra*, *pl.* 27.]

199. Justices may in like manner, from time to time, order such sums of money to be paid out of the county rate towards assisting such prisoners of every description as, being confined in the said gaols or places of confinement, are unable to work, or, being able, cannot procure sufficient employment to sustain themselves by their industry, or who may not be provided for by any statute, custom, or order with such food and raiment as they shall think necessary for support of health, and the same shall be applied accordingly, *id.* s. 13.

200. The visitors shall report any extraordinary diligence or merit in any offender to the justices of oyer, &c. and gaol delivery or great sessions, at the next or any subsequent session holden for the county in which he was convicted, in order to his recommendation to the royal mercy, in such degree and on such terms as they think fit, and if H. M. shall be pleased to shorten his imprisonment, the offender shall, with necessary clothing, receive not more than 20s. nor less than 3s. for his immediate subsistence in case he has been confined for one year, and so in proportion for any shorter term, such sums of money and clothing being paid for out of the county rate, *id.* s. 14.

201. No salary shall be paid out of the county rate [in lieu of emoluments diminished by fees appointed in the table by this section appointed, but now REP., 55 G. 3. c. 50. s. 1.] to any woman or other person incapable of executing the office of gaoler in person, *id.* s. 15. [and see 52 G. 3. c. 64. s. 10., *supra*, *pl.* 115.]

202. All fines, forfeitures, and penalties inflicted by this act, or by any rule or order made in pursuance thereof, the levying and recovering which are not particularly herein directed, shall be levied by distress and sale of the offender's goods, by warrant of 2 justices, who shall hear and examine witnesses on oath or affirmation, and determine the same; and (where the particular application is not before directed) shall be paid from time to time to the treasurer of the county, &c. and applied to the purposes of this act only, and to no other soever; and the overplus of money raised by such sale, after deducting the penalty and expences of distress and sale, shall be rendered to the owner; and in default of distress the offenders shall be committed by such justice [QU. s. ?] to some prison for the county, &c. for not more than 3 nor less than one calendar month, as they think fit, *id.* s. 16.

203. The conviction for offences against this act is as follows:—
'He is remembered that on — A. D. — A. B. is convicted before me C. D., one of H. M.'s justices of the peace for the county of —, [specifying the offence, and the time and place when and where it was committed, as the case is.] Given under my hand and seal the day and year first above mentioned.' *id.* s. 17.

204. Any person grieved by any thing done in pursuance of this act, and for which no particular relief has been appointed, may appeal to the general or quarter sessions of the peace within 4 calendar months after the cause of complaint arisen, on giving 7 clear days' notice in writing of such appeal, and of the matter thereof, to the justice or justices before whom the conviction was had, and to the clerk of the peace for the county, &c. in which such offence shall be tried, and in 2 days after such notice shall enter into recognizance before some justice for the county with 2 sufficient sureties conditioned to try the appeal, abide the order, and pay the costs awarded by such quarter sessions; and the justices thereof, on due proof given of such notice and recognizance, shall hear and finally determine such appeal in a summary way, awarding costs as they think proper, 31 G. 3. c. 46. s. 18.

205. No order made touching any of the matters in this act contained, or proceedings to be had touching the conviction of any offender against it, shall be quashed for want of form, or removed by *certiorari*, or other process, into the courts at Westminster; and no distress under it shall be deemed unlawful, nor the party making the same a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings, nor shall be deemed a trespasser *ab initio*, on account of any irregularity of the distrainer; but the party grieved may have an action on the case for the special damage, but shall not recover, if sufficient amends are made before action brought, *id.* s. 19.

206. In actions for any thing done in pursuance of this act, defendant may plead the general issue, giving this act and the special matter in evidence, and that the same was done by authority thereof; and if defendant has a verdict, or if plaintiff is nonsuit or discontinues after issue joined, or if on demurrer or otherwise judgment is given against him, defendant shall recover treble costs; and if plaintiff has a verdict he shall have no costs, unless the judge certify his approbation of the action and verdict, *id.* s. 20.

207. Actions and prosecutions for any thing done in pursuance of this act shall be commenced within 6 calendar months after the fact, and laid and tried in the county where the facts were committed, *id.* s. 21.

208. TO ENABLE JUSTICES OF PEACE TO ORDER PAROCHIAL relief to prisoners confined under mesne process for debt in such gaols as are not county gaols, 52 G. 3. c. 160.

209. One justice acting for the county, riding, or division, wherein any gaol (not being a county gaol) is situate, shall order the overseers of the poor of the parish, township, or place wherein it is situate, to relieve any poor person confined therein under mesne process for debt, and who is unable to support himself, and has applied to overseers for relief, *id.* s. 1.

210. But such relief shall not exceed 6d. *per diem* during the time of such confinement under mesne process, *id.* s. 2.

211. Overseers who doubt whether such person is legally settled in their parish, &c., shall have him examined on oath before one justice, touching his last legal settlement, which justice may then make an order for his removal to his place of settlement, and may suspend its execution during his confinement under mesne process; which suspension, and subsequent permission to execute such order, shall be indorsed on the order, and signed by such justice, or two others acting for such county, &c., *id.* s. 3.

212. A copy of the order of removal and of suspension, shall, as soon as may be, after making the same, be served on the overseers of the parish, &c. in which such person is adjudged to be settled *id.* s. 4.

213. Although such poor person is not actually removed in pursuance of such order, any justice may direct the overseers of the parish, &c. where such person is adjudged to be settled, to repay to those of the parish, &c. wherein such gaol is situate, all the charges proved on oath of such last-mentioned overseers, to have been incurred in granting relief to such pauper not exceeding 6d. *per diem*; and if same is not paid, or notice of appeal given, within 21 days after demand, one justice, by warrant under his hand and seal, may cause it to be levied by distress and sale of goods of the party neglecting to pay, and also such costs, not exceeding 40s., as such justice shall direct; and if the parish, &c. to which the removal was ordered to be made is without the jurisdiction of the justice issuing the warrant, it shall be indorsed by some justice having jurisdiction there, *id.* s. 5.

214. But if the sum so ordered to be paid exceeds 5l., the party grieved may appeal to the next general quarter sessions for the county or place wherein the gaol is situate, as may be done against an order of removal, and if the sessions are of opinion that the sum is greater than what ought to have been paid, they may strike it out, and insert the sum which appears to them to be due, and shall direct such justices making the order, or some other justices, to execute it as so amended, *id.* *ibid.*

215. But the overseers of the parish wherein such pauper is so adjudged to be settled, may appeal against the order of removal to the next quarter sessions for the county, &c. wherein such gaol is situate, holden after service of the copy of order of removal, if it was served 20 days before such sessions were held, and if not then, to the next succeeding sessions, and usual proceedings shall be observed as on other causes of appeal against orders of removal: provided that, in case such order of removal and suspension is not appealed against as above, or is confirmed, such poor person shall be deemed legally settled in the parish, &c. to which he is so adjudged, 52 G. 3. c. 160. s. 6.

216. In case any person applying for relief under this act, shall, in his examination as to his last legal settlement, be found not legally settled in any parish, &c. within Eng. and Wa., such justice may order the overseers of the parish wherein the gaol is situate in which such person is confined for debt on mesne process, to relieve such person with a sum not exceeding 6d. *per diem*, out of the funds in their hands for relief of poor, and they shall be reimbursed by the county treasurer, out of the county rates at the expiration of such poor person's confinement under such mesne process, *id.* s. 7.

217. FOR AUTHORIZING THE COMMISSIONERS OF CUSTOMS and excise to make an allowance for the necessary subsistence of poor persons confined for debts or penalties sued for under their orders, 53 G. 3. c. 21.

218. Poor persons confined under exchequer process for recovery of any duties or penalties under customs or excise acts, or under any body warrant issued by commissioners of excise in Eng., or by any justices of peace for G. B. under such acts, or under any writ of extent for debts due to H. M., sued for by order of the commissioners of customs or excise in Eng. and Scot., or on suit on bonds taken under orders in council, may be allowed not exceeding 7d., nor less than 4d. *per diem*, by the 4 commissioners of excise in Eng. and 5 in Scot., to be paid out of any money in their hands arising from the above duties, *id.* *ibid.*

219. FOR PROVIDING RELIEF FOR POOR PRISONERS CONFINED in the K. B., Fleet, and Marshalsea prisons, 53 G. 3. c. 113. [PUBLIC clause, *id.* s. 17.]

220. "43 El. c. 2. (s. 12. and s. 14. for rating parishes by the sessions with a weekly sum for relief of the K. B. and Marshalsea), 11 G. 2. c. 20. and 12 G. 2. c. 29. (s. 23.) (which, after repealing by s. 22. the above provisions of 43 El. c. 2., provided for the payment of the monies arising by its own operation in the time and manner prescribed by 11 G. 2. c. 20.) are repealed, s. 1., and after recital, *inter alia*, that no relief was by these acts provided for the Fleet prisoners," it is enacted, That every treasurer of a county and division mentioned in the schedule shall, on or before 1 Aug. in every year, pay out of the public stock or rates of such county, &c. the several sums therein specified; viz. the sums for relief of the prisoners confined in K. B. and Marshalsea shall be paid to the treasurer for Surrey, and those for relief of the prisoners in the Fleet to the chamberlain of the city of London, *id.* s. 2.

221. The treasurer of the county of Surrey shall, from time to time, pay the sums of money to be received by him from the said treasurers, and those to be paid out of the Surrey county rates for relief of the prisoners in K. B. and Marshalsea, to such sufficient person residing near the prisons, at such times and manner as the justices of Surrey or the majority at quarter sessions shall direct, *id.* s. 3.

222. The chamberlain of the city of London shall, from time to time, pay all money received by him from the said treasurers for relief of prisoners in the Fleet, to such sufficient persons resident near the same, at such times and manner as the justices for the city of London or the majority of them at their quarter sessions shall direct, *id.* s. 4.

223. Receipts signed by the treasurer of the county of Surrey and the chamberlain of London for monies payable under this act, shall be sufficient discharges for the same; and receipts signed by any person appointed by the justices of Surrey and London respectively, at their quarter sessions, to receive such monies, shall be sufficient discharges to such treasurer and chamberlain, *id.* s. 5.

224. If any treasurer shall not pay over such sums as ought to be paid over by him, as in s. 2. *pl.* 220., then, on delivery of a certificate on oath of the treasurer or person to whom it ought to be paid, to either of the courts of K. B. and C. P., or of Marshalsea, of such neglect or refusal, such court may make a rule on the defaulting treasurer, requiring him to pay the money so reported to be due; and obedience to such rules may be enforced in the usual manner, *id.* s. 6.

225. Every treasurer of any county or division thereof named in the schedule shall, in one calendar month after his appointment, transmit his name and place of abode to the clerk of the crown in K. B., for entry to be made by him in a book kept for the purpose, without fee; and if he shall neglect to transmit the same, then, on the report of the clerk of the crown to K. B. of such neglect, he shall be proceeded against as in (s. 6.), *id.* s. 7.

226. When there is occasion for the courts of K. B., C. P., and Marshalsea respectively, to make any such rule or rules as aforesaid on

any of the said treasurers, the whole costs thereof shall be paid by the defaulter, 55 G. 3. c. 113. s. 8.

227. The sums of money provided by this act shall be distributed by the persons to whom the same are directed to be paid, as in ss. 3, 4., by weekly payments, for relief of such prisoners as are ordered to be relieved, *id.* s. 9.

228. Any justice of the county of *Surrey* may order such relief as he shall think proper, not exceeding 6d. *per diem*, to be given to any prisoner in the *K. B.* or *Marshalsea* prisons, and any alderman or justice of the city of *London* may order like relief to any prisoner in the *Fleet*, but subject to the following regulations, *id.* s. 10.

229. No prisoner charged in execution for debt shall be relieved under this act after the first day of the term next following the time when he shall be charged in execution, *id.* s. 11.

230. No prisoner shall be ordered to be relieved by virtue of this act till he have first made oath before a judge of one of the courts of law at *Westminster*, or of the *Marshalsea*, or a commissioner appointed by any such judge to take affidavits, that he is not worth 10*l.*, and cannot subsist without such relief; and if convicted of perjury therein, he shall suffer the legal punishment thereof, *id.* s. 12.

231. No prisoner shall be relieved by virtue of this act who has become supersedeable or entitled to discharge under any insolvent act, *id.* s. 13.

232. Any surplus which may on the 1st *August* in every 3d year after this act passed remain in the hands of the treasurer of *Surrey*, and the chamberlain of *London*, and the persons to whom the same respectively shall have been paid, as in ss. 3, 4., of any monies payable by this act to such treasurers respectively, on or before the 1st *August* in the preceding year, after relieving the poor prisoners confined in the aforesaid prisons as above, shall be paid to the treasurer of *Bethlem* hospital, for the benefit of that hospital, *id.* s. 14.

233. The treasurer of the county of *Surrey*, and the persons appointed to receive and distribute the monies provided by this act for relief of the prisoners confined in the *K. B.* and *Marshalsea*, at the *Easter*-quarter sessions for *Surrey*, and the chamberlain of *London*, and the person appointed as above for the *Fleet* prison, at the *Easter* quarter sessions for *London*, shall respectively lay before the justices there assembled a full account of receipts and disbursements of the monies by this act provided, verifying the same on oath if required, *id.* s. 15.

234. A majority of the justices of *Surrey* in quarter sessions, with respect to the sums above provided for prisoners in the *K. B.* and *Marshalsea*, and a majority of the justices of *London* in quarter sessions as to the sums for the *Fleet*, may make regulations respecting the payment and application of the monies hereby provided, the prisoners relieved thereby, the securities to be entered into for due application thereof, the accounts respecting the same, and the remuneration to be allowed to persons employed in execution of this act or otherwise, for its better execution, provided they are made as addition, and not contradictory to the above provisions; and may alter such regulations when they think fit, *id.* s. 16.

The SCHEDULE to which this Act refers.

COUNTIES and DIVISIONS.	The Sums to be paid by them for the Relief of the Prisoners in the Prisons of		
	King's Bench.	Fleet.	Marshalsea.
Bedford	5	5	—
Berks	10	10	—
Bucks	10	5	—
Cambridge { County Isle of Ely and Town of Cambridge }	5	5	—
Chester	10	10	—
Cornwall	10	5	—
Cumberland	10	5	—
Derby	10	10	—
Devon	20	15	—
Dorset { East Division West Division }	5	5	—
Durham	15	10	—
York { East Riding North Riding West Riding }	10	10	—
Essex { East Division West Division }	10	5	—
Gloucester	15	10	—
Hampshire	10	5	—
Hertford	10	10	—
Huntingdon	5	5	—
Kent { East Division West Division }	10	5	—
	10	5	25

SCHEDULE — continued.

COUNTIES and DIVISIONS.	The Sums to be paid by them for the Relief of the Prisoners in the Prisons of		
	King's Bench.	Fleet.	Marshalsea.
Lancaster	30	25	—
Leicester	10	10	—
Lincoln { Holland Division Kesteven ditto Lindsay ditto }	5	5	—
Middlesex	100	50	200
Norfolk	15	10	—
Northampton { East Division West Division }	5	5	—
Northumberland	15	10	—
Nottingham { North Division South Division }	5	5	—
Oxford	10	5	—
Rutland	5	5	—
Salop	10	10	—
Somerset { West East }	10	5	—
Southampton	15	10	—
Stafford	15	10	—
Suffolk { Beccles Division Woodbridge ditto Bury St. Edmund's ditto Ipswich ditto }	5	5	—
Surry	50	40	50
Sussex { East Division West Division }	10	5	—
Warwick	15	10	—
Westmorland { East Ward Kendal Ward }	5	5	—
Wilts	15	15	—
Worcester	10	10	—
Anglesea	2	2	—
Brecon	2	2	—
Cardigan	2	2	—
Carmarthen	3	3	—
Carnarvon	2	2	—
Denbigh	3	3	—
Flint	2	2	—
Glamorgan	3	3	—
Merioneth	2	2	—
Monmouth	3	3	—
Montgomery	2	2	—
Pembrokeshire	2	2	—
Radnorshire	2	2	—

235. FOR ABOLITION OF GAOL AND OTHER FEES CONNECTED with gaols in *Eng.*, 55 G. 3. c. 50. [AMD. 56 G. 3. c. 116.]

236. All fees and gratuities payable by any prisoner on entrance, commitment, or discharge, to or from prison, are abolished, 55 G. 3. c. 50. s. 1.; but nothing in this act extends to the *K. B.* or *Fleet* prisons, or to the *Marshalsea* and *Palace* courts, 55 G. 3. c. 50. s. 14.

237. The quarter sessions may make fitting allowances to gaolers and their servants, in the way of salary or compensation, for the prisoners' fees abolished by this act, *id.* s. 2.

238. They may order such allowances to be paid out of any county, city, or town rate now by law authorized to be made, 55 G. 3. c. 50. s. 3. [and 51 G. 3. c. 46. s. 15. *supra* pl. 201., in part same provision.]

239. Prisoners charged with felony, or as accessaries thereto, or with any misdemeanor before any court of criminal jurisdiction in *Eng.*, against whom no true bill is found by the grand jury, or who shall be acquitted on trial, or discharged by proclamation for want of prosecution, shall be immediately set at large without payment of any fee for such discharge, except in cases wherein he shall have been, and shall then stand charged with process authorizing his detention: provided that if it happen that a prisoner so charged has been discharged under this act by reason of the sheriffs' or officers' ignorance of such charge against him, the latter may presently retake and detain him in custody, in which custody he shall be deemed to have continued from the time when he first stood charged as above, *id.* s. 4.

240. All the fees usually paid to the several clerks of assize, of the peace, of the court, or their deputies in *Eng.*, in any of the above cases are abolished, and they shall not demand or receive from the prisoner any fee for his discharge, *id.* s. 5.

241. In lieu of such fees the treasurers of the counties, or proper officers of the districts, not usually assessed to the county at large, and of such cities, towns, cinque ports, &c. as do not pay to the rates of the counties in which they are situate, shall, on receiving a certificate signed

by one or more judge or justice of peace before whom such prisoner was discharged, (which certificate such judge, &c. shall give), pay to such clerks or their deputies out of the rates of such county or district, or out of the public stock of such city, &c. or place, such lawful sum as has been usually paid on that occasion for every prisoner so discharged, which sums shall be allowed to the treasurer and officers by the justices before whom their accounts are passed, 55 G. 3. c. 50. s. 6.

242. The judges of assize who have gone the circuits since this act was passed, as well as future judges of assize, shall grant the above certificate, and receive from every officer who, previous to 55 G. 3. c. 50. was entitled to any fees by that act abolished, an account in writing of what they claim to be due to them for such abolished fees, to be verified on oath of the claimant, as in ss. 7, 8. of that act provided, 56 G. 3. c. 116. s. 1.

243. The amount of every such account so verified shall be paid, as provided by 55 G. 3. c. 50. (s. 6. *pl.* 241.) in respect to clerks of assize and of the peace, *id.* s. 2.

244. Every clerk of the peace or his deputy, and every officer claiming fees, shall deliver at each session of the peace, or at some adjournment thereof, an account of all fees so due to him, or for which he shall claim indemnification; which account shall be verified on oath in court before the chairman of such sessions, *id.* s. 7.

245. The clerk of assize shall, at every assize, deliver in to the judge who shall sit for the trial of prisoners, an account of the fees due in respect of them, to be verified on oath before him, *id.* s. 8.

246. Any clerks of assize, of the peace, of the court, or their deputies, or other officer exacting such fees, are disabled to hold their offices, and are guilty of misdemeanor, 55 G. 3. c. 50. s. 2.

247. Liberates shall be granted, without fee, to debtors, on their discharge, and the quarter sessions may (subject to approbation of the judges of assize) make such compensation to the sheriff or undersheriff, out of the county, city, or town rate, as they think fit, *id.* s. 10.

248. "Whereas there are several cities, towns corporate, and places in this kingdom which do not contribute to county rates, nor have a town rate or public stock;" in all such cases, the salaries, allowances, &c. directed to be raised in lieu of fees as above, shall be raised by a separate assessment to be made by the parish officers of the respective parishes, by means adopted for levying the poor-rates, *id.* s. 11.

249. "Where the sums so to be assessed are so small that it is not convenient to make an equal separate assessment on the parishes in such cities," the said salaries and allowances may, by order of the said judge or justices in sessions, be paid out of the monies from time to time raised for relief of the poor in such parishes, &c., by the persons having the management of the same; provided that any order for such allowances so made by the sessions shall not be deemed legal till approved by warrant from the judge of assize, on the first circuit after such warrant has been made out by the sessions; and should there be more parishes than one in the district, the payments shall be made and levied in such proportions as each pays to the poor-rate, *id.* s. 12.

250. Any gaoler who shall exact any fee or gratuity from a prisoner on account of his entrance, commitment, or discharge, or who shall detain him in custody for nonpayment of any such fee, shall be disabled to hold his office, be guilty of misdemeanor, and punished by fine and imprisonment, *id.* s. 13.

251. The provisions of 55 G. 3. c. 50. shall extend to all prisoners, civil and criminal, whether confined for debt or crime in any prisons in Eng., (except those in s. 14. of that act, *supra*, *pl.* 236.), and the gaolers of all such prisons, except as aforesaid, and their servants, within liberties and without, shall have compensation for their fees by this or that act abolished, 56 G. 3. c. 116. s. 3.

252. The allowances made to the keeper of the prison of Dover castle, in lieu of fees and gratuities payable by any prisoner on his entrance to, or discharge from the same, and also to the registrar of the cinque ports, and clerk of Dover castle, for the liberates granted to any debtor on his discharge, shall be paid out of the funds raised by 54 G. 3. c. xcvi. "For relief of poor debtors there confined," in manner therein directed, *id.* s. 4.

PRISONERS OF WAR.

1. FOR THE MORE EFFECTUAL PUNISHMENT of persons aiding prisoners of war to escape from H. M.'s dominions, 52 G. 3. c. 156.

2. Any person who shall willingly aid any alien enemy, being a prisoner of war within H. M.'s dominions, whether such prisoner is confined or suffered to go at large on parole, to escape, shall, on conviction be adjudged guilty of felony, and be transported for life, or for 14 or 7 years as the court shall adjudge, *id.* s. 1.

3. Every person who shall willingly aid any such prisoner at large on parole, in quitting any part of H. M.'s dominions where he may be on parole, although he shall not aid him in quitting the coast, shall be deemed guilty of aiding the escape of such person under this act, *id.* s. 2.

4. If any person owing allegiance to H. M. after any such prisoner has quitted the coast, shall knowingly and wilfully upon the high seas aid such prisoner in his escape, he shall be guilty of felony, and be transported, as in s. 1., and such offences committed on the high seas, and not within the body of any county, shall be tried in any county of the realm, as if there committed, 52 G. 3. c. 156. s. 3.

5. This act shall not prevent any person committing such offences from being prosecuted as he might have been before this act; but no person prosecuted, otherwise than under this act, shall be prosecuted under it, and *vice versa*, *id.* s. 4.

PRIVILEGED PLACES.

1. FOR EXECUTION OF JUSTICE IN PRETENDED PRIVILEGED PLACES, 8 & 9 W. 3. c. 27. (s. 15.) [See rest of this title and statute, PRISON AND PRISONER, *pl.* 38. *et seq.*]

2. Any person who hath any money owing him from any person within *Whitefriars, Savoy, Salisbury court, Ram-alley, Mitre-court, Fuller's-rents, Baldwin's-gardens, Montagu-cloze, Minories, Mint, Clink, or Deadman's-place*, upon process taken out, may require the sheriff of London and Middlesex, head bailiff of the liberty of the duchy of Lancaster, or high sheriff of Surrey, or bailiff of Southwark, or their officers, to take the *posse comitatus*, or such power as to them seems requisite; and to enter the above pretended privileged places, and arrest, and in case of resistance or refusal to open any doors, to break open the same, to arrest such person on mesne or other process, or to seize the goods of such person on any execution or extent; and if the sheriff, &c. shall neglect with such force to use their best endeavours for executing such process, they shall forfeit 100*l.* to the plaintiff; and if, in executing the same, any person shall resist any officer, he shall forfeit 50*l.*, and be by some justice committed to the gaol of such county, city, or place, until the next assizes or gaol-delivery, and on conviction shall suffer imprisonment, and be set in the pillory [*but see that title*]; and if any rescue be made of any prisoner taken by such officers within the above places, the persons making or assisting in the rescue, and convicted, shall forfeit 500*l.* to the plaintiff, recoverable by action of debt, &c. or information in any court at Westminster, with only one imparlance allowed, and in default of paying the same with costs, in one month after judgment signed on such recovery, and demand made on producing a copy of the judgment and oath made, that the money is not paid, he shall, by order of the court wherein he was convicted of rescous, be transported for 7 years, and if he return again within that time is guilty of felony without clergy; and any inhabitant within the above places concealing any person guilty of such rescous, knowing him to be guilty of such offence, shall, on conviction, be transported for 7 years, unless within one month after conviction he pay plaintiff the debt for which such action was brought, with costs, and if he return within that term is guilty of felony without clergy, 8 & 9 W. 3. c. 27. s. 15. [The pecuniary penalties go half to H. M. and half to the informer, *id.* s. 16. *supra*, PRISON AND PRISONER, *pl.* 34.]

3. FOR MORE EFFECTUAL EXECUTION OF JUSTICE in a pretended privileged place, in the parish of *St. George*, in the county of *Surrey*, called the *Mint*, and for bringing certain offenders to justice, 9 G. 1. c. 28. ss. 1—10. and s. 16.; but ss. 11—15. 17—24. [Exp.]

4. If any person shall, within the place called *Suffolk-place*, or the *Mint*, or the pretended limits thereof, knowingly oppose any person's serving any writ, rule, or order, or other legal process, or any escape-warrant, or any warrants of justices of peace, or shall assault or abuse any person serving such writ, &c. whereby such person shall receive any damage, every person being convicted thereof shall be guilty of felony, and shall be transported as felons, *id.* s. 1.

5. On complaint to any 3 justices for *Surrey* by a creditor of any person residing in the *Mint*, &c., he having legal process taken out for recovery of his debt, and making oath before such justices, that a debt exceeding 50*l.* is justly due to him from the person against whom such complaint shall be made, and that he believes such person doth reside in that place, the justices may issue their warrant to the sheriff of *Surrey*, or bailiffs of *Southwark*, requiring them to take the *posse comitatus*, or such other force as they think requisite, and enter the said *Mint* and arrest; or in case of resistance or refusal, to break open any doors to arrest such person, on mesne or other process, and to seize goods on execution or extent. And the sheriff, &c. refusing on such warrant, with such force, to use his best endeavours for the executing such process, &c., shall forfeit to plaintiff 200*l.* And if any person shall resist any officer of justice, or any person aiding such officer, within the *Mint*, &c., or shall make rescue of any prisoner taken upon such writ, &c., within the said place, or shall there knowingly conceal any prisoner so taken, or any who rescued such prisoner, or shall be assisting in resisting such officer, or in rescuing such prisoner, or shall exercise any jurisdiction, or join in making any pretended rule or ordinance for supporting any pretended privilege within the said place, or

for opposing the execution of legal process, &c. therein, is convicted on indictment or information brought within 6 months after the offence, is guilty of felony, and shall be transported, 9 G. 1. c. 28. s. 2.

6. Every person, who shall apprehend any one guilty of the offences aforesaid, and prosecute him till convicted, shall receive for every such offender 40*l.* to be paid by the sheriff of *Surrey* without fee, in one month after such conviction, and demand thereof made, by tendering a certificate to the sheriff or the judge before whom such offender was convicted, certifying his conviction, and that he was taken by the person claiming the reward; and in case of dispute touching the reward, the judge shall in the certificate direct the reward among the parties, in such shares as shall seem reasonable; and if such sheriff shall die or be removed, the succeeding sheriff shall pay it in one month; and if the sheriff make default, he shall forfeit to the person to whom such money shall be due, double the sum he ought to have paid, to be recovered with double costs, 9 G. 1. c. 28. s. 4. [This reward appears repealed by 58 G. 3. c. 70. s. 1., FELONY, *pl.* 96. and see note, COIN, *pl.* 65.]

7. If any person is killed by such offender in endeavouring to apprehend him, the executors or administrators of each person so killed (on certificate of the judge of assize, or the 2 next justices of peace) shall receive 40*l.* from the sheriff of the county where the fact was committed; and on failure of payment, such sheriff shall forfeit double the sum, to be recovered with double costs, by action of debt or information, wherein no more than one imprisonment allowed, 9 G. 1. c. 28. s. 5., [and see 58 G. 3. c. 70. s. 3. FELONY, *pl.* 97.]

8. All sheriffs producing such certificates and receipts, may deduct, on accounting with H. M., all monies (other than the forfeited sums and costs of suit) which they shall so disburse, *id.* s. 6.

9. If on the account of any sheriff there is not sufficient in his hands to reimburse him, he shall be repaid by the treasury, or by record of surplusage on any other sheriff indebted to H. M., on certificate from the clerk of the pipe, *id.* s. 7. [but he is not obliged to pay it from his own funds, 3 G. 1. c. 15. s. 4. *tit.* SHERIFF.]

10. If any such apprehender or prosecutor is guilty of any the said offences, not being in prison for the same, and convicting two or more, he shall not only have the reward, but also be entitled to a pardon, *id.* s. 8.

11. The charge of raising the *posse comitatús*, or other power, for enforcing this act, or 8 & 9 W. 3. c. 27. s. 15. (*pl.* 2.) shall be paid by the sheriff, and allowed in his accounts, or repaid by the treasury out of the revenue, or by record of surplusage on any other sheriff, on certificate from the clerk of the pipe, *id.* s. 9.

12. Nothing herein shall repeal 8 & 9 W. 3. c. 27. s. 15. (*pl.* 2.) or any other law in force against pretended privileged places, or for suppressing of riots; except where other provision is made by this act, *id.* s. 10.

13. If any action be brought against any justice, sheriff, bailiff, officer, or other minister, for any thing done in pursuance of this act, he may plead the general issue, &c., and on judgment for the defendant, shall have treble costs, *id.* s. 16.

14. TO PREVENT VIOLENCES AND OUTRAGES BEING COMMITTED BY any persons under pretence of sheltering themselves from debt or any process of law, in the hamlet of *Wapping-Stepney*, or elsewhere, in the bills of mortality, 11 G. 1. c. 22.

15. If any number of persons, not less than 3, shall, within the hamlet of *Wapping-Stepney*, [made a distinct parish, 2 G. 2. c. 30.] or any other place within the bills of mortality, wherein persons shall unlawfully assemble for sheltering themselves from their debts, of which complaint has been made by presentment of the grand jury at a quarter sessions, knowingly obstruct any persons serving any writ, rule, or order of any court, or other legal process, and shall assault or abuse any person serving or executing such writ, &c., whereby such person shall receive bodily hurt, the offender on conviction shall be guilty of felony, and shall be transported for 7 years, *id.* s. 1.

16. On complaint to a judge of any court out of which the writs issue, of opposition within the said hamlet, or elsewhere within the bills of mortality, wherein persons shall unlawfully assemble, &c., by any persons who have debts due to them from any persons sheltering as aforesaid, the creditor having any legal writ or process, and making oath before such judge, that a debt exceeding 50*l.* is justly due to him from the person against whom complaint shall be made, and that such creditor verily believes that he is sheltered within such place, such judge may issue his order to the sheriff, his deputy, or officers, enjoining him to take the *posse comitatús*, and enter the said hamlet, or any place elsewhere, &c. mentioned in the said oath, and to arrest such person on any meane process, extent, or execution, and to seize the goods of such person upon any execution or extent. And if such sheriff, &c. shall wilfully neglect to use his best endeavours for the executing of such process, &c., he shall forfeit to plaintiff 200*l.*, recoverable by action of debt, &c. or information, in which no essoin, wager of law, or more than one imparlance is allowed. And if any person shall knowingly resist any officers of justice in the execution of any writ, &c. in the said hamlet, &c., or shall make rescous of any prisoner taken upon such process, &c., or shall knowingly harbour or conceal any prisoner so

taken, or any persons who rescued such prisoner, or shall be knowingly abetting in resisting any such officer, or in rescuing such prisoner, he being convicted upon indictment or information, brought within 6 months after the offence, shall be adjudged guilty of felony, and transported for 7 years, 11 G. 1. c. 22. s. 2.

PRIVY COUNCIL.

(STATUTES repealed.)

THAT PROCLAMATIONS MADE BY H. M., WITH THE ADVICE OF HIS council, shall be obeyed and kept as though they were made by act of parliament, 31 H. 8. c. 8. [AMD. 34 & 35 H. 8. c. 23. Both acts REP. 1 E. 6. c. 12. s. 5.]

(STATUTES in force.)

1. EVERY PERSON WHO SHALL UNLAWFULLY ATTEMPT TO KILL OF assault, strike or wound, any person, being one of the privy council of H. M., when in the execution of his office as a privy councillor in council, or in any committee of council, shall, on conviction thereof in due form of law, suffer death without benefit of clergy, 9 A. c. 16. [See further as to the privy council, 16 C. 1. c. 10. STAR CHAMBER.]

2. H. M. SHALL HAVE BUT ONE PRIVY COUNCIL FOR THE kingdom of G. B., which shall have the same powers as that of Eng. had at the time of the union with Scot., and none other, 6 A. c. 6. s. 1. [ss. 2, 3. relate to SCOTLAND (Justice of Peace); s. 4. to *id.* (Judicial Proceedings), see preface; ss. 5, 6. to *id.* (Parliament).]

3. TO ALLOW THE PRIVY COUNCIL TO ACT AS SUCH FOR a limited time after the demise of the crown, 6 A. c. 7. s. 8. [framed for this section; and see rest of the statute, *tit.* PARLIAMENT, &c.]

4. The privy council of H. M., her heirs and successors, shall not be dissolved by the demise of H. M., her heirs, &c., but shall continue to act as such for 6 months, unless sooner determined by the successor to the crown; nor shall the office of lord chancellor of G. B., or keeper of the great seal, treasurer, president of the council, privy seal, high admiral, or any of the great offices of H. M.'s household, nor any office, place, or employment, civil or military, within G. B., Ire., Wa., or Ber., Guernsey, Jersey, Alderney, and Sark, [QU. as to Man], or any of H. M.'s plantations, become void by reason of the demise of the crown, but shall respectively retain their places for 6 months, unless sooner determined by the successor to the crown, *id.* *ibid.*

PRIZE.

(STATUTES expired and repealed.)

1. MERCHANDISES TAKEN IN ENEMIES' SHIPS MAY BE RETAINED, though belonging to foreigners in amity, 14 H. 6. c. 7. [EXP.]

2. DIRECTING PROSECUTION OF SUCH AS ARE ACCOUNTABLE FOR prize goods, 13 & 14 C. 2. c. 14. [EXP. and REP. 16 & 17 C. 2. c. 6.]

3. TO MAKE PRIZE SHIPS FREE FOR TRADE, 19 C. 2. c. 11. [EXP.]

4. DECLARING THE AUTHORITY OF THE COMMISSIONERS appointed by H. M., under the great seal of G. B., for receiving, hearing, and determining appeals in causes of prizes, 22 G. 2. c. 3. [EXP.]

5. FOR THE ENCOURAGEMENT OF SEAMEN, AND FOR BETTER AND more effectually manning H. M.'s navy; for regulating the payment of prize money, and for making provision for the salaries of the judges of the vice admiralty courts in the island of Malta, and in the Bermuda and Bahama islands, 43 G. 3. c. 160. [REP. 45 G. 3. c. 72. s. 1., and this act is also EXP.]

6. FOR THE ENCOURAGEMENT OF SEAMEN, AND THE BETTER AND more effectual manning H. M.'s navy during the present war, 45 G. 3. c. 72. [EXT. to cases arising in consequence of hostilities commenced since the passing of 45 G. 3. c. 72., 48 G. 3. c. 132., and EXPL. and AMD., and for the better providing for the interest of the royal hospitals for seamen at Greenwich, and for soldiers at Chelsea, and to extend its provisions to cases arising in consequence of hostilities commenced since the passing of such act, 49 G. 3. c. 123. EXT. to American prizes, 53 G. 3. c. 63., all the acts in part EXP., and REP. as to the residue, 54 G. 3. c. 93. s. 1.]

7. TO PREVENT THE SALE OF THE DANISH PRIZE SHIP *Constantia Maria*, and her cargo, in the port of Fowey, in the county of Cornwall, 48 G. 3. c. 147. [EXP.]

8. TO AUTHORIZE THE PAYMENT OF PRIZE MONEY ARISING FROM captures made by ships of his Sicilian majesty, in conjunction with British ships to the Sicilian envoy, for the use of the officers and men of such ships, and also for payment of money arising out of proceeds of prizes or captures made by other ships or vessels belonging to foreign states, in conjunction with H. M.'s ships, 47 G. 3. s. 1. c. 47. [EXT. so far as it respects the payment of prize money arising from captures made by foreign in conjunction with British ships, to captures made by the land forces of foreign states in conjunction with the British, 48 G. 3. c. 150., both EXP.]

(STATUTES in force.)

1. FOR THE ENCOURAGEMENT OF THE TRADE TO AMERICA, (*viz.*) by allowing the fitting out of privateers, and giving them as prize all captures made by them in America, 8 A. C. 57. ss. 1—8. [See the rest of this act, *tit.* SEAMAN, SLAVE, &c. NOTE. The power of fitting out privateers was given by s. 3. for the then war, and is therefore now Exp. QU. are not ss. 4—8. Exp. also?]

2. All prize officers in any place in America shall be suppressed, *id.* s. 1.

3. The flag officers, commanders, and other officers and seamen of every H. M.'s or private ship or vessel of war, shall have the sole interest and property of all vessels and goods taken in any part of America, the same being adjudged prize in a court of admiralty; and the duties paid on such goods shall be divided in such proportions as H. M. shall direct, *id.* s. 2.

4. The judge of admiralty, or other person thereto authorized, shall, within 5 days after request, finish the usual preparatory examination of the persons commonly examined, in order to prove the caption lawful prize, and the usual monition shall be issued and executed within 3 days after request; and in case no claim shall be made and attested upon oath, giving 20 days' notice, after the execution of such monition, or if there be such claim, and the claimant shall not within 5 days give security, (to be approved by such court of admiralty,) to pay double costs to the captors in case the same shall be adjudged lawful prize, such judge shall, on producing the said examination, or copies thereof, and upon producing upon oath all papers and writings which were taken with such capture, (or upon oath made that no such papers were found) immediately proceed to sentence, either to discharge such capture, or to condemn the same as lawful prize; and in case such claim is duly entered, and security given, and there appears no occasion to examine any witnesses, other than what are near such court of admiralty, such judge shall forthwith cause them to be examined, and (within 10 days after such claim made, and security given) proceed to sentence: but in case on making such claim, and allegation and oath thereupon, or producing the writings found taken with such capture; or on the said preparatory examinations it appears doubtful to the judge whether such capture be lawful prize or not, and it shall appear necessary to have an examination of witnesses remote from such court of admiralty, and such examination is desired, the judge shall cause such capture to be appraised by persons named on the part of the captor, and sworn, and after such appraisement, and within 14 days after making such claim, shall proceed to take security from the claimants to pay the captors the value thereof, according to such appraisement, in case it is adjudged lawful prize; and after such security given, shall make an interlocutory order for delivering the same to such claimants or their agents, *id.* s. 4.

5. If any claimant refuse to give such security, the judge shall cause the captors to give security, to be approved of by the claimant, to pay the value according to the appraisement, in case such capture is adjudged not lawful prize; and shall thereupon proceed to make an interlocutory order for delivering the same to the captors or their agents, *id.* s. 5.

6. All captures brought into any of H. M.'s plantations in America shall, without breaking bulk, be under the joint custody of the naval officer and of the captors, until either the same shall, by final sentence, have been cleared or condemned, or such interlocutory orders as aforesaid made for the delivering of the same; and on the condemnation thereof, shall, in case the same were taken by any privateer, be delivered unto the captors, and in case the same were taken by any of H. M.'s ships of war, unto such persons as H. M. shall direct; and if any judge or other officer delay any proceedings relating to the condemning or discharging of any such capture, he shall forfeit 500*l.*, one moiety thereof to H. M., and the other with costs, to such person as shall inform or sue for the same in any of the courts in H. M.'s plantations, or in G. B., *id.* s. 6.

7. There shall not be paid to the judges and officers of such court of admiralty, for the condemning of such capture, above 10*l.*, in case such prize be under the burden of 100 tons, nor above 15*l.*, in case the same be of that or greater burden, *id.* s. 7.

8. Any captors or claimants may appeal from the court of admiralty to H. M.'s council, so as the same be made within 14 days after sentence, and security given by the appellant effectually to prosecute such appeal, and answer the condemnation, as also to pay treble to be awarded by H. M. in case the sentence of such court of admiralty be affirmed, and so as execution be not suspended by such appeal, *id.* s. 8.

9. No SHIP OF WAR, NOR ANY PRIVATE SHIP OF WAR, taken from the enemy and legally condemned as prize, nor her sails, or any of her tackle, apparel, or furniture, shall be chargeable with any duty whatever, 34 G. 3. c. 70.

10. FOR REGULATING THE PAYMENT OF NAVY PRIZE-MONEY, and for the transmission of accounts and payment of balances to Greenwich Hospital, 54 G. 3. c. 93. [AND the governors of Greenwich Hospital authorized to pay over to the Russian ambassador certain shares

of prize-money due to the Russian seamen, 58 G. 3. c. 64.; (as to army prize-money and Chelsea Hospital, see 54 G. 3. c. 86.)]

11. The 45 G. 3. c. 72., 48 G. 3. c. 132., 49 G. 3. c. 123., and 53 G. 3. c. 63., so far as they relate to prize agents, and to Greenwich Hospital, shall be REP., 54 G. 3. c. 93. s. 1.

12. No person belonging to any of H. M.'s ships or vessels of war, or to any merchant ship employed in H. M.'s service, who shall run away, or withdraw himself from the vessel by which any prize is taken from any of H. M.'s enemies, or shall otherwise desert or withdraw himself from H. M.'s service, before or after notification is given by the persons or agents appointed, as in s. 13. pl. 24. directed, of the day appointed for the payment of the several shares to the captors of such prize, or who are marked on the books of any vessel in the service of H. M., as having run therefrom, shall have any interest in or benefit from such share of such prize, or the bounty-money herein-after mentioned, or any part thereof that shall then remain unpaid; but such shares, and also the shares of all officers, seamen, marines, soldiers, and others, as well on board hired armed ships as on board H. M.'s ships of war, which shall not be legally demanded within 6 years after the same have been paid to the treasurer of Greenwich Hospital, by virtue of any law then in force, shall be forfeited to such hospital, unless with respect to such officers and seamen as shall be marked "run," such mark shall be taken off by order of the admiralty, or of the commissioners of the navy: provided, with respect to the shares of such officers, seamen, marines, and soldiers, herein-before mentioned, which shall not be claimed within such time, that if reasonable cause is shown and allowed by the directors of Greenwich Hospital, or 5 of them, or by the judge of the high court of admiralty, why such last-mentioned shares were not claimed in due time, such shares shall not be forfeited, *id.* s. 2.

13. No agent for prizes or bounty money shall be sued, or arrested by any person who is marked "run," from H. M.'s service in the list certified of the names of the officers, seamen, marines, soldiers, or others who shall be actually on board any of H. M.'s ship of war at the taking of any prize, or who have subsequently deserted, unless the person so marked "run," or who so deserted, shall before action brought obtain a certificate of his R. being taken off, and the forfeiture of his share of such prizes and bounty monies being discharged by the commissioners of the navy, and shall produce such certificate to such agent, and unless such agent, on producing the same, shall refuse to pay such prize or bounty money in case the same is due and payable according to the directions in H. M.'s proclamation, within 5 months after any such demand made and such certificate produced: provided that if such share of any such person, who shall afterwards obtain such certificate, shall, when such certificate is produced, have been paid to the treasurer of Greenwich Hospital, such payment shall be a good discharge to the agent paying the same, *id.* s. 5.

14. No agent shall distribute any proceeds of any prize, except as in this act directed, until after the time of appeal has elapsed, *id.* s. 4.

15. If the judge of the high court of admiralty, or of the vice-admiralty court, in which any prize is condemned, shall certify that the vessel so condemned sailed under the flag and pass of the enemy, or under any commission of war granted by the enemy, then, on the application by the commander of the vessel making such capture, the proceeds shall be distributed, and an order of the court obtained, at his prayer, on the agent, to distribute such prize before the time of appeal is elapsed, subject nevertheless to the liability of the captor to answer any appeal that may be instituted during the time limited for appeals, *id.* s. 5.

16. The judge of the high court of admiralty, in all cases, either in the present or in any former war, in which the regular time of appeal has elapsed, or in which the appeal hath been determined, or any judge of any court of vice admiralty abroad, in any such case, to which any certificate from the judge of the high court of admiralty shall be transmitted at the time of appeal being elapsed, without further prosecution, together with an order of distribution thereon, may make an order for production and verification of accounts, and for the distribution of the proceeds, and enforce the same by the process of such court, by monition and attachment upon the agent in whose hands the proceeds may be lodged or any other person to whom such proceeds have been committed, and likewise by further process against the sureties of such agent; and all courts of vice-admiralty may enforce upon all persons within their jurisdiction all such orders, and all other orders of the high court of admiralty, whether relating as prizes, or to any matter relating thereto, within their respective jurisdictions, *id.* s. 6.

17. All the provisions, rules, and penalties, respecting the distribution of prize money, and the accounting for and paying over the proceeds of prize in this act, shall be extended to all seizures under the revenue laws, all grants of H. M., all bounties granted by act of parliament, and all other monies whatever, coming to and being in the hands of the prize agents of the officers and crews of any of H. M.'s ships of war, for their use, by reason of any capture, recapture, or seizure made by such ships, *id.* s. 7.

18. The proceeds of all seizures made by revenue cruisers, or other vessels employed in the service of the revenue, but under admiralty orders, shall be subject to the same regulations with respect to forfeited and unclaimed shares, as prize and bounty money are liable to under this act, or any other, 58 G. 5. c. 64. s. 6.

19. In all cases of condemnation in the high court of admiralty, where there is no claimant or appellant before the court, the court, at the prayer of the captors, may compel the agents, by process of motion, &c. to vest the proceeds of the property condemned in such public securities as the captors shall elect, to accumulate, for the benefit of the parties entitled, till the time of appeal is lapsed, subject nevertheless to the further directions of the court, upon the application of the captors; and in such like cases of condemnation in any court of vice-admiralty, such court, at the prayer of the captors, may direct the property captured, or the proceeds thereof, to be forthwith transmitted to G. B., to be vested in such public securities, after being sold, as the captors elect, until the time of appeal is lapsed, subject nevertheless to the directions of the high court of admiralty, upon the application of the captors, 54 G. 3. c. 93. s. 8.

20. The judge of the high court of admiralty, in all cases wherein any sentence of condemnation pronounced in such court is appealed from at the time of serving the inhibition thereon, or at any time thereafter pending such appeal, and without prejudice to such appeal, may assign the agent in whose hands the proceeds of the prize may be, at the prayer of either party, or of the treasurer of the navy, or of Greenwich hospital or his deputy, to bring into and leave in the registry the nett proceeds of the sales of such prize, deducting therefrom so much as the judge shall think requisite, for the expences of defending such appeal; and the proceeds so brought in shall be deposited, in case the parties agree thereto, in some public securities at interest in the names of the registrar or deputy registrars, and of such trustees as the parties appoint, and the court approve; and in case either party shall not so agree, the party praying shall have such proceeds invested in public securities, as in s. 8., he giving good security to the court to answer to the other party for any loss that may be occasioned thereby, in case such other party is ultimately pronounced to be entitled to the property, *id.* s. 9.

21. The lords commissioners of appeals may, in any case of appeal before them, order the proceeds of any prize, the subject of such appeal, or any part thereof, to be paid by the agent, at the requisition of the captors or claimants into court, to be disposed of at the discretion of the court on any application, either by the captors or claimants, *id.* s. 10.

22. On the application of any party interested in the proceeds of any prize, or of the treasurer of the navy or Greenwich hospital, and an affidavit of any such party, or any other person, of his belief that there are proceeds of any prize, or papers, or books, relating thereto, in the possession of any agent or persons, whether such prizes have been taken in the present or in any preceding war, the judge of the high court of admiralty may compel the production of the same, and the bringing in of such proceeds, and the answering to such interrogatories touching the same, as the court shall approve; and if it appear that the party hath been cited without cause, he shall be allowed his costs against the party making such affidavit, or at whose instance he hath been unduly summoned, *id.* s. 11.

23. Any captor, agent, or other person, who shall acquire or retain the proceeds of any prize contrary to this act, except for cause allowed by the court in which such prize is adjudged, or by the high court of admiralty, shall pay interest thereon at the rate of 12. per cent. per month, besides all other penalties imposed by this act, *id.* s. 12.

24. All appraisements and sales of any ships, goods, &c. taken by any ships of war, shall be made by agents appointed by the flag officers, captains or officers, or ships' companies, and others entitled thereto; viz., that if the flag officers of any squadron of ships which shall take any such prize, or the majority, if more than one, shall appoint one or more persons agents, then the commanders entitled thereto, or the majority of them, if more than one, may appoint the like number to act for them; and all the officers and others usually designated the commissioned and warrant officers, may appoint a like number to act for them; and all the remainder of the crew, usually designated the petty officers, and the stamen or marines, may appoint a like number, *id.* s. 15.

25. All persons so appointed agents for any prize taken by any vessels of war, or for receiving the bounty granted by this act, shall exhibit and cause to be registered in the high court of admiralty in G. B., or in the respective courts of vice-admiralty in any of H. M.'s dominions where such prize is proceeded against, their respective letters of attorney, appointing them agents for such purposes; and if persons so appointed shall, without sufficient cause to be approved by the court, delay so to do for 20 days after the motion has been taken out in any of such courts, he shall forfeit 500*l.*, and be disqualified for acting as agent for any such prize, *id.* s. 14.

26. If any agent is appointed after condemnation in any of the said courts, such agent shall under such penalties, register as in s. 14. his

letter of attorney appointing him agent within 20 days after the date of such letter of attorney, 54 G. 3. c. 93. s. 15.

27. No person, except the person so appointed agent, and who shall actually discharge the duties of agent, shall receive any part, share, or proportion of any commission in respect of such agency, or any emolument, &c. out of any such commission; and all persons so appointed agents, who shall give to, or allow to be taken by any other person, and every person who shall take, either by himself, or by any other on his behalf, or for his use, or the use of any part of his family, any part of any such commission, or any emolument thereout, shall forfeit 100*l.*, and also double the value of what was so given, or allowed to be taken, or was so taken, *id.* s. 16.

28. The registrars of the high court of admiralty, and of all other courts of admiralty or vice-admiralty, shall duly register in a book, to be by them kept, all letters of attorney exhibited or delivered to them by any agent for any prize taken or to be taken by any of H. M.'s vessels of war, or hired armed ships, or by any agent for the receipt and distribution of any bounty-bill or bills, within 14 days after, which registry shall contain the days of delivery and entry, the dates of the letters of attorney, the names and places of abode of the agents, the names of the prizes taken, or of the ships of war or privateers of the enemy taken, burnt, sunk, or otherwise destroyed, together with the names of the vessels by which such prizes were taken, or by which such ships of war or privateers of the enemy were taken, &c. or otherwise destroyed, together with the date of the condemnation, (if any has passed thereon,) and of the appeal, (if any interposed,) and the registrars shall, on the 26th Mar., the 25th June, the 30th Sept., and the 26th Dec., in every year, or within 14 days after each of such days, so far as relates to the high court of admiralty, and with respect to the courts of vice-admiralty, as soon after each of such days as any ship shall sail for G. B., transmit unto the treasurer of such hospital or his deputy, a true copy, under their hands, of all such entries within the preceding quarter of a year; and if such registrars shall neglect to make such entries, or to transmit such copies within such times, they shall forfeit 500*l.*, *id.* s. 17.

29. Every agent, when he shall register the first letters of attorney which in pursuance of this act he shall register, shall at the same time give security, with two sureties, by a joint and several bond, in 500*l.*, to the court of admiralty or vice-admiralty in which such letters are registered, for the due execution of his trust in all matters of prize agency committed to his care during the present war; and if he neglect so to do, such letters shall be void, and he shall be for ever disabled from acting as an agent in matters of prize, *id.* s. 18.

30. The registrars of every court of vice-admiralty shall, on the 26th Mar., the 25th June, the 30th Sept., and the 26th Dec., in every year, make out, and as soon after each of such days as any ship shall sail for G. B., transmit to the treasurer of such hospital at Greenwich, true copies of all letters of attorney so registered in such courts in the three preceding months; and of all bonds given on registering any such letters of attorney pursuant to s. 18. of this act, copies of which shall not already have been transmitted, to which copies the judges of such courts shall previously affix their seals of office; and such copies, when received by such treasurer, shall be there registered and open to inspection, by any person *gratis*, the charges of which copies, and affixing the seals thereto, and transmitting the same, shall be paid by such agents at the time of making such registry: and in case such registrar neglect to transcribe and transmit such copies, he shall forfeit 500*l.*, *id.* s. 19.

31. Copies of such letters of attorney, and of transcripts under seal, transmitted by such registrars of all courts of admiralty, and registered by such treasurer of Greenwich hospital, shall be good evidence of the agency of the persons to whom such letter of attorney is made and shall be admitted, without further or other proof thereof, to be legal evidence in all courts of record of law or equity, *id.* s. 20.

32. Upon every capture, there shall be sent by the commander of the capturing ship, or some person under his authority, to the agents for such capture, a list of the persons entitled to share therein, which list shall be subscribed by the commander, lieutenants, and all the signing officers on board at the time of capture, and at the time when the list is made out and transmitted, and shall contain the names, ages, and descriptions of the persons entitled to share, the names being arranged in the same order in which they stand in the muster books, which names and descriptions shall be taken from the description book belonging to such ship, and an alphabetical list of such names shall be prefixed to such list, and the same shall be examined with and corrected by the muster books of such capturing ships, deposited in the navy office, and certified by 2 of the commissioners of the navy; and in case no such list is sent to such agents, they shall apply to the commissioners of the navy for a list of the persons entitled to share in such capture, and such last-mentioned list shall thereupon be made out from the returns in the office of such commissioners of the navy, who shall cause the same to be made out, and certify the truth thereof under

the hands of 2 of them; and any person who shall alter the name or person in any list so certified, or erase or take away any name therefrom, or add any name thereto, after the same has been so certified, with intent to defraud any person, or any corporation whatsoever, shall forfeit 500*l.*: provided, that in case it appears at or before distribution, that any error has been committed in the prize list, or in the muster books transmitted to the navy office, nothing herein shall prevent the correction of such error; nor in case of the omission of any name on the distribution list, through error, shall charge the agent further than with the payment of the sum due, together with all expences of the party in recovering the same: provided, that if any agreement is made with any person not entitled under H. M.'s proclamation, or the prize act, to share in any capture, the agent, or hospital, making distribution according to such agreement, admitted by the persons entitled under such proclamation or act, shall not be liable to any penalty on that account: provided, that where any officer, petty officer, seaman, non-commissioned officer of marines, or marine, or other person actually entitled to share in any capture, shall, after distribution has been made, be proved by returns in the navy office, or otherwise, to the satisfaction of the commissioners of the navy, or 3 of them, to have been actually so entitled, but omitted in the distribution list, or included in a class inferior in rank to that in which he really served, such commissioners, or 3 of them, may certify such omission or error to the board of directors of such hospital at *Greenwich*, who shall thereupon cause the share to which such officer, petty officer, &c. if inserted in the distribution list in his proper class, would have been entitled, to be paid out of the general fund of unclaimed and forfeited shares of prize money in the hands of such treasurer of such hospital; and such treasurer, or his deputy, shall thereupon maintain, in the name of such officer, petty officer, &c. at the charge and to the use of such hospital, any suit against the agents for the recovery of the money so paid, that such officer, petty officer, &c. might himself have maintained if he had not received a satisfaction for the hospital; but if such agents are made liable to any such demands in consequence of an omission or mistake in any prize list certified to them, they may stop and retain the amount of the share for which he is so liable, out of any prize or bounty money in their hands, payable to the commander by whom such prize list was signed and certified, or his executors or administrators, or have a remedy over by action against any of them, for any charge or damage thereby sustained, 54 G. 3. c. 93. s. 21.

33. Where such omissions, misratings, improper descriptions, or errors happen in lists made out or certified at the navy office, the clerk who made out or compared the same with the muster books of the capturing ship shall be liable to make good to the party injured by such omission, &c. the loss sustained thereby, in like manner as any commander of any of H. M.'s ships is liable in cases where prize lists are made out by him, or any person under his authority, unless the commissioners of the navy are satisfied that the party is entitled to relief, and certify the same to the directors of *Greenwich* hospital; in which case the treasurer of such hospital shall pay to the persons so omitted, &c. or to their representatives, the sum they appear to be entitled to, which payment shall be made out of the general fund of unclaimed and forfeited shares of prize money in the hands of such treasurer, *id.* s. 22.

34. In all cases of condemnation in any vice admiralty court, where there is no claimant or appellant before the court, the judge may compel the agent, at the requisition of the captor, to give security at the time of condemnation for the faithful distribution of the proceeds, or for the remitting thereof to the treasurer of *Greenwich* hospital, or to such persons in *Eng.* as the captors shall appoint, under the directions of the court, for the purpose of being distributed in *Eng.*, *id.* s. 23.

35. Every agent resident in the U. K. shall, within 6 weeks after any condemnation in the high court of admiralty, transmit a notice thereof to the treasurer of *Greenwich* hospital, or his deputy, and to the treasurer or paymaster of the navy, together with an account of the state of the property condemned at the time of such transmission, according to the schedule A., on pain of forfeiting 500*l.*, unless a reasonable cause be shewn to and approved by the court of admiralty, *id.* s. 24.

36. Every prize agent shall, after the sale of any prize is completed, and before the time of the first payment of the prize money to be distributed, (or at any time thereafter, at the direction of the court,) exhibit in the respective court of vice-admiralty in which the prize was condemned, or in the high court of admiralty, (and if such prize was condemned in any court of vice admiralty abroad, shall transmit to the high court of admiralty in *Eng.*) an attested copy of the detailed accounts of the sales of such prize, duly verified upon oath, together with attested copies of all vouchers required by the court, which copies so transmitted shall be deposited in the public registry thereof; and all parties interested therein may object to the charges and articles therein contained, and such court shall confirm or disallow the accounts, upon hearing the objections, and make such further order touching the same, and the distribution of the proceeds, as the case may require; and any agent

who shall neglect to bring in a copy of his accounts at the time hereby directed, or who shall proceed to distribute without having exhibited and transmitted a copy of such accounts, duly verified on oath, or who shall neglect to obey any order of any court of admiralty, for the distribution of the proceeds of any such prize, shall forfeit 500*l.*, and be subject to the process of the court of admiralty, by monition and attachment, until he shall obey the order of such court; and such court may pronounce the bond given with the letters of agency to be forfeited, and levy the penalties secured thereby from the sureties, 54 G. 3. c. 93. s. 25.

37. Every prize agent, at the time he shall exhibit or transmit an attested copy of the detailed accounts of the sale of any prize, together with attested copies of all vouchers, to the courts of admiralty or vice admiralty respectively, as directed by this act, shall transmit another attested copy of such detailed accounts and vouchers to the treasurer of the hospital at *Greenwich*; and every agent who shall neglect so to do shall forfeit 100*l.*, *id.* s. 26.

38. Every agent shall, 10 days before he exhibits his account of sales in the registry of the high court of admiralty, cause advertisements to be twice inserted in the *London Gazette*, notifying the day on which the account of sales of such prizes will be brought into the registry of the court, *id.* s. 27.

39. The per-centage for agency, which in no case shall exceed 5*l.* per cent., shall be charged upon the net proceeds of any prize, bounty bills, or salvage; such net proceeds to be estimated previous to any deduction for law charges, *id.* s. 28.

40. After the sales of any prizes taken from the enemy by any of H. M.'s ships of war or hired armed ships, in this or any former war, or after the receipt of any bounty, or other monies in the nature thereof, payable to the navy, by the agent or person authorized to receive the same, public notification, as hereinafter mentioned, shall be given by the persons or agents appointed for the payment of the several shares to the captors; (i.e.,) if the prize is condemned in the high court of admiralty of G. B., then the persons or agents to be appointed in pursuance of this act, for the appraisement and sale of such prizes, shall insert and publish such notification, under their hands respectively, together with a notification of the amount of an individual's share in each class, in the *London Gazette*; and if in any court of vice-admiralty, then in some gazette or newspaper of public authority, of the island or place where the prize is condemned; and if there be no gazette, or such other newspaper, then in some one of the most public newspapers of such island or place; and if no newspapers are there published, then by affixing notice to the church, or some other public building, directed by the governor; and all persons or agents publishing every such notification respectively, shall deliver to the collector, comptroller, or searcher of customs, residing at or belonging to the port or place where the prizes are condemned, or their lawful deputies, 6 of those gazettes or other newspapers in which such notification is published, together with 6 notifications of the amount of an individual's share in each class; and if no such newspapers, then they shall give 6 such notifications in writing, under their hands, together with 6 such notifications of the amount of an individual's share, and such collector, &c. shall subscribe his name on some conspicuous part of each of such gazettes, newspapers, or written notifications respectively, and forthwith deliver one of such gazettes, &c. together with one such notification of amount to the deputy, to the treasurer of *Greenwich* hospital, resident at the place where such court of vice-admiralty is established, or to which its jurisdiction shall extend, and by the first ship which shall sail (after their receipt of such gazettes, &c.) from such port or place to G. B., shall transmit to the treasurer of the hospital at *Greenwich*, or his deputy, one of such gazettes, &c. together with one of such notifications of amount, with their names so subscribed to the same respectively, to be there registered, and another to the treasurer of the navy, or paymaster of the navy in *London*; and shall, by a second vessel, transmit in like manner to each of such officers one other of such gazettes, newspapers, or other notifications, together with one other notification of amount, marked by him, a duplicate of the former, and shall faithfully preserve the other of such 6 gazettes, &c. and the other notification of amount, with their names thereon subscribed; and at all ports and places where vice-admiralty courts with jurisdiction in prize causes are constituted, at which there shall be no officer of the customs, such gazettes, newspapers, or other notifications of distribution, together with such notifications of amount, shall be delivered to and transmitted, and kept in like manner by the registrar or deputy registrar of such vice-admiralty court; and all other places where prize or bounty money is distributed or payable, where there is no court of vice-admiralty, such gazettes, &c. together with such notifications of amount, shall be delivered to the principal civil officer of such place, or his deputy, to be transmitted and kept as aforesaid; and in every such printed or written notification, such persons or agents shall specify the names of the prizes about to be distributed, and of the capturing ships, and also the precise day of the

month and year on which such captures were made, and also their places of abode, christian and surnames at full length, and the precise day of the month and year appointed for the payment of the several shares to the captors; and all such notifications with respect to prizes to be condemned in *G. B.*, or of which being condemned abroad the distribution is made in *G. B.*, shall be published in the *London Gazette* 3 days at least before any part or proportion is paid to any such persons entitled thereto; and all such notifications with respect to prizes to be condemned, in any other part of *H. M.*'s dominions, where the distribution is also made, there shall be delivered to such collector, comptroller, or searcher, registrar or deputy registrar, or principal civil officer or officers respectively, or such respective deputies, one day at least before any part or share of any such prizes be paid to any person entitled thereto, after which notifications, if any man's share remain in the hands of the persons or agents so appointed, either belonging to such men as shall be run from *H. M.*'s service, or which shall not be legally demanded and paid within 3 months next after such notification, then such shares shall go to the treasurer of *Greenwich* hospital, 59 *G. S. c. 93. s. 29.*

41. Every prize agent shall, for 3 months after the distribution has commenced of the proceeds of any prize condemned in *Eng.*; or of which having been condemned abroad, the distribution shall have commenced in *Eng.*, or bounty hereby granted, or money in the nature of bounty, keep an office open 2 days at least in every week, during the usual hours of attendance, for the payment of shares remaining due, which days, together with the place where such payments are to be made, shall be specified in the notification of payments published in the gazette, on pain of forfeiting 500*l.*, and at the conclusion of such 3 months he shall suspend all further payments to the captors, *id. s. 30.*

42. If any person or agent to be appointed for appraisement or sale of any prize taken from the enemy by any of *H. M.*'s vessels of war, or hired armed vessels, or for the distribution of any bounty money, shall neglect to publish, give, or deliver any notification by *s. 29. pl. 40.* directed to be published, given, or delivered, or shall not give, publish, or deliver, any such notification before the payment of any part of such prize or bounty money, or other money in the nature of bounty money, and within the times limited, or in the manner herein appointed, or shall not set forth in such notification the things herein directed, such person or agent shall forfeit not exceeding 100*l.*, at the discretion of the court in which the same shall be sued for; and if any collector, comptroller, or searcher of customs, registrar of any vice-admiralty court, or principal civil officer, or such deputies neglect to receive or to attest, or shall not transmit any such gazette, newspaper, or written notifications as aforesaid, as is by this act directed, every such collector, &c. shall forfeit 500*l.*, *id. s. 31.*

43. The notifications in all such gazettes, newspapers, and in writing respectively, which shall be so transmitted and attested by such collector, &c., and registered at such hospital, on proof of the hand-writing of such collector, &c., shall be good evidence in all courts of law, equity, and admiralty, that the person whose name is therein set forth as the agent of the prizes therein mentioned, is such agent, *id. s. 32.*

44. At the end of 4 months after such notifications of distribution so given, every prize-agent and person authorized to receive any bounty money or other monies in the nature thereof, to which the navy is entitled, shall pay over all shares and balances then remaining unpaid, to the treasurer of *Greenwich* hospital, or such person as he shall appoint to receive the same; and shall likewise make out and transmit to such treasurer a true account under his hand, of the produce of all such prize, bounty, or other monies, together with an account of the payments of the several shares to the captors, which have then been by him paid, and shall verify such account on oath, which oath such treasurer or his deputy may administer; and such agent, or other person so authorized, shall, at the same time, deliver to such treasurer an authentic copy of the distribution list, on which the payments have been made, and also the original prize list delivered by the commander of the capturing ship or the commissioners of the navy to the prize agent, or such other person; and every prize agent and person authorized to receive bounty and other monies, who shall neglect, as herein directed, to pay such shares and balances within 30 days after the expiration of such 4 months, shall forfeit 100*l.*, and who have neglected to transmit and verify, within such 4 months, such account of the proceeds of such prize, bounty, or other monies, and of the distribution thereof, shall forfeit 500*l.*, *id. s. 33.*

45. When any agent appointed by the captors of any prize, for the sale and distribution thereof, shall, after the proceeds of such prize, or any part thereof, or any such bounty money have been received, substitute any other agent or person to distribute and pay over to any of the captors their shares thereof, and shall remit to them any sum for distribution, such substituted agent or person, as also the original agent, shall, from the time of such sum being received by them respectively, be answerable to such hospital for all parts and shares of such sum as shall be unclaimed or forfeited, and such substituted agent or person shall

not repay such unclaimed or forfeited shares to the original agent, but shall, after the time for distribution is ceased, and in the time in which prize agents are directed by this act to pay over shares or balances, pay such unclaimed and forfeited shares unto the treasurer of *Greenwich* hospital, or his deputy, in the same manner and under the same restrictions, and subject to the same penalties for non-compliance, as is directed respecting the original agents, 54 *G. S. c. 93. s. 34.*

46. Every prize agent, or person authorized to receive and distribute any bounty monies, or other monies, shall, within 10 days after he shall render to the treasurer of *Greenwich* Hospital or his deputy, and verify his account of the proceeds and distribution of any prize, bounty, or other monies, transmit to the treasurer or paymaster of the navy a copy of such account, under the like penalty for neglect, as is by *s. 55. pl. 44.* imposed for neglecting to render such account to such treasurer, *id. s. 35.*

47. After the balances are so paid over to the treasurer of *Greenwich* hospital or his deputy, such treasurer or his deputy, and the clerk of the cheque of such hospital, or his chief clerk, shall respectively keep an office open from 9 to 4 in the afternoon, on every day in the week, for the purpose of receiving claims for shares to be refunded according to this act; and shall jointly refund such shares, when demanded, according to the regulations in *s. 49. pl. 66.* contained, *id. s. 36.*

48. If any flag officer, or commissioned or warrant officer, shall direct by any order in writing that his share shall not be paid over to the treasurer of *Greenwich* hospital or his deputy, the same shall for 3 years remain with the agent, subject to such further orders as such officer may give: provided, that if at the end of 3 years such share has not been paid to the officer entitled to it, the agent shall pay the share remaining in his hands to such treasurer or his deputy, *id. s. 37.*

49. No deduction shall be allowed in the payments of unclaimed or forfeited shares and balances paid over to the treasurer of *Greenwich* hospital, or his deputy, for any sums not appearing upon the prize list of distribution to have been thereon paid and acknowledged, unless satisfactory vouchers from the parties entitled thereto, or their lawful attorneys, are produced, *id. s. 38.*

50. Every agent for any prize in any of *H. M.*'s settlements, colonies, or plantations abroad, or in any place out of the *U. K.*, shall make up his accounts, and deliver up and verify the same in the vice-admiralty court in which such prize was condemned, in such manner as the court shall require, within 6 months after the commencement of the distribution of the proceeds of such prize, and shall, under the direction of the court, on the application of the deputy of the treasurer of *Greenwich* hospital there resident, and in such manner as shall be specified in any order, remit all unclaimed balances and shares, and all shares of run men, to such treasurer in *Eng.*, or pay the same over to the deputy treasurer for the purpose of being remitted, at the election of the deputy, so as that the same, as to every place except the *East Indies*, may be paid to such treasurer within 6 months, and as to any place in the *East Indies*, within 12 months next after exhibiting his accounts in such court, in such manner as such court shall require, on pain of forfeiting his bond of 5000*l.*, *id. s. 39.*

51. Lists of all prizes accounted for to the treasurer of *Greenwich* hospital, condemned in the high court of admiralty, or in any court of vice-admiralty, shall be transmitted 6 times in every year from the office of the clerk of the cheque at *Greenwich* hospital to the several persons appointed by such treasurer to receive applications and claims for prize and bounty monies, which lists shall be open to public inspection every day, between 10 and 4, *gratis*, *id. s. 40.*

52. In every case in which any vessel, having made any capture, shall not be in a port of this kingdom, or in the *British* or *Irish* or North seas at the regular time of distribution, so as to enable the officers and men to receive the same, the treasurer of such hospital, or his deputy, may cause the proceeds of such capture to be paid to him, within one month after the regular period of distribution, and when so paid to be forthwith lodged in the bank, or invested in exchequer bills or other public securities, in the names of such treasurer, the secretary, and clerk of the cheque of such hospital, till the return of the capturing ship, for the benefit of the captors; and on such return, may cause such proceeds, with all accumulations thereon, under the authority of the directors of such hospital, to be distributed within 3 months thereafter: provided that if any person entitled to share in such prize, bounty, or other money, by reason of any change of ship or other cause, shall apply for his share, such treasurer, secretary, and clerk of the cheque, may pay the same out of any other monies in their hands, and retain for the benefit of *Greenwich* hospital such proportion as has been so paid, together with all interest thereon, when such securities shall afterwards be sold for distribution, *id. s. 41.*

53. Upon every order for receiving the prize or bounty money of a petty officer, seaman, non-commissioned officer of marines or marine, these words shall be printed or written, before the same is attested; viz. 'Take notice, that no prize or bounty money can be received under this

order, except by an agent duly licensed, in conformity to the act of parliament of the 54th year of king George the 3d, or by the wife, one of the parents, children, brothers or sisters of the grantors, and that every offence against the said provision of the above-recited act, is punishable as a misdemeanor,' 54 G. 3. c. 93. s. 42.

54. If any person shall insert in any order for receiving prize or bounty money, after attestation thereof as before directed, the name or description of any prize or bounty money, other than what shall have been originally expressed in such order when attested, such person shall be deemed guilty of a misdemeanor, and be punished accordingly, *id.* s. 43.

55. All powers and remedies given by this act to, or that may by law be used, or actions that may be brought by, any captor to compel agents to exhibit their accounts, and verify the same, and bring in proceeds and enforce distribution, or the performance of any other duty, or for the recovery of any penalty, may be used, exercised, and enforced, on behalf of the captors, generally, or on behalf of any individual captor, by the treasurer of *Greenwich* hospital, or by the treasurer of the navy, *id.* s. 44.

56. So much of 54 G. 3. c. 93. [viz. s. 45. and sch. B.] as directs or authorizes the payment by any navy prize agent of any prize or bounty money, grants, or other allowances, upon orders made by non-commissioned officers, seamen, and marines, *REP.*, 58 G. 3. c. 64. s. 1.

57. The payment of prize money upon orders shall be confined to the treasurer and clerk of the cheque of *Greenwich* hospital, and no agent appointed for the distribution of navy prize or bounty money, grant, or other allowances, whether arising from conjunct expeditions or services by the navy only, shall pay any share of the non-commissioned officers, seamen, or marines, or supernumeraries, entitled thereto, upon any order or letter of attorney, or other written authority whatsoever, but shall pay the same to the said non-commissioned officers, seaman, marines, and supernumeraries, upon their respective personal applications only, upon pain of forfeiting, for every payment made otherwise than as above, 50*l.*, to be recovered by and in the name of the treasurer of the hospital, *id.* s. 2.

58. All orders made by non-commissioned officers, seamen, and marines, and others entitled to prize or bounty money, grants, or other allowances, shall be in the form set forth in the schedule to this act, marked (A), and shall contain in the body an exact account of the money and goods advanced by the person in whose favour such order is made, to the person making the same; and a certificate shall be printed upon every paper containing such order according to the form set forth in the schedule marked (B), and shall be duly filled up and attested as directed at the foot; and the treasurer and clerk of the cheque of the hospital shall pay upon every such order, out of the money belonging to the person making the same, so much as shall appear to be due to the payee, with legal interest, and no more, *id.* s. 3.

59. If any person shall knowingly insert or cause to be inserted in any such order any other date than the day on which such order shall be executed, or shall knowingly present or utter any order bearing any false date, such person shall be deemed guilty of a misdemeanor, and punished accordingly, *id.* s. 4.

60. If any person really entitled to prize or bounty money, pension, grant, or other allowance of money, on account of services on board of any vessel, shall, by the production of any false certificate, or by making any false representation, endeavour to obtain from the hospital such money, or other allowance so due, such person shall be guilty of a misdemeanor, and shall forfeit all such money, or other allowance, due to him on account of his services, *id.* s. 5.

61. Every licensed agent shall send a list of all orders he may receive from non-commissioned officers, seamen, or marines, to the agent appointed for the distribution of any prize, bounty, grant, or other allowance of money, which orders, if deposited at *Greenwich* hospital, shall not be revocable after the distribution of such money has commenced; and such distributing agents shall not, after receiving such list, pay to the non-commissioned officers, &c. named therein the share due to them, but shall pay the same, with the unclaimed and forfeited shares, to *Greenwich* hospital, to be refunded by the treasurer to them, or to the payees named in such orders, as unclaimed shares are to be; and such distributing agents shall, on request of the clerk of the cheque of such hospital, deliver to him any order deposited in their hands by the licensed agents, to be kept at such hospital, and such clerk shall give a receipt for the same, and an undertaking to produce the same whenever the production thereof is expedient, *id.* s. 9.

62. Upon every order made under this act, directing the payment of prize or bounty money, a stamp duty of one shilling shall be payable to H. M., and no order authorizing the receipt of shares due to more than one person shall be valid, 54 G. 3. c. 93. s. 46. [QU. REP., as the clause of this act authorizing such orders to be made is repealed, see *pl.* 56.]

63. Orders made under 43 G. 3. c. 160. [which was *REP.* by 45 G. 5. c. 72. s. 1., and which appears to have *EXP.* with the war] shall be void, except orders or powers of attorney made and executed pursuant to

the laws in force at the time of their execution, by petty officers and seamen, non-commissioned officers and privates of marines, to persons standing in the relationship of either a wife or child, or father or mother, or grandfather or grandmother, or brother or sister, or uncle or aunt, or niece or nephew, 54 G. 3. c. 93. s. 47.

64. The treasurer of such hospital may appoint such persons to be his deputies for receiving applications and claims for prize and bounty monies, and for other the purposes of this act, at such places within the U. K. as he shall think necessary; whose duty it shall be to prepare such petitions and applications, and transmit the same, together with the certificates, to the clerk of the cheque of such hospital, as herein-after mentioned, *id.* s. 48.

65. Any person claiming any share or balance of any prize or bounty monies paid into *Greenwich* hospital, may apply to such deputy treasurer residing in any part of the U. K., and upon producing to him such certificates of service in the navy as such claimant may have, shall sign a petition or application to the directors of such hospital, to be prepared by such deputy, praying that such share or balance may be refunded to such claimant; which petition or application, together with such certificates, shall be transmitted to the clerk of the cheque of such hospital, who shall report thereon the sum due to the claimant, with the circumstances under which the same was paid into the hospital; and if he deem it necessary, refer such petition or application to the navy office, that the service of the claimant may be ascertained, and returned to such clerk of the cheque, or his chief clerk, who, if such service shall correspond with the certificates produced and transmitted by such claimant, shall certify the same to such treasurer, or his deputy, who shall thereupon send a remittance bill for the amount, in the manner and form hereinafter mentioned, or shall remit the same in such other manner as such treasurer, or his deputy, and the clerk of the cheque, or his chief clerk, shall judge more expedient, *id.* s. 49.

66. Every person claiming any share or balance of prize or bounty money paid into *Greenwich* hospital, and residing in any part of the U. K. where there shall be no such deputy-treasurer of such hospital, may apply for such share or balance by letter or otherwise, to the treasurer or clerk of the cheque at such royal hospital, and who shall thereupon furnish him with blank petitions and forms, to be filled up and attested by the minister, churchwardens, or elders of the parish in which such claimant shall reside; which petitions, when filled up, shall be transmitted to such clerk of the cheque, together with any certificate of the service of such claimant in the navy, which such claimant may have; and when the same has been returned from the navy office upon such attestation and certificate (in case the clerk of the cheque shall refer them to that office), and a certificate obtained from the navy office of the service of such claimant, corresponding with the certificates produced by him, such share or balance shall be forthwith paid to such claimant, on application at *Greenwich* hospital; or if such claimant shall not be able conveniently to attend at such hospital to demand the same, a remittance bill shall be forwarded for the amount, or the same shall be remitted for the use of such claimant, in such other manner as such treasurer or his deputy, and the clerk of the cheque, or his chief clerk, shall judge more expedient, *id.* s. 50.

67. The treasurer of such hospital, or his deputy, shall make out 2 bills for every sum which they have occasion to pay to any person of the description in s. 50. mentioned; which bills shall be duplicates, and joined together with oblique lines, &c., in such manner as such treasurer or his deputy shall think proper, and shall be payable to such person by the receiver-general of the land-tax for any county, riding, or city, within the U. K., collector of the customs for any port, or collector of excise for any collection in the U. K. respectively, near which such person shall reside, according to the appointment of such bills; and such bills, being numbered and dated, shall be signed by such treasurer or his deputy, and attested by the clerk of the cheque of such hospital, or his chief clerk, and be according to the following form; viz.

Royal Hospital, *Greenwich*.

Sir,

Pay to — of — in the county of — upon producing the duplicate hereof, together with a certificate under the hands of the captain and one other signing officer of the ship to which such — belongs, (in case he is in H. M.'s naval service), or of the minister and churchwardens [or, in *Scot.*, under the hands of the minister and two elders] of the parish where he resides, (in case he is not in such naval service), that to the best of their knowledge and belief he is the person named in such bill, the sum of — *l.* sterling, being on account of monies due to the said — for captures made by H. M.'s ship —, if the same shall be demanded within 6 calendar months from the date hereof, otherwise you are to return this bill to the treasurer of the said royal hospital.

Attested — Treasurer or his deputy.

— Clerk of the cheque of the said hospital, or his chief clerk.

To the receiver-general of the land-tax of the county of —.

To the collector of the customs of the port of —.

To the collector of excise at —.

N. B. The personating or falsely assuming the name and character of any person entitled or supposed to be entitled to prize money, for services performed in H. M.'s navy, in order to receive the same, is felony without benefit of clergy.

And as soon as such bills shall be so made and signed, such treasurer or his deputy, shall cut asunder indentwise, through the oblique lines, &c., and shall cause one of them to be transmitted to the payee, and the other to the receiver-general of the land-tax, collector of the customs, or collector of the excise, on whom such bills shall be so drawn; who, if such bills shall be delivered to either of them within 6 months, if in *G. B.* and if in *Ire.*, then within 9 months from the date thereof, shall examine such duplicate, together with the certificate to be produced, and enquire into the truth thereof by the oath of the person producing the same, or by his solemn affirmation, (which oath or affirmation they may administer,) and upon being satisfied of the truth of such certificate, shall testify the same on the back of such bill, and immediately pay to such person, without fee, the sum directed, taking his receipt on the back of the bill; but in case the duplicate of such bill shall not be delivered, and the payment thereof be demanded within 6 or 9 calendar months from the date, as the case may be, or if a proper certificate of the claimant be not likewise produced, then such receiver-general, &c. shall return such bill to the treasurer of such royal hospital, who shall cancel such bill, and after the cancelling, such prize and bounty money shall remain payable, as if the said bill had not been made out; all which bills and receipts, and also all other receipts for prize and bounty money, which shall be at any time refunded by such treasurer, shall be free from stamp duty, 54 *G. 3. c. 93. s. 51.*

68. All such remittance bills which shall be drawn upon and paid by any receiver-general of the land-tax, collector of customs or of excise, upon being delivered at the office of the treasurer of such hospital, shall be repaid by such treasurer to such receiver-general, &c., or to their respective orders, *id. s. 52.*

69. If any such receiver-general, or collector of customs or excise, to whom the duplicate of any of such bills shall be tendered for payment, shall not then have public money sufficient to answer the same, and shall therefore delay the immediate payment thereof, they shall indorse on the back of such duplicate the day of its being so tendered, and the cause of delay to pay the same, and shall forthwith transmit such duplicate, with his certificate of non-payment, to the clerk of the cheque of the hospital at *Greenwich*, who shall take steps for remitting the amount of the duplicate to the person entitled to it; and if, upon complaint made to the respective commissioners of the land-tax, customs, or excise, it appears that such receiver-general, or collector of customs or excise, hath unnecessarily and wilfully delayed the payment of such bill, 3 of such commissioners may convict and fine such offender not exceeding 50*l.*, and such fine shall be levied and recovered in the same manner, as any conviction may be made, and any penalty may be levied and recovered for any offence against any law by which any customs or excise is imposed or laid; and such fine shall go to the informer, *id. s. 53.*

70. No person paying any share or balance of prize money refunded by *Greenwich* hospital shall receive any fee on account thereof, or of any thing done relating to the procuring or paying the same, on pain of forfeiting 100*l.*, *id. s. 54.*

71. In all cases in which any claim of prize or bounty money is made upon any prize agent, accompanied with a requisition in writing from the clerk of the cheque of such hospital, or the officer for prizes in the navy pay office, in the form to this act annexed, marked (C), requiring that such claim may be either satisfied, or a reason assigned for its disallowance, such prize agent shall either pay the same, or state in writing under his hand the reason of refusing to do so, and deliver the same to the claimant presenting such requisition; and if the reason assigned be, that such claim has been satisfied, such agent shall specify the name and place of abode of the person by whom the amount was received, and under what authority, from the claimant, and at what time the same was paid; and if any such agent shall omit, at the time of such claim made, accompanied by such requisition, or within 2 days afterwards, to give and subscribe such information as aforesaid, he shall forfeit to such claimant double the sum claimed, to be recovered with costs in an action of debt, wherein it shall be sufficient for the plaintiff to declare against the defendant for so much money had and received by him to and for the use of such plaintiff; and proof of such claim, and of the service of such requisition upon such agent, shall be and be deemed sufficient evidence in support of any such action, *id. s. 55.*

72. No person within the U. K. shall receive any wages, pay, prize money, or bounty money, or money in the nature of bounty money, due to any petty officer, seaman, non-commissioned officer of marines, or marine, on account of his services respectively on board any of H. M.'s ships, or in the capture of any fortress upon the land, or any arms, ammunition, stores of war, goods, or treasure, on any conjunct

expedition of sea and land forces, under any such orders as in *s. 47. pl. 65.* mentioned, other than persons who are licensed as hereinafter mentioned for that purpose: provided, that nothing herein shall prevent any such petty officers, &c. from giving such orders to receive their wages, pay, prize money, or bounty money, to their wives or parents, children, brothers, or sisters, 54 *G. 3. c. 93. s. 56.*

73. Any person who shall falsely represent himself to be within any of such degrees of relationship, in order to enable himself to receive any such prize money, &c., due on account of the services of any such petty officer, &c. under any such order, or who, not being within any such degree of relationship, and not being licensed, shall receive any wages, pay, prize money, &c., for the use of any such petty officer, &c., or if any agent or person whose licence has been revoked shall offer himself to receive, or shall receive any such wages, pay, prize money, &c., not being within any such degrees of relationship, and be thereof duly convicted, he shall be deemed guilty of a misdemeanor, *id. s. 57.*

74. Every person, not being a prize agent, and having given security as such, according to this act, before he shall act as an agent for receiving the wages, pay, prize money, bounty money, or other allowances of money of any such petty officers, &c., shall take out a licence for that purpose from the treasurer of the navy, who shall grant the same, on good security being given by bond to H. M. in 300*l.*, that such person so taking out such licence shall demean himself properly, and duly account to all persons for whom or for whose use any such wages, pay, prize money, or bounty money, shall have come to his hands, and for which licence 20*s.*, besides the stamp duties, shall be paid to the officer of prizes in the office of the treasurer of the navy, who shall pay over the same to the paymaster of incidents, towards the incidental expences therein incurred; which licence shall be in force for 3 years from the date thereof, *id. s. 58.*

75. If after the taking out of any such licence, it appears to the treasurer of the navy, that any such licensed agent hath abused the trust reposed in him, by not duly accounting to his respective employers for the sums by him received on their behalf, or by practising any fraud on them, then such treasurer, by any writing under his hand to be delivered to such licensed agent, or left at his last or usual place of abode, or place where his business of agency is carried on, may revoke his licence; which revocation, if such agent's place of transacting agency business shall be in *London*, or within the bills of mortality, shall be published in the *London Gazette*; and if in the country, also in some public newspaper in circulation at or near to the place where such agent shall transact his business of agency; and thenceforth the power and authority of such agent to demand and receive any wages, pay, prize money, &c. due on account of the services of any such petty officers, &c. shall absolutely cease, *id. s. 59.*

76. The names and places of abode and of transacting agency business of every such licensed agent, shall be inserted in a list, and hung up in the hall of the navy pay office in *Somerset Place*, and in each of the navy pay offices at the outposts of the U. K., for public inspection, and which lists shall be renewed as occasion requires, *id. s. 60.*

77. As often as any such licensed agent shall remove or change his place of conducting the business of agency, he shall, within 14 days after, give notice thereof in writing to the treasurer of the navy, on pain of forfeiting 50*l.*, *id. s. 61.*

78. All letters or packets addressed to such treasurer or clerk of the cheque of such hospital, upon any business or affairs relative to prize matters, or to such hospital, shall be free from postage; and also that all letters or packets sent by such treasurer, or by the clerk of the cheque of such hospital, upon such business or affairs, or by the officer for prize matters in the navy pay office, upon prize matters as hereinafter directed, shall be free of postage; and all letters and packets relating to such matters, that shall be forwarded by such treasurer or clerk of the cheque, or by such officer for the prize matters in the navy pay office, shall be under cover, with the words "pursuant to act of parliament, 54 *George 3.*" printed upon the same; and such treasurer or clerk of the cheque of such hospital, or officer for prize matters in the navy pay office, shall write his name under the same; and they are hereby strictly prohibited from inclosing or sending under such covers any writing, paper, or parcel whatsoever, excepting such as relate to such business or affairs, *id. s. 62.*

79. If any such treasurer or clerk of the cheque, or officer for prize matters, shall send under any of such covers, any writing, paper, or parcel, other than those relating to such business or affairs, he shall forfeit 100*l.*, *id. s. 63.*

80. All commanders of H. M.'s vessels of war, or hired armed ships, shall transmit to the treasurer of the navy, and to the clerk of the cheque of such hospital, accounts in writing of all prizes taken, with the name of the port to which the capture was sent, with the name and place of abode of the agent, stating whether it is a sole or joint capture, and, if joint, the names of the several ships aiding in such cap-

ture, with the date of the capture, and the place where the same was made, 54 G. 5. c. 93. s. 64.

81. The prize and bounty money due to the representatives of petty officers, seamen, and marines deceased, shall be paid only to their representatives, or their lawful attorneys, upon production of the cheque to be granted by the inspectors of seamen's wills, *id.* s. 65.

82. The expences incurred in executing this act, and the sums paid in remunerating the officers of the navy office, navy pay office, or of *Greenwich* hospital, shall be subject to the discretion of the commissioners of the navy, as far as the same relate to officers of, or persons employed in the navy office, or otherwise under their orders, of the treasurer of the navy, as far as the same relate to officers of, or persons employed in the navy pay office, and of the board of directors of the hospital, as to all officers and persons employed or belonging to *Greenwich* hospital, and shall be paid by such board out of the interest of unclaimed shares, and shares of run-men, invested in government securities, or if necessary, out of the principal sums in the hands of their treasurer, on account of such shares of run-men, the accounts of such remunerations and expenditures being annually returned to parliament; and the commissioners of the navy, and the treasurer of the navy respectively, shall quarterly cause an account to be sent of the amount of such expences to such board, who shall immediately cause the same to be paid to the order of the said commissioners and treasurer respectively, *id.* s. 66.

83. All fees heretofore paid by such hospital at the navy office, for tracing the services of persons claiming shares of prize or bounty money, shall cease, *id.* s. 67.

84. No person employed by *Greenwich* hospital in executing this act, shall act as an agent for prizes, or be concerned, directly or indirectly, in the business thereof, under the penalty of 500*l.*, *id.* s. 68.

85. If any person shall falsely make oath to any of the matters required to be verified on oath, or suborn any other person so to do, such person shall suffer the like pains as are incurred by persons committing wilful and corrupt perjury; and that if any person shall counterfeit, erase, alter, or falsify any commission for war or letter of marque, or any warrant for making out the same, or any certificate required or directed by this act to be given for obtaining the same, or shall publish or make use thereof, or any such certificate, knowing the same to be counterfeited, erased, altered, or falsified, such person shall forfeit 500*l.*, *id.* s. 69.

86. All persons hereby directed to transmit any of the accounts, who shall neglect to transmit the same to the treasurer of such hospital, or his deputy, within the time before limited, shall forfeit 100*l.*, and pay the expence of any application to any court to compel the production and delivery of the same, *id.* s. 70.

87. If any fraud, collusion, or deceit shall be wittingly or willingly made, used, committed, permitted, or done or suffered in making, stating, or balancing such accounts, then every person duly convicted, and his aiders and abettors, shall forfeit 500*l.*, *id.* s. 71.

88. Process of captures before 1st Jan. 1805, to be distributed according to this act, and agents to account, &c. accordingly, *id.* s. 72. [Exp.]

89. Registrars shall send to the treasurer of *Greenwich* hospital within 2 years after the passing of this act, an account of all monies paid to the courts of admiralty up to 1st Jan., 1812; and at the same time shall remit the same to such hospital; and the receipt of such treasurer or his deputy, to the registrar paying such money, shall be a good discharge, and with respect to all monies which have been so paid to such registrars since 1st Jan. 1812, or which shall hereafter be so paid, and which shall remain in their hands for 12 calendar months after the prizes, from which such monies shall have proceeded, have been finally adjudged to the captors, unclaimed by such captors, or by any person on their behalf, the judges of such courts respectively, upon application by the treasurer of such hospital or his deputy, may order payment thereof to such treasurer or his deputy; which several sums, when so paid, shall be distributed among the captors or their legal representatives, by the treasurer and clerk of the cheque of such hospital, in like manner, and subject to the same regulations, as in cases of distribution by the agents of the captors, *id.* s. 73.

90. The treasurer and clerk of the cheque of such hospital, as they see occasion, may issue precepts under their hands, directed to such person licensed, as in s. 58. *pl.* 74. before mentioned, and whom they believe have received prize or bounty monies upon orders executed since the passing of this act, requiring them, within 2 calendar months next after the time at which such precept shall have been served, to transmit upon oath to such treasurer and clerk of the cheque, according to the directions contained in the said precept, (which oath any justice of the peace or magistrate, or the treasurer or deputy treasurer of such hospital may administer) an account of all monies received by such persons upon such orders executed, and in case the same or any part thereof has

been paid over, then to whom the same was so paid; and shall at the same time remit to the treasurer or deputy treasurer of such royal hospital, as may be required by such precept, such part of such monies as remain in their hands; and in case such monies shall not be so paid over or remitted to such treasurer or deputy treasurer within the time limited, the same shall be recoverable by action for money had and received or otherwise, in the name of the commissioners and governors of such hospital; and the same, when so recovered, shall be for the use of the parties beneficially entitled thereto, and be otherwise applied as forfeited and unclaimed shares of prize and bounty monies are by this act directed; and in case any such person, upon whom any such precept shall be served, shall neglect to transmit such account within such time, he shall forfeit to the use of such hospital 20*l.*, to be recovered by action of debt, to be brought in the name of such commissioners and governors of such hospital, in any courts of record at *Westminster*, unless sufficient cause shall be shewn to the satisfaction of the board of directors of such royal hospital, why such precepts have not been complied with, 54 G. 5. c. 93. s. 74.

91. In case any such person, upon whom any such precept has been served, shall neglect to pay obedience thereto, and shall, in consequence thereof pay the penalty incurred by such disobedience, the treasurer and clerk of the cheque of such hospital, may nevertheless repeat such precept, until the accounts required shall have been duly rendered; and such person shall be liable to a separate penalty of 20*l.* for every precept to be served upon him or them, to which due obedience is not paid, to be recovered as aforesaid, *id.* s. 75.

92. The registrars of the high court of appeals and high court of admiralty respectively, shall, on 26th Mar., 25th June, 30th Sept., and 26th Dec., in every year, transmit to the treasurer of such royal hospital or his deputy, and to the treasurer of the navy, a list of all the prizes adjudged in their courts, in the 3 months preceding, together with the names of the capturing ships and their commanders, and of the agents for the captors, and the dates of the captures and sentences, *id.* s. 76.

93. The registrars of every vice-admiralty court shall, on 26th Mar., 26th June, 30th Sept., and 26th Dec., in every year, or so soon after each of such days as any ship shall sail for *Eng.*, transmit to the registrar of the high court of admiralty, and the treasurer of the hospital at *Greenwich*, a list of all the prizes adjudged in their courts during the preceding quarter, together with the dates of the captures, the names of the capturing ships and their commanders, the agents of the captors, a copy of the decretal part of the sentences upon the same; and at the same time deliver a duplicate of the same to the deputy of such treasurer, resident where such courts of vice-admiralty shall be established, or to which their jurisdiction shall extend; which lists shall be hung up for public inspection in the registry at *Doctors' Commons*, together with similar lists of the prizes adjudged in the high court of admiralty, and in the court of appeal; and in case any such registrar of any vice-admiralty court shall neglect to transmit such lists, or to deliver duplicates thereof, at the times and as aforesaid, he shall forfeit 50*l.*, *id.* s. 77.

94. In all cases where the registrar of any vice-admiralty court shall have neglected to make the returns of prizes proceeded against in the respective courts as required by law, he shall forfeit a like sum of 50*l.*, unless the returns shall be transmitted in manner above required within 18 months, so far as the same relate to the *East Indies*, and within 9 months from every other vice-admiralty court in H. M.'s foreign dominions, *id.* s. 78.

95. "Whereas provision should be made for the speedy and effectual examination of all accounts relating to prizes taken by H. M.'s ships:" Be it ENACTED, that the treasurer of the navy may appoint a person to examine all such accounts, and every prize-agent and person who shall be empowered to receive and distribute any bounty-monies or other monies for the use of the officers and crews of any of H. M.'s ships of war, by reason of any capture or seizure made by them, subject to this act, shall, before he exhibit his account of sales in the high court of admiralty, transmit a copy thereof to the treasurer of the navy, in order to be submitted to the examination of the officer so to be appointed by him, *id.* s. 79.

96. When the person so to be appointed has examined such accounts so transmitted to him, and is satisfied therewith, he shall give to such agent or other person two certificates signed by himself, setting forth the names of the prize and of the capturing ship, and the amount of the nett proceeds for distribution, one of which certificates such agent or other person shall transmit to the treasurer of *Greenwich* Hospital, together with a copy of his accounts and vouchers exhibited in the high court of admiralty, *id.* s. 80.

97. When such agent or other person shall deliver his accounts for examination, he shall likewise deliver a scheme for the distribution of the nett proceeds to the captors of the prize in question, according to the following forms:—

For all Captures made subsequent to June 1808.

Ships, &c. entitled to share.	Names of Distributing Agents for each Ship.	Number of Persons in each Class, with the Amount of an Individual Share.								Proportion due to each Ship.
		1st Class, each £51 15 3 $\frac{1}{2}$	2d Class, each £8 15 3 $\frac{1}{2}$	3d Class, each £5 1 10 $\frac{1}{2}$	4th Class, each £1 16 0	5th Class, each £1 4 0	6th Class, each £0 12 0	7th Class, each £0 8 0	8th Class, each £0 4 0	
Ship No. 1	A. & B.	1	7	10	41	13	253	83	29	£ s. d. 449 11 14
2	C. & D.	1	3	7	10	6	54	14	12	185 16 3 $\frac{1}{2}$
	E. & F.									57 15 5 $\frac{1}{2}$
										— 1 2 $\frac{1}{2}$
										693 3 11

id. s. 81.

98. An allowance shall be made for such examination by the agent or person delivering such accounts; and the sum so paid shall be charged by such agent or other persons in his account for distribution; such allowance to be regulated after the following proportions: if the nett proceeds for distribution amount to

£200 and are under £500 - 2	£6000 and are under £7000 - 9
500 - 1000 - 3	7000 - 8000 - 10
1000 - 2000 - 4	8000 - 9000 - 11
2000 - 3000 - 5	9000 - 10000 - 12
3000 - 4000 - 6	10000 - 15000 - 13
4000 - 5000 - 7	15000 and upwards - 15
5000 - 6000 - 8	

id. s. 82.

99. If, upon the examination of any account so exhibited, it shall appear that the full value of any prize taken, or bounty, has not been stated in the account made up by the agent for distribution, or if upon such examination any sum is disallowed as improperly charged against the captors, then all further sums so appearing to be due to the captors, and recovered by the authority of any competent court, shall be considered as a part of the proceeds to be distributed among the captors; and if by any delay in recovering the same, such sum cannot be included in the first distribution, they shall be paid to the treasurer of *Greenwich* hospital or his deputy, to be distributed to the captors or their legal representatives, by the treasurer and clerk of the cheque of such hospital, in like manner and subject to the same regulations as in cases of distribution by the agents of the captors, id. s. 83.

100. An attested account shall be annually rendered to the treasurer of the navy and treasurer of the royal hospital at *Greenwich*, by such examiner of prize accounts, of all sums received as allowances for examination, and out of the same shall be paid all charges incurred in carrying into effect this act, with respect to the examining of prize accounts, together with such remuneration for such examiner as shall by the treasurer of the navy be thought reasonable; and whatever balance shall remain after satisfying such charges shall be paid to the treasurer of *Greenwich* hospital, id. s. 84.

101. There shall be laid annually before both houses of parliament, within 14 days after their first meeting, by the treasurer of the navy, an account of the charges and remuneration so allowed, id. s. 85.

102. Where the offence of taking a false oath, or suborning any person so to do, or any of the offences by this act made cognizable, in any of H. M.'s courts of record in *G. B.*, shall be committed out of this realm, the same may be laid, tried, and determined in any county in *Eng.*, as if the same had been actually committed within the body of such county, id. s. 86.

103. All penalties imposed by this act, whosoever the same shall arise, may be recovered by action of debt, &c. in any of H. M.'s courts of record in *G. B.*, or monition and attachment thereon, in the high court of admiralty, unless in cases where any other mode is by this act directed; and all penalties imposed by this act, which shall arise in any part of H. M.'s dominions abroad, may be recovered in any court of record of the colony, territory, or place where the same shall arise, or in any vice-admiralty court having jurisdiction there, id. s. 87.

104. In all cases in which any agent or person is by this act made subject to the forfeiture of any sum equal to any money remaining in his hands, or to the amount of any balances or shares, such sum shall, on recovery thereof, go to the use of the person aggrieved by his misconduct, and all pecuniary penalties by this act imposed, other than as aforesaid, and other than such as are by this act to be otherwise applied, shall go to *Greenwich* hospital, and shall be sued for in the name of the commissioners and governors thereof, id. s. 88. [see s. 89. tit. SEAMEN.]

105. Actions against any person, for any thing done under this act, shall be brought within 3 years next after the committing of such thing, save as to things arising out of captures in any former war: provided that if any such action or suit is commenced, such person may plead the general issue, and give this act and the special matter in evidence;

and if the plaintiff is nonsuited, discontinues or forbears further prosecution, or if judgment is given for the defendant, such defendant shall recover treble costs, with usual remedy to recover the same, id. s. 90.

SCHEDULE (A.)—Form of Condemnations to be signed by the prize-agent, and transmitted to *Greenwich* Hospital, agreeably to the 25d sect. pl. 54. of 54 G. 3. c. 93.

State of the property condemned, and in what it consists, whe- ther sold or part sold only, the produce of such part as is sold, and in what the un- sold part consists.	Decretal part of sentence, whether for capture, sal- vage, or head money, &c.	Date of appeal, if any.	Date of sen- tence.	Comman- der's name.	Capturing ship, or ships entitled to share.	Master's name.	Name of prize.	Date of cap- ture.

SCHEDULE (B.) is REP. 58 G. 3. c. 64. s. 1. pl. 56.

SCHEDULE (C.)—Act of parliament, 54 G. 3. c. 93. s. 55. [see pl. 71.]

I request that the prize-money noted on the document which will be produced herewith may be paid, or that a reason may be assigned for its disallowance, in the manner pointed out in the above act of parliament.
A. B. Officer for prizes;
or, C. D. Clerk of the cheque of *Greenwich* Hospital,
(as the case may be.)

SCHEDULE (A.) of 58 G. 3. c. 64. (see s. 3. pl. 58.)

Take notice, that no prize money can be received under this order, except by an agent duly licensed in conformity to the act of parliament of the 54th year of king George the 3d, or by the wife, one of the parents, or children of the grantor.

[Here insert the place where and time when the order is made.]

— Day of — 18 — .

At 7 days' sight pay to — or his order, the sum of — out of the amount of my share of prize or bounty money for the capture of — [Here insert the names of the prizes and time of capture, or give such other description of them as shall be satisfactory to the agent and the officers of *Greenwich* hospital,] when serving on board H. M.'s ship or vessel, the — in quality of — being for — advanced to me by the said — in money, and — l. for slops or goods furnished to me by the said — .

To the proper officers of *Greenwich* hospital.

SCHEDULE (B.) of 58 G. 3. c. 64. (see s. 3. pl. 58.)

These are to certify, that we have examined the said — who signed the above order in our presence, and from — the documents he has shewn us, viz. [here insert the nature of the documents, whether they are invalid tickets, certificates or otherwise, and by what officer they are signed] and his answers to our questions, we have reason to believe that he was serving on board the said ship at the time of making the captures above specified, and has received the money and slops above mentioned; he says he was born at — in the county of —; that he is — years of age, of a — complexion, — eyes, and — hair, [if the party is discharged from the service, state the time and cause of discharge.] Given under our hands — .

Note. — This certificate to be signed by the captain or commanding officer, and one other signing officer, of the ship to which the party belongs. If discharged from the service, and resident at any place where there is a deputy or agent of the hospital, to be signed by that deputy. If within 4 miles of the hospital, by the clerk of the cheque or his first clerk. If at any other place within the bills of mortality, by the officer for prizes in the navy pay office, or his assistant. If by marines at head quarters, where there is no deputy to the hospital, to be signed by the colonel or commanding officer and the adju-

tant. If by any person at sick quarters, to be signed by the surgeon and one of his assistants; but where there is a deputy, to be signed by such deputy. If at any other place in *Eng.* to be signed by the minister and one of the churchwardens; and if in *Scot.* by the minister and one of the elders.'

PRÆMUNIRE.

1. PRÆMUNIRE FOR SUING TO A FOREIGN REALM, OR impeaching of judgment given, 27 *E. 3. S. 1. c. 1.* [AMD. 38 *E. 3. S. 1. c. 4.* CONF. 38 *E. 3. S. 2. c. 1.* See the statutes of provision of benefices, PROVISOR, and for the authority of courts ecclesiastical, 24 *H. 8. c. 12.* that tit.; but see putting in execution bulls from the court of *Rome* made high treason, 15 *El. c. 2.*, PAPIST, *pl. 13.*]

2. All people of the king's liegeance, which shall draw any out of the realm, in plea whereof the cognizance pertaineth to the king's court, or of things whereof judgment be given in the king's court, or which sue in the court of any other to defeat judgments given in the king's court, shall have a day containing 2 months, by warning to be made to them in the place where their possessions be, or where they have lands, by the sheriff or other the king's minister, to appear before H. M. in council or chancery, or before the justices of either bench, or other H. M.'s justices to the same deputed, to answer in their proper persons to H. M. of the contempts so done; and if they come not at such day, they and their aiders, attornies, notaries, &c. shall be out of the king's protection, and their lands and goods shall be forfeited to him, and their bodies shall be imprisoned, and ransomed at the king's will, and a writ shall be made to take them by their bodies, and to seize their lands and goods into the king's hands; and if it be returned that they be not found, they shall be put in the exigent and outlawed, 27 *Ed. 3. S. 1. c. 1. s. 1.*

3. But when they come before being outlawed, and will yield them to prison to be judged, and to receive what the court will award, they shall be thereto received; the forfeiture of lands and goods abiding in force if they do not yield within such 2 months, *id. s. 2.*

4. All bonds in the third person, binding people in another court out of the realm shall be void, 38 *E. 3. S. 1. c. 4.*

5. THE STATUTE OF PROVISION AND PRÆMUNIRE, 16 *R. 2. c. 5.*

6. If any do purchase or pursue in the court of *Rome*, or elsewhere, any translations, processes, and sentences of excommunication, bulls, instruments, or any other thing which toucheth the king, against him, his crown, or realm, and they which bring the same within the realm, or receive them, or make thereof notification or execution within the realm or without, they, their notaries, abettors, &c. shall be out of the king's protection, and their lands and goods be forfeit to the king, and their bodies shall be attached and brought before the king and council, to answer to such cases; or process shall be made by *præmunire facias*, as it is ordained by other statutes, [*viz.* 27 *E. 3. S. 1. c. 1.*, 38 *E. 3. S. 2. ss. 1—4.*] concerning provisions, and others suing to foreign courts, *id. ib.*

7. WHOSOEVER BY ANY PROCESS out of any ecclesiastical court of this realm, or without, or by pretence of any spiritual jurisdiction, shall inquiet or molest any person or body politic, for any manors, lands, tenements, &c. of any bishopric, monastery, priory, &c. or for any other hereditament, shall incur the danger of a *præmunire*, under the 16 *R. 2. c. 5.*, 1 & 2 *P. & M. c. 8. s. 40.*

8. NO PERSON SHALL SLAY OR KILL any person attainted on *præmunire*, on any pretence whatever, (*s. 21.*) saving always the due execution of all persons attainted for any offence, whereon judgment of death may lawfully be given under this statute or otherwise, and saving always all such pains of death, or other punishment as might heretofore without danger of law be done, on any person that shall send or bring into the realm, or within the same shall execute any summons, sentence, or process, against any person, from the bishop of *Rome*, or by or from the authority of the same, 5 *El. c. 1. ss. 21, 22.* [See the rest of this act, OFFICES, PAPIST.]

PROHIBITION.

1. ARTICLES AGAINST THE KING'S PROHIBITION, *Stat. Incert. Temp. xx. 8vo. ed. 415.*

2. A WRIT OF PROHIBITION framed in the statute *Articuli Cleri*, *Stat. Incert. Temp. xxi. 8vo. ed. 415.* [Both these acts seem superseded by the 9 *E. 2. cc. 1—4.* See the editor's note at the head of *Circumspecte Agatis*, 13 *E. 1.*, 8vo. ed. 227.]

3. CIRCUMSPECTE AGATIS, 13 *E. 1. S. 4.*—The king to his judges: Use yourselves circumspectly in matters concerning the bishop of *Norwich* and his clergy, not punishing if they hold plea in court christian of such things as be mere spiritual (*viz.*) of penance enjoined by prelates for deadly sin: as fornication, adultery, and such like, for which sometimes corporal, and sometimes pecuniary penance is enjoined; also if a prelate punish for leaving the churchyard unclosed, or the church uncovered or undocked, for which pecuniary penance must be enjoined; also if a parson demand of his parishioners oblations and tithes due

and accustomed, or if any parson sue another parson for tithes greater or smaller so that the fourth of the value of the benefice be not demanded; also if a parson demand a mortuary in places where they have used to be given; also if a prelate of the church, or a patron, demand of a parson a pension due to him, all such demands shall be made in the spiritual court, 13 *Ed. 1. 8vo. ed. 227.* [See further, 9 *Ed. 2. cc. 1, 2. 4. pl. 6.*]

4. For laying violent hands on a clerk, and in cause of defamation, it shall be tried in the spiritual court, where money is not demanded, but the proceeding is for the punishment of the sin, and likewise for breaking an oath. In all such cases the spiritual judge shall take cognizance, notwithstanding the king's prohibition, *id. ibid.*

5. THE WRIT OF CONSULTATION.—When ecclesiastical judges do surcease in causes moved before them by force of the king's prohibition, in cases where remedy could not be given to the complainants in the king's court, the chancellor or the C. J. of the king, upon sight of the libel in such cause, at the instance of the plaintiff, if they see that the case cannot be redressed by writ out of chancery, shall write to the ecclesiastical judges to proceed therein, notwithstanding such prohibition, 18 *Ed. 1. S. 5.*

6. OF PROHIBITION IN SUITS RELATING TO TITHES, PENANCE, violence to clerks, and defamation, 9 *Ed. 2. cc. 1—4. Art. Cleri.*

7. In tithes, oblations, obventions, mortuaries, (when propounded under these names), the king's prohibition shall hold no place, although the value may be estimated at a sum certain. But if a clerk or a religious man do sell his tithes, being gathered in his barn or otherwise, for money, if the money is demanded before a spiritual judge, the king's prohibition shall lie, for by the sale the spiritual goods are made temporal, and the tithes turned into chattels, *id. c. 1.*

8. If debate arise upon the right of tithes having original from the right of patronage, and the quantity of such tithes do come to the fourth part of the goods of the church, the king's prohibition shall lie, *id. c. 2. s. 1.*

9. Prohibition shall lie for pecuniary penance enjoined and demanded by a prelate; but if prelates enjoin a penance corporal, and the person to be punished will redeem the same by money, if the same is demanded before a spiritual judge, the prohibition shall not lie, *id. c. 2. s. 2.*

10. If any lays violent hands on a clerk the amends for the peace broken shall be made before the king, and for excommunication before a prelate, that penance corporal may be enjoined, which if the offender will redeem with money to the prelate or party grieved, it may be required before the prelate, nor shall the king's prohibition lie, *id. c. 3.*

11. In defamations the prelates shall correct the king's prohibition, notwithstanding first enjoining a penance corporal, which if the offender will redeem with money, the prelate may receive it, though the king's prohibition be shewed, *id. c. 4.*

12. NO PROHIBITION SHALL LIE WHERE TITHE IS DEMANDED of a new mill, *id. c. 5.*

13. BECAUSE PERSONS INDICTED IN THE SHERIFFS TURNS and delivered before the justices, sue in the spiritual court against such indictors, it is ordained that no prohibition shall lie in such case, 1 *Ed. 3. St. 2. c. 11.*

14. NO PROHIBITION SHALL BE AWARDED but where the king hath cognizance, 18 *Ed. 3. St. 3. c. 5.*

15. A PROHIBITION SHALL BE GRANTED WHERE A SUIT shall be commenced in a spiritual court for *sylvæ cædua*, 45 *Ed. 3. c. 3.* [see 2 & 3 *Ed. 6. c. 13. s. 15.*]

16. NO PROHIBITION SHALL BE ALLOWED AFTER CONSULTATION once duly granted, notwithstanding any other prohibition be delivered, provided the libel be not enlarged or otherwise altered, 50 & 51 *Ed. 3. c. 4.*

PROPHECY.

(STATUTES repealed and expired.)

1. TO DECLARE FALSE PROPHECIES ON OCCASION OF NAMES, ARMS, or badges, to be felony, 33 *H. 8. c. 14.* [REF. 1 *Ed. 6. c. 12.*, 1 *M. S. 1. c. 1.*]
2. AGAINST FOND AND FANTASTICAL PROPHECIES, 3 & 4 *Ed. 6. c. 15.* [EXP.]

(STATUTE in force.)

1. AGAINST FOND AND FANTASTICAL PROPHECIES, 5 *El. c. 15.* and recital in *s. 1.*

2. Every person who shall advisedly and directly advance, publish, and set forth by writing, printing, signing, or other open speech or deed, to any person any prophecy on occasion of any arms, fields, beasts, badges, or such other like things, accustomed in arms, cognizances, or signets, or upon or by reason of any time, year, or day, name bloodshed or war, to the intent to make any rebellion or other disturbance in these dominions, shall be imprisoned for a year, and forfeit 10*l.* for every such offence, *id. s. 3.*

3. For 2nd offence he shall suffer imprisonment for life, and forfeit all his goods and chattels, real and personal, one moiety to H. M. and

the other to the party suing in any court of record by action or information, without essoin, &c. allowed, *id.* s. 3.

4. Every justice of assize of oyer and terminer, and of peace, shall have full power under this act to hear and determine every such offence committed within the limits of his commission, *id.* s. 4.; but prosecutions under this act must be commenced within 6 months after the offence, *id.* s. 5.

PROTECTIONS.

(STATUTES *expired.*)

1. CONCERNING PROTECTIONS FOR PERSONS in the king's service in war, 9 H. 5. St. 1. c. 3., 4 H. 6. c. 2., 14 Ed. 4. c. 2., 4 & 5 H. 7. c. 4., 5 & 5 H. 7. cc. 2, 3., 3 H. 8. c. 4., 14 & 15 H. 8. c. 14. [all Exp.]

2. CONCERNING PROTECTIONS FOR THOSE who go into France with the king, 8 H. 6. c. 15. [Exp.]

(STATUTES *in force.*)

1. FORASMUCH AS MANY PURCHASE THE PROTECTION of the king, affirming that they were out of the realm in the king's service, if the adversary will challenge the protection, and aver that they were within the four seas, and out of the king's service, in a place certain, so that they might have conveniently appeared, their challenge shall be entered, and the matter shall remain without delay according to the protections; and when it shall be re-summoned, the party shall demand judgment and hearing of the process, and shall offer to verify his challenge, if his adversary will attend; and if the country pass against him that cast the protection, it shall be turned to a default, if he be tenant; and if he demandant he shall lease his writ, and shall be amerced, *Stat. Incert. Temp.* vii. 8vo. ed. 397.

2. NOTWITHSTANDING PROTECTIONS made by the king to the people which were bound to him in some debt, that they should not be impleaded of the debts which they owed to other till they have made satisfaction to the king; the parties which have actions against their debtors shall be answered in the king's court; and if judgment be given for the plaintiff or demandant, the execution shall be put in suspense till satisfaction be made to the king of his debt; and if the creditors will undertake for the king's debt, they shall be received, and shall have execution against the debtors of the debt due to them, and also shall recover as much as they shall pay to the king for them, 25 Ed. 3. s. 5. c. 19.

3. NO PROTECTION WITH THE CLAUSE OF *volumus* shall be allowed for virtuals taken upon the voyage whereof the protection maketh mention, nor in pleas of trespass, or other contract, made or perpetrated after the date of the protection, 1 R. 2. c. 8.

4. FOR REGULATING PROTECTIONS *quia profecturus*, and *quia moraturus*, 13 R. 2. s. 1. c. 16.

5. No protection with clause *profecturus* shall be allowed in any plea whereof the suit is commenced before the date of the protection, if he be not in the voyage that the king himself goeth, or other voyages royal, or in the king's messages for business of the realm; but they shall make their attorneys in such pleas, or else let them tarry themselves, but the protection with clause *quia moraturus* shall be allowed as before; and if any tarry in the country without going to the service for which he is retained, over a convenient time after that he hath any protection, or repair from the service, if the chancellor be informed, he shall repeal such protections, as it hath been used before, *id.* *ibid.*

6. NO PROTECTION SHALL BE ALLOWED IN ACTIONS FOR escape against a gaoler, 7 H. 4. c. 4.

7. NO WRIT OF COURSE IN THE NATURE OF A PROTECTION shall be granted by the officers of the exchequer in county palatine of Chester, without special warrant from the king; but all such writs of course shall be void, 34 & 35 H. 8. c. 15. s. 2.

PROVISORS.

1. A STATUTE OF PROVISORS OF ECCLESIASTICAL BENEFICES, 25 E. 3. s. 5. c. 22. [AMD. EXT. and CONF., 25 E. 3. s. 6., 38 E. 3. s. 2. cc. 1—4., 12 R. 2. c. 15., 13 R. 2. s. 2. cc. 2, 3., 2 H. 4. c. 3., 9 H. 4. cc. 8, 9. See as to suing in foreign courts, 27 E. 3. s. 1. c. 1. PRÆMUNIRE.]

2. Every man who purchases provisions of abbies or priories, he and his executors, and procurators, which sue such provision, shall be out of the king's protection, and a man may do with him as an enemy of the king and the realm, and not be grieved for the same at any man's suit, 25 E. 3. s. 5. c. 22.

3. The free elections of archbishops, bishops, and all other dignities and benefices elective, shall stand as they were granted by H. M.'s progenitors, and founded by the ancestors of other lords; and all prelates and other people of holy church, which have advowsons of benefices of the king's gift, or of other donors, shall have their collations and presentments freely, in the manner as they were infeoffed, 25 E. 3. s. 6. s. 1.

4. And in case reservation, collation, or provision be made by the court of Rome, or any archbishopric, bishopric, dignity, or other benefice in disturbance of the elections, collations, or presentations aforesaid, at the same time of the voidances, that such reservations, &c. ought to take effect, H. M. shall have for that time the collations to the archbishoprics, bishoprics, and other dignities elective, which be of his advowry, such as his progenitors had before free election granted, since that elections were first granted by the king's progenitors upon certain condition, as to demand licence of the king to choose, and after election, to have his assent; which condition, not kept, the thing ought to resort to its first nature: and if any reservation, &c. be made of any house of religion, of the king's advowry, in disturbance of elections, the king shall have the collation of the dignity: and in case collation, reservation, or provision, be made by the court of Rome, of any church, prebend, or other benefices, which be of the advowry of people of holy church, whereof the king is advowee paramount immediate, at the time of the voidance at which the reservation, &c. ought to take effect, the king shall have the presentment or collation for that time; and so always when such people of holy church are disturbed of their presentations, &c. by such reservations, &c. saving to them their right of advowsons and presentations when no collation or provision is made by the court of Rome, or that such people dare and will to the same benefices present, and presentees may enjoy the effect thereof; and in the same manner every other lord shall have the collations or presentations to houses of religion, and benefices thereof, which be of his advowry; and if such advowees do not present to such benefices within the half year after such avoidances, nor the bishop of the place do not give the same by lapse within a month after the half year, the king shall have the presentments and collations, 25 E. 3. s. 6.

5. And in case the presentees of the king, or of other patrons of holy church, or of their advowees, or they to whom the king or such patrons have given benefices, be disturbed by such provisors, so that they cannot have possession, or that they which be in possession of such benefices be impeached by such provisors, such provisors, their procurators and notaries, shall be attached by their body, and brought in to answer; and if they be convict they shall abide in prison till they have made fine and ransom to the king at his will, and satisfaction to the party grieved; and before they be delivered they shall make renunciation, and find surety that they shall not attempt such things in time to come, nor sue any process by them, or other, against any man in the court of Rome, nor elsewhere, for such imprisonments, &c.; and in case such provisors, &c. be not found, the exigend shall run against them, and writs shall go forth to take their bodies, as well at the king's suit as at the suit of the party; and in the mean time the king shall have the profits of such benefices, except houses which have colleges, and in such houses the colleges shall have the profits; saving to the king and other lords their old right, 25 E. 3. s. 6.

6. Concerning archbishoprics, bishoprics, and other dignities and benefices elective, and other benefices of holy church, which shall be void within Eng., the statute of 25 E. 3. s. 6. shall be put in due execution; and if any accept of any benefice contrary to that statute, and be beyond the sea, he shall abide banished out of the realm for ever, and his lands and goods forfeit to the king; and if he be within the realm, he shall be also banished, and shall incur the same forfeiture, and take his way so that he be out of the realm within 6 weeks after such acceptance; and if any receive any such person banished, coming from beyond sea or being in the realm, after such 6 weeks, knowing thereof, he shall be banished, and incur such forfeiture as aforesaid; and their procurators, notaries, executors, and summoners, shall suffer the pain aforesaid, 13 R. 2. s. 2. c. 2. s. 1.

7. If the king send to the court of Rome at the entreaty of any person, or if any other send to the same court, whereby any thing be done contrary to this statute, touching any archbishopric, bishopric, dignity, or benefice of holy church within the realm, if he that maketh such suit be a prelate, he shall pay to the king the value of his temporalities of one year, and if he be a temporal lord, he shall pay the king the value of his lands for one year, and if he be of more mean estate, he shall pay the king the value of the benefice for which suit is made, and be imprisoned one year, *id.* s. 2.

8. The provisions made by 25 & 27 E. 3. the king, &c. hath confirmed; saving the estate of the prelates and other lords, touching the liberty of their bodies, so that by force of this statute their bodies be not taken; joining to the same, that all they which shall obtain personal citations against the king, or any of his subjects, and also they that shall obtain in the court of Rome, deanries, archdeaconries, provosties, dignities, and other benefices of holy church, pertaining to the collation or disposition of the king, or of other lay patron; and also all obtainers of churches, offices, or benefices of holy church, pensions or rents, amortised and appropriated to churches, cathedral, or collegiate hospitals, or other poor houses, before such appropriations and amortisements be avoided by due process; and also all they which shall obtain in the same court,

dignities, offices, hospitals, or benefices, whereby prejudice may be done to the king or to his subjects, or to the laws and liberties of his realm and crown; and all their maintainers, abettors, and fautors, wittingly, as well at the suit of the king as of the party, or other of the realm finding pledges to pursue all such persons defamed and violently suspect of such pursuits, shall be arrested by the sheriffs and justices, and other H. M.'s ministers, by good bail, and shall be presented to H. M. and his council, to stand to right; and if they be convict of any of such things, they shall have the pain comprised in the statute 25 E. 3. S. 6., 58 E. 3. St. 2. c. 1.

9. If any persons defamed or suspect of such prosecutions or grievances be out of the realm, or cannot be attached, and do not present them before H. M. or his council within 2 months after they be warned in any of H. M.'s courts, or in the counties, or before H. M.'s justices in their sessions, or otherwise sufficiently, to answer to H. M. and to the party, to stand to the law before H. M. and his council, they shall be punished by the form comprised in the statute 27 E. 3. S. 1. c. 1., and otherwise as to H. M. and his council seem fit; without any pardon by H. M., without the assent of the party grieved, and without making him satisfaction, 38 E. 3. St. 2. c. 2.

10. None other subject keeping these ordinances shall incur any forfeiture of life and member, nor of lands nor goods, because of such things ordained; nor he nor his heirs ought not to be impeached for any such causes; and if any person attempt against the said ordinances, he shall be brought to answer as aforesaid; and if he be convict, he shall be put out of H. M.'s protection, and punished after the form of 27 E. 3. St. 1. c. 1., 58 E. 3. St. 2. c. 3.

11. If any person maliciously or falsely make pursuit against any of the realm, for cause comprised in these ordinances, and thereof be attainted, such plaintiff shall be punished at the ordinance of H. M. and his council, and shall make amends to the party grieved by his pursuit; and H. M., the prelates, dukes, earls, barons, nobles, and commons, clerks and lay, shall aid, comfort, and counsel the one the other, as often as shall need, and impeach such offenders, and resist their enterprizes, without suffering them to inhabit or pass through their lands, seignories, possessions, or jurisdictions, and shall defend the one the other from all damage, as far forth as if such prosecutions were made against them in common or in especial, 38 E. 3. St. 2. c. 4.

12. If any man bring or send within the realm, or the king's power, any summons, sentence, or excommunication against any person, because of the motion or execution of the statute of provisors, [25 E. 3.] he shall be put in prison and forfeit all his lands and goods, and moreover incur the pain of life and member; and if any prelate make execution of such summons, &c. his temporalities shall be taken and abide in the king's hands till due redress be made; and if any person of less estate make such execution, he shall have imprisonment, and make fine and ransom by the discretion of the king's counsel, 13 R. 2. St. 2. c. 3.

13. No liege man of the king shall pass over the sea, nor send out of the realm, without special leave of the king himself, to provide for himself a benefice of holy church in the realm; and if any do, and by virtue of such provision accept any benefice of the realm, the same provisor shall be out of the king's protection, and the benefice shall be void, so that the patron may present a clerk, 12 R. 2. c. 15.

14. If any provision be made by the pope to be exempt from obedience, regular or ordinary, or to have any office perpetual within any houses of religion, or as much as one regular parson of religion, or 2 or more have in the same, and if such provisors do accept the same, or enjoy such provision, they shall incur the penalties of the 13 R. 2. St. 2. cc. 2. & 3., 2 H. 4. c. 5.

15. All statutes against provisions and translations of archbishopricks by the court of Rome are CON., notwithstanding the power of moderating the same given to H. M., 9 H. 4. c. 8.

16. All elections of all archbishopricks, bishopricks, abbies, deaneries, or other dignities elective, shall be free, without being interrupted by the pope or H. M., provided that H. M. may have his prerogative as before this statute, 9 H. 4. c. 9.

PURVEYANCE.

(STATUTES expired.)

1. PURVEYANCE FOR A CASTLE, 9 H. 3. M. C. c. 19. [ENF. 3 E. 1. c. 7.] — TAKING OF HORSES, carts, and wood, 9 H. 3. M. C. c. 21. — PENALTY ON PURVEYORS not paying for what they take. H. M.'s carriages, 3 E. 1. c. 32. — OF PURVEYANCE, 28 E. 1. c. 2. [CONF. 4 E. 3. c. 4.] — NOTHING SHALL BE PURVEYED TO H. M.'s use without the owner's consent, 34 E. 1. St. 4. c. 2. — FOR THE REGULATION OF purveyance, 4 E. 3. c. 5. — OF PURVEYANCE, 5 E. 3. c. 2. [CONF. 10 E. 3. St. 2. c. 1. — HOW PURVEYORS FOR H. M.'s house and wars shall make their purveyance, 14 E. 3. St. 1. c. 19. — A CONFIRMATION OF THE STATUTES relating to purveyance, 16 E. 3. St. 2. c. 7. — OF PURVEYORS, 25 E. 3. St. 5. c. 1. [Purveyance having been abolished by 12 C. 2. c. 24. s. 12. these acts seem to be obsolete.]

2. A PURVEYOR SHALL NOT TAKE timber in or about any person's

mansion, 25 E. 3. St. 5. c. 6. — THE PENALTY OF PURVEYORS taking sheep before shearing, or more than needful, 25 E. 3. St. 5. c. 15. — CARRIERS GOING TO or returning from the staple shall not be disturbed by purveyors, 27 E. 3. St. 2. c. 4. — PURVEYANCES MADE FOR H. M.'s use under 20s. shall be paid for immediately; and if above that sum, within a quarter of a year, 28 E. 3. c. 12. — NO PURVEYANCE SHALL BE MADE but for the king, the queen, and the king's eldest son; purveyors for others shall be punished, 34 E. 3. c. 2. — POULTRY AND OTHER SMALL THINGS purveyed for the queen and prince shall be paid for immediately, and greater purveyances within a month or 6 weeks; the number of purveyors shall be decreased, 34 E. 3. c. 3. — NO PURVEYANCE BUT FOR the king and queen: the name of purveyor changed into buyer: purveyance regulated, 36 E. 3. c. 2. — PENALTY ON THE BUYERS unduly sparing or charging any treble damages to the party, 2 years imprisonment, and fine to H. M., 36 E. 3. c. 3. — COMMISSIONS SHALL BE AWARDED to enquire of the conduct of buyers, 36 E. 3. c. 4. [Purveyance being abolished by 12 C. 2. c. 24. s. 12. these acts seem obsolete.]

3. FOR CONFIRMING FORMER STATUTES concerning purveyance, 2 H. 4. c. 14. — ALL STATUTES CONCERNING PURVEYANCE shall be proclaimed in the county 4 times a year, 1 H. 6. c. 2. — FOR REGULATING PURVEYANCE, 20 H. 6. c. 8., 23 H. 6. c. 1. — FOR PREVENTING ABUSES in purveyance of horses and carts, 28 H. 6. c. 2. — TOUCHING PURVEYORS, 2 & 3 E. 6. c. 3. [EXP.] — AGAINST TAKING EXCESSIVE purveyance, 2 & 3 P. & M. c. 6. — PURVEYORS SHALL NOT TAKE victuals within 5 miles of Cambridge and Oxford, 2 & 3 P. & M. c. 15., but allowed to do so in certain cases, 13 El. c. 21., [which is CON. 14 El. c. 11. s. 11., 29 El. c. 5. s. 12., 31 El. c. 10. s. 10., 35 El. c. 7. s. 11., 43 El. c. 9. s. 9., 1 J. 1. c. 25. s. 8., 21 J. 1. c. 28. s. 11., and 3 C. 1. c. 4., and indefinitely, 16 C. 1. c. 4. [Purveyance being abolished by 12 C. 2. c. 24. s. 12. these acts seem obsolete.]

4. FOR PROVIDING NECESSARY CARRIAGES for H. M. in his royal progress and removals, 13 C. 2. S. 1. c. 8., 1 J. 2. c. 10. [Both EXP.]

5. FOR PROVIDING CARRIAGE BY LAND and BY WATER for the use of H. M.'s navy and ordnance, 13 & 14 C. 2. c. 20. [CON. 1 J. 2. c. 11., 4 & 5 W. & M. c. 24. s. 2., 11 & 12 W. 3. c. 13. s. 1., all EXP., and these purposes are now provided for by the annual mutiny acts. See SOLDIERS.]

(STATUTES in force.)

1. NO LORD OR OTHER SHALL BUY, BY PURVEYANCE, any thing against the owner's consent, 36 E. 3. c. 6. [CONF. 7 R. 2. c. 8., 20 H. 6. c. 8. AMD. 23 H. 6. c. 13.]

2. No lord or other shall make any taking of victual, but shall buy such as they need of those who will sell; and if the people of lords or other do otherwise, and thereof be attainted, such punishment of life or member shall be done of them, as in case of buyers, 36 E. 3. c. 6. [viz. felony by 36 E. 3. c. 2.]

3. If the buyer of any lord or other person take any victuals, &c. of any against their will, he shall be imprisoned till he restore the thing taken, or the value thereof; penalty on sheriffs not executing this act 20/., and on such buyer treble value, double costs, and fine, 23 H. 6. c. 13.

4. FOR TAKING AWAY PURVEYANCE, 12 C. 2. c. 24. ss. 12—14. [See rest of this statute, GUARDIAN &c. pt. 13—15. TENURES.]

5. No sums or other things shall be taken, raised, rated, or levied for or in regard of any provision, carriages, or purveyance for H. M., *id.* s. 12.

6. No person shall by any commission or otherwise, by colour of provision or purveyance for H. M., the queen, or their children or household, take any timber, fuel, cattle, corn, grain, malt, hay, straw, victual, cart, carriage, or other thing of any of H. M.'s subjects, without their free consent; nor shall summon, take, or require them to furnish any horses, oxen, cattle, carts, ploughs, wains, or other carriages for the use of H. M., &c. for carrying their goods, without such free consent, *id.* s. 13.

7. No pre-emption shall be claimed on behalf of H. M. or the royal family in or out of market, but all H. M.'s subjects may freely dispose of their goods as they wish, any pretence of making provision, purveyance, or pre-emption notwithstanding; and if any person shall make provision or purveyance for H. M., the queen, or their children, or shall impress any such carriage or other things under any pretence, any 2 justices of peace, and the constables of the parish or village, shall, at the request of the party grieved, commit such person to gaol till the next sessions, there to be indicted; and the officers and inhabitants of such parish shall be assistant therein; and the party grieved shall have his action against such offender, and recover treble damages and treble costs, and in which no essoign, &c. or order of restraint shall be allowed; and if any shall (after notice given that the action depending is grounded on this statute) cause any action at common law grounded on this statute, to be delayed before judgment by any means, save only of the court where the action is brought, or after judgment had shall procure execution thereof to be stayed by any means, save only by writ of error, or attain or order of the court where such error or attain is brought, such person shall incur *præmunire* under 16 R. 2. c. 5., provided this act shall not prejudice any right of H. M., of, in, to, or out of any town in the stannaries of Devon or Cornwall, nor the ancient duties of butlerage and prissage of wines, but the same shall be as before this act, *id.* s. 14.

QUAKERS. (See NONCONFORMIST.)

1. THAT THE SOLEMN AFFIRMATION AND DECLARATION OF THE people called Quakers, shall be accepted instead of an oath in the usual form, 7 & 8 W.3. c.34. [CON. 13 & 14 W.3. c.4. MADE PERP. as to all oaths soever except as in 7 & 8 W.3. c.34., excepted 1 G.1. St.2. c.6. s.1., and AMD. by the rest of that act, which is EXT. as to quaker's affirmation to Scot. for ever; and to the plantations belonging to the crown of G. B. for 5 years, and to the end of the next session only: therefore so far EXP.]

2. FOR GRANTING THE PEOPLE CALLED QUAKERS SUCH FORMS OF affirmation and declaration as may remove the difficulties which many of them lie under, 8 G.1. c.6. [AMD. 22 G.2. c.46. ss. 36, 37.]

3. Every quaker in Eng. Wa. and Ber., who is required on any lawful occasion to take any oath, in cases where by law an oath is required, shall, instead of the usual form, be permitted to make his solemn affirmation as follows, 7 & 8 W.3. c.34. s.1. [NOTE The form here given is taken away, and another provided by 8 G.1. c.6. s.1. see pl.7.]

4. Which solemn affirmation or declaration shall be of the same force and effect to all intents and purposes, in all courts of justice and other places where by law an oath is required within Eng. Wa. or Ber., as if such quaker had taken an oath in the usual form, 7 & 8 W.3. c.34. s.2.

5. Every quaker making such solemn affirmation, and lawfully convicted wilfully, falsely, and corruptly to have affirmed any thing which if it had been in the usual form would have amounted to perjury, shall incur the punishment of wilful perjury, *id.* s.3.

6. No quaker, or reputed quaker, shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or to serve on any juries, or to bear any office or place of profit in the government, *id.* s.6.

7. In all cases where by law any quaker is required or permitted to make and subscribe the declaration of fidelity in the form 1 W. & M. St.1. c.18. NONCONFORMIST, or to make affirmation or declaration in the form prescribed by 7 & 8 W.3. c.34., or to take the effect of the abjuration oath in the form prescribed by 1 G.1. St.2. c.6., every such quaker shall, instead of such first mentioned declaration of fidelity, make and subscribe the following,

' I A. B. do solemnly and sincerely promise and declare, that I will be true and faithful to K. Geo., and do solemnly, sincerely, and truly profess, testify, and declare that I do from my heart abhor, detest, and renounce as impious and heretical that wicked doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever, and I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any power, jurisdiction, superiority, preeminence, or authority, ecclesiastical or spiritual, within this realm.'

and instead of such affirmation shall make the following:

' I A. B. do solemnly, sincerely, and truly declare and affirm.'

And instead of the form prescribed by 1 G.1. St.2. c.6. s.3. for taking the effect of the abjuration oath, shall take the effect thereof as follows:

' I A. B. do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, that king George is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe the person pretended to be the prince of Wales, during the life of the late king James, and since his decease, pretending to be, and taking upon himself the stile and title of king of England, by the name of James the 3d, or of Scotland, by the name of James the 8th, or the stile and title of King of Great Britain, hath not any right or title whatsoever to the crown of this realm; nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to him. And I do solemnly promise, that I will be true and faithful, and bear true allegiance to king George, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my best endeavour to disclose and make known to king George, and his successors, all treasons and traitorous conspiracies, which I shall know to be made against him, or any of them. And I will be true and faithful to the succession of the crown against the said James, and all other persons whatsoever, as the same is and stands settled by an act entitled, "An act declaring the rights and liberties of the subject, and settling the succession of the crown," to the late queen Anne and the heirs of her body being protestants; and as the same by one other act entitled, "An act for the limitation of the crown, and better securing the rights and liberties of the subject," is, and stands settled and entailed, after the decease of the said late queen, and for default of issue of the said late queen to the late princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge, promise, and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental reservation, or secret reservation whatsoever, and I do make this recognition, acknowledgment, renunciation, and promise heartily, willingly, and truly.' and all persons authorized or required to administer or tender either

the said former declaration of fidelity, or the former solemn affirmation or declaration, or the former effect of the abjuration oath aforesaid, shall administer and tender the same to quakers, in the words hereby respectively appointed, 8 G.1. c.6. s.1. [QU. May not quakers be required to subscribe the profession of faith required of dissenters in general, who scruple to take an oath by 1 W. & M. St.1. c.18. s.18. NONCONFORMIST?]

8. In all cases where by any statute now in force, or hereafter to be made, an oath is allowed or required, the solemn affirmation or declaration of a quaker in the form prescribed by 8 G.1. c.6. shall be allowed instead of such oath, although no express provision be made for that purpose in that statute; and all persons required to administer such oath, shall be required to administer such affirmation or declaration, which when so made shall be adjudged to be of the same force in all courts of justice and other places where by law an oath is allowed or required, as if such quaker had taken the oath in the usual form, and if the person so affirming is convicted of having wilfully, falsely, and corruptly affirmed any thing which, if it had been deposed on oath would amount to wilful perjury, he shall incur the penalties thereof, 22 G.2. c.46. s.36.

9. Provided that no quaker shall under this act be permitted to give evidence in criminal cases, or to serve on juries, or to bear any office or place of profit in the government, *id.* s.37.

10. The declaration of fidelity, the affirmation, and the effect of the abjuration oath by this act appointed for quakers, instead of the forms by the said acts prescribed, shall be of like force in all courts of justice and elsewhere, as if such quaker had made and subscribed the declaration of fidelity, &c. in the forms by the said acts appointed, and if any person making such affirmation as is hereby appointed to be made, instead of that by the 7 & 8 W.3. c.34. prescribed, shall be convicted of wilful, false, and corrupt affirming of any matter, which, if sworn in the common form, could amount to wilful and corrupt perjury, such person shall incur the penalties inflicted on persons convicted of wilful and corrupt perjury, 8 G.1. c.6. s.2.

11. All clauses, exceptions, &c. contained in 1 W. & M. St.1. c.18., 7 & 8 W.3. c.34., and 8 G.1. St.2. c.6. contained, not hereby expressly altered, shall be of the same force as before this act made, *id.* s.3.

12. PROVISIONS RESPECTING PAYMENT OF TITHES BY QUAKERS, 7 & 8 W.3. c.34. ss. 4, 5., 1 G.1. St.2. c.6. s.2.

13. Where any quaker refuses to pay or compound for his great or small tithes, or to pay church rates, the 2 next justices of the same county, other than such justice as is patron of the church or chapel whence the tithes do arise, or any ways interested therein, on complaint of any parson, vicar, farmer, or proprietor of tithes, churchwarden or churchwardens who ought to have, receive, or collect the same may, by warrant under their hands and seals, convene such quaker so refusing before them, and examine upon oath, or in manner by this act provided, the truth of such complaint, and ascertain what is payable by such quaker, and by order under their hands, &c. direct the payment thereof, so as it does not exceed 10*l.*, [but *scmb.* their power is EXT. to all cases, see next pl.] and on refusal of such quaker to pay on such order, one of such justices by like warrant, may levy the money by distress and sale of his goods, or of those of his executors or administrators, rendering him or them the overplus, after necessary charges of distress deducted and allowed, and persons thereby aggrieved may appeal to the next quarter sessions for the county, city, &c., and the justices there, or the majority of them, shall finally determine the matter, and reverse such judgment, if they see cause, but if they confirm it, they shall then decree the same by order of sessions, and give reasonable costs against the appellant, to be levied by distress and sale of his goods, and no proceedings or judgment had under this act shall be removed or superseded by *certiorari* or other writ from any court, unless the title of such tithes shall be in question, 7 & 8 W.3. c.34. s.4.

14. In case of such appeal, no warrant of distress shall be granted until after it is determined, *id.* s.5.

15. The remedy provided by 7 & 8 W.3. c.34. for the recovery of tithes and church rates, may be used against any quaker for recovering of any tithes or rates, or any customary or other rights, dues, or payments belonging to any church or chapel, which of right by law or custom, ought to be paid for the stipend or maintenance of any minister or curate officiating in any church or chapel; and any 2 justices of the same county or place, other than such as is patron of the church, or anyways interested in such tithes, on complaint of any parson, vicar, curate, farmer, or proprietor of such tithes, or any church or chapelwarden, or other person who ought to collect or receive any such tithes, &c., shall summon in writing under their hands and seals, by reasonable warning, such quaker against whom such complaint shall be

made, and after appearance, or on default thereof, (such warning or summons being proved before them on oath,) may proceed to hear and determine such complaint, and make such order therein as in *pl. 13.* directed, and also may order such costs, not exceeding 10*s.*, as on the merits of the case appear just; which order shall be executed, and on such appeal, may be reserved or affirmed by the general quarter sessions of the county or place, with like costs, and shall not be removed into any other court, unless the titles of such tithes, dues, &c. shall be in question, in like manner as by 7 & 8 *W. 3. c. 34.* provided, 1 *G. 1. St. 2. c. 6. s. 2.*

QUARANTINE.

(STATUTES repealed and expired.)

1. FOR PERFORMANCE OF QUARANTINE, 9 *A. c. 2.*, 7 *G. 1. c. 3.*, 8 *G. 1. c. 10.*, 1 *G. 2. St. 2. c. 13.*, 6 *G. 2. c. 34.*, 26 *G. 2. c. 6.*, 29 *G. 2. c. 8.*, 12 *G. 3. c. 57.*, 28 *G. 3. c. 34.*, 38 *G. 3. c. 33.*, 39 & 40 *G. 3. c. 80.* [except *s. 1. & s. 8.* as to repeal of former statutes], 41 *G. 3. (G. B.) c. 30.* [all *REV.* by 45 *G. 3. c. 10. s. 9.*; and 8 *G. 1. c. 8.*, 1 *G. 2. St. 2. c. 13. Exp.*]

2. TO INDEMNIFY ALL PERSONS CONCERNED IN ISSUING AN ORDER OF COUNCIL AND DIRECTIONS FOR EXTENDING THE TIME OF CERTAIN SHIPS CONTINUING TO PERFORM QUARANTINE, 45 *G. 3. c. 97.* [*Exp.*]

3. FOR ERECTING A LAZARET ON *Chetney Hill*, county *Kent*; for reducing into one act all laws relating to quarantine, and for making further provision therein, 39 & 40 *G. 3. c. 80.* [*REV.* 45 *G. 3. c. 10. s. 9.*; but *s. 1.* and *s. 8.* are in force as to the repeal of the statutes named therein, for which see the chronological table of them.]

(STATUTES in force.)

[*N. B.* It may here be noticed, 1. That *Ire.* is not mentioned throughout these acts, except in 45 *G. 3. c. 10. s. 14. pl. 28.*, and *s. 32. pl. 51.*, which are provisions of minor importance: but the words *G. B.* are used throughout, adding the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*; nor are the words *U. K.* mentioned.]

2. There is no provision for performance of quarantine by ships which have taken on board passengers, goods, &c. from infected or suspected places, and put them ashore, or aboard other ships at sea, before their own arrival in *G. B.*, or where any of the crew have gone on board ships sailing under security given, as in 45 *G. 3. c. 10. s. 32.* [*And note, pl. 51.*]

3. FOR MAKING FURTHER PROVISION FOR ACTUAL PERFORMANCE OF QUARANTINE, 45 *G. 3. c. 10.* [commencing 5 *April* 1805, *id. s. 44.* *AMD.* generally by 46 *G. 3. c. 98.*, and more particularly as to the provisions in *s. 10.* by *id. s. 4.*, in *s. 14.* and *s. 15.* by *id. s. 1.*, in *s. 16.* and *s. 17.* by *id. s. 2.*, in *s. 18.* by *id. s. 3.*, and 50 *G. 3. c. 20.*, 51 *G. 3. c. 46.* in *s. 29.*, and in part *REV.*, 46 *G. 3. c. 98. s. 5.*

4. All offences against this or any other act, *viz.* 46 *G. 3. c. 98.*, passed or any orders of council made concerning quarantine, and notified by proclamation, or publishing in *London Gazette*, or of any such order made by 3 or more of the privy council, whether committed within the body of any county, or on the high seas, or elsewhere, may be tried, &c. in any county in *Eng.* or *Scot.* or in the proper courts of the isles of *Guernsey*, &c. respectively, 45 *G. 3. c. 10. s. 42.*

5. In actions commenced for anything done in execution of this act, or of any order in council made by virtue thereof, defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance hereof; and if so found, the jury shall find for defendant, and if plaintiff is nonsuit, or discontinues after appearance, or has judgment against him, on verdict or demurrer, defendant shall recover treble costs, and no such action shall be brought but within 2 months from the act done, *id. s. 43.*

6. To commence, except hereinbefore otherwise provided, 5th *April* 1805, *id. s. 44.*

7. FOR MAKING FURTHER PROVISIONS FOR THE EFFECTUAL PERFORMANCE OF QUARANTINE IN *G. B.*, 46 *G. 3. c. 98.* [The *s. 1. 5.* are incorporated with 45 *G. 3. c. 10.*; the latter are additional provisions relating to matters untouched by that act.]

8. The king, by order in council, and any 3 or more of the privy council, by their order, from time to time, as they see reason to apprehend that the yellow fever, or other highly infectious distemper prevails in *America* or the *West Indies*, may require that every vessel coming from, or having touched at any place on that continent, or in the *West Indies*, shall come to anchor at certain places to be appointed from time to time by the customs commissioners in *Eng.* and *Scot.* (who are hereby authorized to make such appointment) for the purpose of having the state of health of the crew ascertained, before such vessel shall be permitted to enter the port whereto she may be bound, or any other port of *G. B.*, but such vessel shall not be liable to quarantine, unless specially ordered under that restraint, 46 *G. 3. c. 98. s. 6.*

9. The king, by order in council notified in proclamation, or published in *London Gazette*, may prohibit all persons, boats, and vessels

soever from going, under any pretence soever, within the limits of any station which by *H. M.* by any such order, has or may be assigned for the performance of quarantine by any vessels without clean bills of health; and if any person soever, after such notification or publication of any such order, shall presume, under any pretence, to go with any vessel, &c. within the limits of such station, he shall forfeit 50*l.*, 46 *G. 3. c. 98. s. 7.*

10. Any person who shall wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged, &c. any certificate required to be granted by any order in council now in force, or hereafter to be made touching quarantine, or shall publish as true any such forged, &c. certificate, knowing the same to be so forged, &c. or shall wilfully utter and publish any such certificate, with intent to obtain the effect of a true certificate, knowing the same to be false, shall be adjudged guilty of felony, and shall suffer death without clergy, *id. s. 8.*

11. The consuls and vice-consuls of *H. M.* shall administer oaths in all cases of quarantine, as if they were magistrates of the places where they are resident, *id. s. 9.*

12. In all cases wherein by virtue of this act, or of any other now in force [*viz.* 45 *G. 3. c. 10.*] or hereafter to be made touching quarantine, any examinations or answers shall be taken on oath, the person authorized to take the former may also administer such oaths, and persons so interrogated or examined, who shall wilfully swear falsely in their answers to such examinations, or shall procure others so to do, shall be deemed guilty of wilful perjury or subornation thereof, and shall be punished accordingly, *id. s. 10.* [*and see* 45 *G. 3. c. 10. s. 37. pl. 55.*]

13. The treasury is empowered to direct the completion of the lazaret at *Chetney Hill*, county of *Kent*, with all necessary accommodations for performing quarantine according to a plan approved by *H. M.* by advice of the privy council; and for defraying the expenses, to cause the money granted by parliament for that purpose to be issued when necessary for such service, and the lazaret shall be under the management of officers appointed by the treasury for keeping it ready for reception of persons and goods, and for their due performance of quarantine, which officers shall have salaries appointed by *H. M.*, by advice of privy council, and shall be defrayed as at present, till a sufficient revenue be raised as in *s. 2.*, 45 *G. 3. c. 10. s. 1.* [Floating lazarets may be provided till lazaret completed, *id. s. 2.*]

14. The following duties of customs shall be paid to *H. M.* by the owners of vessels and cargoes; *viz.*

[For every vessel which, or the cargo of which, or any part whereof, shall have performed quarantine in any port or place in *G. B.* or *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, and which shall have arrived from any part of *Turkey*, or port or place in *Africa*, within the straits of *Gibraltar*, or in *West Barbary*, on the *Atlantic Ocean*, with a clean bill of health, per ton burthen, 7*s.* 6*d.*

without such bill, per ton, 1*s.*

For every vessel which, or the cargo of which, or any part whereof, shall have performed quarantine in any port or place in *G. B.* or the islands aforesaid, and which shall have arrived from any place whatever (except any part of *Turkey* or *Africa*, within the straits of *Gibraltar*, or in *West Barbary*), with a clean bill of health, per ton, 3*s.*

without such bill, per ton, 10*s.*

For every vessel arriving in any port or place in *G. B.* or the islands aforesaid, with a cargo consisting in the whole, or in part, of goods, &c. the growth, produce, or manufacture of *Turkey*, or of any port or place in *Africa*, within the straits of *Gibraltar*, or in *West Barbary*, and which vessel, or her cargo, or any part thereof, shall have performed quarantine in any port or place in *G. B.* or the islands aforesaid, and which shall have arrived from any port or place whatever, per ton, 7*s.* 6*d.*

For every vessel which shall have so arrived under such circumstances as shall induce *H. M.* by advice of privy council, or any 3 or more of the privy council under the authority hereinafter (*viz.* *s. 12. pl. 26.*) given to subject such ship or vessel to the like quarantine as ships arriving from *Turkey*, with clean bills of health, per ton, 7*s.* 6*d.*

without such bills, per ton, 1*s.*

For every vessel which, or her cargo, or any part thereof, has performed quarantine in any port or place in *G. B.* or the islands aforesaid, and which shall enter inwards in the port of *London*, per ton, 1*s.* additional, 45 *G. 3. c. 10. s. 3.*

15. The above duties shall be levied and paid, recovered, and accounted for, under the same regulations and penalties to which the duties of customs are now by law subject, provided that no ship of war, transport, or other vessel on government service, nor any vessel not bound to any port or place in *G. B.*, or *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, and which shall have really put into any port therein in distress, nor any vessel obliged to perform quarantine only by reason of having certain goods on board, and not producing the proper document as to their growth or manufacture; nor any vessel arriving in any port, &c. in *G. B.*, or the islands aforesaid, with a clean bill of health from any place whatever, except from any part of *Turkey*, or *Africa* within the Straits of *Gibraltar*, or in *West Barbary* on the *Atlantic*, in ballast, or freighted wholly with salt, and any vessel, which with its

cargo has duly performed quarantine in the lazarets of *Malta, Ancona, Venice, Messina, Leghorn, or one of them*, and which shall sail from thence, and arrive in *G. B.*, or the said islands, with proper documents, attesting same to satisfaction of H. M. or privy council, shall be liable to duty, 45 *G. 3. c. 10. s. 8.*

16. If after making good to the consolidated fund the sums of 65,000*l.* granted by 39 & 40 *G. 3. c. 10.*, and 50,000*l.* by 44 *G. 3. c. 110.*, or of so much thereof as is issued for the above services, it appears to the treasury that the duties hereby granted are more than sufficient to defray as well the expences already incurred as those of carrying the act into execution, the treasury may from time to time, by warrant, order the duties to be reduced as they think proper; and by like warrant (should the expences afterwards require an increase of duties) order that they be raised to any amount not exceeding the sums in *s. 3. pl. 14.* which warrants shall be sufficient authority to the customs officers to levy the duties, *id. s. 4.*

17. No vessel liable to tonnage duty by *s. 3. pl. 14.* shall be permitted to be cleared inwards, in any port of *G. B.* or the islands aforesaid, unless the duty is duly paid; the tonnage to be computed according to the register under 26 *G. 3. c. 60.*, and in case of dispute, by admeasurement, as in that act, *id. s. 5.*

18. The owners of any vessel for which any of the duties in *s. 3. pl. 14.* have been paid, may recover from the importers or consignees of goods on board, any sum equal to the reasonable contribution which the proportionate tonnage of the latter bears to that of the ship to be ascertained, according to the custom of merchants in like cases, *id. s. 6.*

19. The monies arising from the above duties shall be paid into exchequer, and carried to the consolidated fund, and shall be entered in a separate book by the auditor of exchequer, *id. s. 7.*

20. The money so raised shall be applied, 1st, to defray the annual expences of the floating and land lazaret, and all other annual expences of execution of this act; and next, to make good the money issued for purchasing lands on *Chetney Hill*, and erecting the lazaret, and other accommodations, &c. as in *s. 1.*, *id. s. 8.*

21. 39 & 40 *G. 3. c. 80.*, and every other act relating to performance of quarantine are repealed, except so much of the said act as repeals some former acts, *viz. s. 1. and s. 8.*, and as to arrears of duty, or penalties due under it, *id. s. 9.*

22. H. M.'s ships of war, and all other vessels coming from or having touched at any place from whence H. M., by advice of privy council, shall have declared it probable that the plague, or other infectious distemper highly dangerous to the health of his subjects may be brought, and all vessels and boats receiving any person, goods, packets, packages, luggage, wearing apparel, books, letters, or other articles whatever, whether such persons, goods, &c. shall have come or been brought in such vessels, or such persons shall have gone, or articles have been put on board the same, either before or after the arrival of such vessels at any port or place in *G. B.*, or the islands aforesaid, and all persons, goods, &c. on board of any such vessels so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats shall be considered liable to quarantine within this act, and within any order made by H. M., by advice of privy council concerning quarantine, and prevention of infection from the departure of such vessels from such infected place, or from the time when such persons, goods, &c. shall have been received on board respectively; and all such vessels and boats, and all persons, as well pilots as others, goods and other articles as aforesaid, whether coming or brought in such vessels or boats from such infected place, or going or being put on board same, either before or after their arrival at any place in *G. B.*, or the islands aforesaid, and all persons, goods, &c. on board any such receiving vessel or boat as aforesaid, shall, on such arrival, be obliged to perform quarantine in such place for such time, and in such manner as shall from time to time be directed by H. M., by order in council notified by proclamation, or published in *London Gazette*; and till such vessels, boats, persons, goods, and articles aforesaid, have respectively performed and been discharged from quarantine, no such person, goods, &c., either before or after the arrival of such vessels or boats at any place in *G. B.*, or the islands aforesaid, shall come or be brought on shore, or go and be put on board any other vessel or boat in order thereto in any such place, though such vessels may not be bound to any place in *G. B.*, or the islands aforesaid, unless by such licence as is permitted by such order in council; and all such vessels and boats, whether coming from such infected place, or otherwise liable to quarantine as aforesaid, and all persons, as well pilots as others, goods and other articles, whether coming or brought in such vessels or boats, or going, or put on board the same, either before or after arrival in *G. B.*, or the islands aforesaid, and although such vessels or boats are not bound to any place therein; and all persons having charge or command of any such vessels or boats, whether coming from any infected place, or otherwise liable to quarantine, shall be subject to all the regulations in this act, or in any other made by H. M. in council,

concerning and preventing infection, and to all the penalties of this act for breach thereof, or of any such order in council, 45 *G. 3. c. 10. s. 10.*

23. The publication in the *London Gazette* of any order in council, or of any order by 3 or more of the privy council (as in *s. 12. pl. 26.*) or of H. M.'s royal proclamation made in pursuance of this act, shall be deemed sufficient notice to all parties of the matters therein contained, *id. s. 13.*

24. But no vessel rendered liable to perform quarantine solely by having received on board, by force, or against the will of the master and crew, any person, shall be liable to duty if the commissioners of customs are satisfied of that fact, 46 *G. 3. c. 98. s. 4.*

25. All goods (especially those liable to retain infection) particularly specified for that purpose, in any such order in council concerning quarantine and prevention of infection, and imported into *G. B.* or the islands aforesaid, from any foreign country or place in any vessel whatever, and the vessels in which brought, and all vessels which shall arrive from any place whatever under any suspicious circumstances as to infection, shall be subject to the regulations made by H. M. by order in council, 45 *G. 3. c. 10. s. 11.*

26. Three of the privy council may make any order they see expedient on any unforeseen emergency or particular case, as to the arrival of any vessel with any infectious disease on board, or on board which such disease may have appeared in the course of the voyage, or under any other suspicious circumstances as to infection, although such vessel has not come from any place from which H. M. in council may have declared it probable that the plague, or other infectious disease may be brought, and also with respect to the persons, goods, and articles on board; and in case of any infectious disease breaking out in *G. B.*, or the islands aforesaid, may give necessary directions for cutting off the communication between the infected and other subjects, and may shorten the time of quarantine to be performed by particular vessels, persons, goods, &c. or wholly release them therefrom, absolutely or conditionally, and generally may mitigate the strict performance thereof as special circumstances in their judgment shall require, all which orders shall be as valid, as well with respect to the commander of, and all persons on board, as to all or any other persons having intercourse with any such vessel, and as to the penalties to which they may become liable, as any order of H. M. in council, notified by proclamation, or published in *London Gazette*, as in *s. 10. pl. 22.*, *id. s. 12.*

27. If the plague, or other infectious disease appears on board any vessel within the straits of *Gibraltar*, the commander shall immediately proceed to some foreign lazaret, and there perform quarantine, till the completion of *Chetney Hill* lazaret is notified, as in *s. 10.*, but if the same appears on board any vessel without the Straights, then the commander shall (previous to such completion notified) proceed immediately to the harbour of *St. Helen's Tean* and *North Wihel*, in the *Scilly* isles, or to any other place directed by H. M. in council; he shall then make known his case to some customs officer there, who shall acquaint the principal magistrate and customs officer at some neighbouring port, which latter shall as soon as possible, send intelligence to the commissioners of customs, and the former to the privy council, that necessary measures for comfort of the crew, and precautions against spreading infection may be taken; such vessel to remain there till directions are given by the council, or any 3 of them; nor shall any person on board go on shore, but in case the commander of such vessel is not able to make *Scilly*, or other place so appointed as aforesaid, or is forced by stress of weather or otherwise to go up either of the channels, he shall not enter with such vessel into any other port or place in *G. B.*, or the island aforesaid, but shall remain in some open road till he receives such directions as above, and shall use all necessary means to prevent any person from going out of the ship, and to avoid all intercourse with other vessels or persons; and all persons on board shall, till such directions are received, remain in such ship, and avoid all such intercourse, and such commander, and all persons on board shall obey the above directions, or for disobedience shall suffer death as for felony, without clergy, *id. s. 13.*

28. The commander of every vessel liable to quarantine shall, at all times when he meets another vessel at sea, or is within 4 leagues of the coast of *G. B.* or *Ire.*, or the islands aforesaid, hoist a signal to denote such liability; which in the day time, if with a clean bill of health, shall be a large yellow flag of 6 breadths of bunting at the main-top mast-head; if without such bill, a like yellow flag, with a circular mark or ball quite black, in the middle of 2 breadths bunting diameter; and in the night time shall in both cases be a large signal lantern, with a light therein at the same mast-head; which signals shall be kept hoisted while in sight of any vessel, or within the above distance of the said coasts, &c. till the vessel's arrival at the place of performing quarantine, and her legal discharge therefrom, on failure whereof he shall forfeit 200*l.* for each offence, *id. s. 14.* [punishment of death for wilful neglect herein, *id. s. 19. pl. 38.*]

29. Any commanders of vessels knowing that they are not liable to

quarantine, hoisting such signals as aforesaid, shall forfeit 200*l.*, 45 *G. 3. c. 10. s. 15.*

30. The commander of every vessel on board which the plague or other infectious disease highly dangerous to the health of H. M.'s subjects shall actually be, shall, at all times when he shall meet any other vessel at sea, or is within 4 leagues of the coast of *G. B.*, or the islands aforesaid, hoist in the day time as a signal a flag of yellow and black, borne quarterly, of 8 breadths of bunting at the main-top mast-head, and in the night time, two large signal lanthorns one over the other at the same mast-head; and shall keep such signal hoisted while in sight of such other vessel, or within such distance of the said coasts, &c., or until arrival at the place of performing quarantine, and legal discharge of the vessel therefrom; on failure whereof he shall forfeit 200*l.* for every offence, 46 *G. 5. c. 98. s. 1.*

31. Every commander of any vessel coming from foreign parts shall give to the pilot going on board the same a written paper, containing a true account of the names of the place and country at which she has loaded, and of all the places at which she has touched on the homeward voyage, on pain of forfeiting 200*l.* for neglect or refusal to give the same, or for any false representation or omission therein; and if by any proclamation or order in council made after vessel's departure, and then in force, vessels coming from any place mentioned therein are liable to quarantine, such pilot shall immediately give notice thereof to such commander, on penalty of 50*l.* for neglect, and the latter shall hoist a proper signal, under the penalties in this act [*viz. s. 14. pl. 28.*] contained for neglect therein, 45 *G. 3. c. 10. s. 16.*

32. The commander of every vessel coming from foreign parts, and not liable to quarantine, in respect of the place from whence she comes, shall give to the pilot a written paper, containing a true account of the different articles composing her cargo, on penalty of 200*l.* for neglect, false representation, or wilful omission therein; and if by any proclamation or order in council then in force, vessels having on board any articles mentioned in such account are liable to performance of quarantine, such pilot shall immediately give notice thereof to such commander, on penalty of 100*l.* for neglect therein; and the latter shall hoist a proper signal, according to the provisions, and under the penalties in 45 *G. 3. c. 10. s. 14. pl. 28.*, or in *s. 1.* of this act, *pl. 30.* contained, for neglect in hoisting the same, 46 *G. 3. c. 98. s. 2.*

33. Every pilot who shall conduct, or cause to be conducted, any vessel liable to performance of quarantine, into any place not specially appointed for reception of vessels so liable, after receiving such paper as in 45 *G. 3. c. 10. s. 16. pl. 31.*, and such other papers as in 46 *G. 3. c. 98. s. 2. pl. 32.* required, whereby the vessel's liability to quarantine shall have respectively appeared, or without requiring and receiving such papers respectively from every such commander, unless compelled thereto by stress of weather, or accidents of seas, shall forfeit 100*l.* for every such offence against either act, 45 *G. 3. c. 10. s. 17.*, 46 *G. 3. c. 98. s. 2.*

34. If any pilot being on board, or any commander having charge of any vessel coming from foreign parts, whether liable to quarantine or not, is required by any officer authorized by any 4 of the commissioners of customs to act in quarantine service, to bring to such vessel, in order to interrogate such commander, according to 45 *G. 3. c. 10. s. 18. pl. 37.*, and shall not so bring to as soon as it can be done with safety, the pilot, commander, or other person in charge of the ship, shall forfeit 100*l.*, 46 *G. 3. c. 98. s. 3.*

35. All superintendants of quarantine at the several ports, and their assistants, may be appointed by any instruments signed by 4 commissioners of customs for the time being, and sealed with their seal of office, 50 *G. 3. c. 20.*

36. Every thing in 45 *G. 3. c. 10.* required to be done by the superintendant of quarantine or his assistant, may, in case of their absence or sickness, be done by the principal officer of customs at the port or place, or by any other officer authorized by any 4 or more such commissioners to act in that behalf, 51 *G. 3. c. 46.*

37. When any country or place is known or suspected to be infected with the plague or other such infectious disease as aforesaid, or when any order in council is made therein as aforesaid, then as often as any vessel shall attempt to enter any place in *G. B.*, or the islands aforesaid, whether such port is appointed for performing quarantine or not, the superintendant of quarantine, or his assistant, (if there be such persons there,) or if not, the principal officer of customs there, or any officer of customs authorized by any 4 or more commissioners of customs to act in that behalf, shall go off to such vessel, and at a convenient distance therefrom, shall demand of the commander, who shall therefrom truly answer in writing or otherwise, upon oath or not, as required by such superintendant, &c. to all questions put to him in pursuance of any regulations prescribed by order in council; and in case, on such demand, he refuse to make true discovery in any of the particulars concerning which he is interrogated, or if not required to answer the same on oath, shall give a false answer thereto, he shall forfeit 200*l.*, 45 *G. 3. c. 10. s. 18.*

38. If it appear on such examination or otherwise that such vessel is liable to perform quarantine, and that the port where she arrives, or attempts to enter, as in *s. 18.*, is not the place where quarantine should be performed, the officers of H. M.'s navy, forts, garrisons, and all others his officers, on notice to them respectively, and any other persons called to their assistance, shall oblige such vessel to repair to the latter place, and may use all necessary means for the purpose, either by firing guns on her, or other necessary force soever; and in case she shall have come from or have touched at any place infected by the plague, or other infectious disease, or shall have any person on board actually infected with the same, and the commander who, knowing that such place, &c. or person was infected as above, does not disclose the same on such examination, or wilfully omits to hoist the signal in *s. 14. pl. 28.* to denote the vessel's liability to quarantine as above directed, is guilty of felony, and shall suffer death without clergy, 45 *G. 3. c. 10. s. 19.*

39. The commander of every vessel ordered to perform quarantine shall forthwith, after his arrival at the place thereof, deliver on demand to the superintendant thereof, or his assistant, or other person authorized to act, as in *s. 18.* of this act [or, as in 51 *G. 3. c. 46. pl. 36.*] (which demand they are required to make) his bill of health, manifest, log-book, and journal, under 100*l.* penalty for wilful neglect, *id. s. 20.*

40. If the commander of any vessel liable to perform quarantine, and on board which the plague has not then appeared, shall himself quit, or shall knowingly permit any person coming therein to quit the same, by going on shore, or on board any other vessel, before quarantine fully performed, unless in cases directed, and by licences granted, by virtue of orders in council as aforesaid; or in case such commander shall not, within a convenient time after due notice given, cause such vessel and lading to be conveyed into the places appointed for the same, to perform their quarantine respectively, he shall forfeit 500*l.*; and any person coming in, or pilot going on board such vessel, either before or after her arrival in *G. B.*, or the islands aforesaid, who shall, either before or after such arrival, quit such vessel by going on shore, or on board any other vessel or boat, with intent to go on shore, before such vessel be regularly discharged from performance of quarantine, all persons may, by any kind of necessary force, compel them to return on board; and every such pilot, or other person guilty of such offence shall be imprisoned for 6 months, and pay 200*l.*, *id. s. 21.*

41. When any vessel, having performed quarantine in any foreign lazaret, shall arrive in *G. B.*, or the islands aforesaid, with a clean bill of health, no goods shall be permitted to be landed, unshipped, or moved in order to be landed; but the commander shall immediately give notice thereof, and of the foreign port in which quarantine was performed, to the principal officer of customs of that or of the nearest port, in order that it may be forthwith laid before the privy council; and any person soever who shall land, unship, or move in order to land any such goods before order of council made, or otherwise than is therein directed, shall forfeit 200*l.*, *id. s. 22.*

42. All persons liable to perform quarantine, and all persons having intercourse with them, whether in ships, lazaret, or elsewhere, shall, during quarantine, be subject to the orders of the superintendant thereof, or his assistant, or of the principal customs officer, (where no such superintendant, &c.), or from any customs officer authorized to act, as in *s. 18. pl. 37.*, [as in 51 *G. 3. c. 46. pl. 36.*] which officers shall enforce all necessary obedience to such orders, and if necessary, call in others to their assistance, who shall assist accordingly; and shall compel all such persons to repair to such lazaret, vessel, or place, and cause all goods and other articles comprised within any such orders to be made as last aforesaid; [*viz. s. 22. pl. 41.*] to be conveyed to such lazaret, &c. according to directions of the order in council, or of any 3 or more of the council; and any such person who shall wilfully refuse or neglect to repair forthwith to such lazaret, &c. when required by such officer, or who, having been placed therein shall escape, or attempt to escape thereout, before quarantine duly performed, the said quarantine officers and watchmen, &c. shall, by such necessary force as is required, compel every such person to repair to such lazaret, &c.; and every person so refusing, &c. to repair forthwith to such lazaret, and every person actually escaping as above, are guilty of felony, and shall suffer death without clergy, *id. s. 23.*

43. Any constable or other person may apprehend any person who shall have quitted, come on shore, or escaped from any vessel liable to perform, or then under quarantine, or from any lazaret, vessel, or place appointed in that behalf, in order to take him before a justice, who may grant his warrant for conveying him to the vessel, lazaret, &c., or for confining him in any place of safe custody, not being a public gaol, and under such restrictions as to communication with other persons as in his discretion (calling to his aid, if he think fit, some medical man) shall seem proper, till such person be safely conveyed to some place of performing quarantine, or till directions are obtained from privy council as to his disposal, and may grant any further warrant necessary therein, *id. s. 24.*

44. Orders in council for sending afloat to perform quarantine persons who had had intercourse with a vessel from which danger of infection was apprehended are valid; and all persons are indemnified for advising as well as for doing, all acts in execution thereof, 45 G. 3. c. 10. s. 25.

45. If any officer of customs, or other person to whom it appertains to execute, or see executed, any order concerning quarantine and prevention of infection, as in s. 11. *pl. 25.*, notified as in s. 12. *pl. 26.*, shall knowingly embezzle any goods, &c. performing quarantine, or is guilty of other wilful breach or neglect of duty in respect of the ships, persons, goods, &c. so under quarantine, he shall forfeit and be disabled to hold his employment, or shall take a new grant thereof, and shall pay 100*l.*; and if he deserts his duty, or knowingly permits any ship, person, or goods to depart out of the place, lazaret, &c. appointed for quarantine, unless by order of H. M. in council, or of 5 or more of such council; and any person who, being duly authorized to give certificate of the due performance by any ship of quarantine or airing, shall knowingly give false certificate thereof, shall suffer death as a felon, without clergy; and any person wilfully damaging goods in quarantine under his direction, shall be liable to pay treble damages and costs to the owner, *id.* s. 26.

46. Any person not liable to perform quarantine, who shall enter such lazaret, &c. whilst any person under quarantine is therein, shall perform quarantine there; and if he return, or attempt to return from thence, unless in cases directed, and by licences granted, by virtue of such orders of H. M. in council, or of any 3 of the latter, the quarantine officers, watchmen, and others appointed to guard such lazaret or place of quarantine, may, by all necessary force, compel such persons so returning, &c. to repair into the same, there to perform quarantine; and any such person actually escaping from such lazaret, or other place of quarantine, before fully performing same, shall be adjudged guilty of felony, and shall suffer death, without clergy, *id.* s. 27.

47. After due performance of quarantine by any vessel or person obliged to perform it as above, according to this act, and such orders made as aforesaid, and on proof, by oaths of the commander and 2 persons belonging thereto, or of 2 or more credible witnesses, before the collector or principal officer of customs at the port where such quarantine shall be performed, or at the nearest port, or before any justice living near the same, or when performed within either *Guernsey, Jersey, Alderney, Sark, or Man*, before any 2 jurats or magistrates of those isles respectively, that such vessel and every such person respectively have duly performed quarantine as above, and that the vessel and every person are free from infection; and after producing a certificate thereof, signed by the chief officer who superintended the quarantine of such ship, or by the person acting for him, such collector, justice, &c. shall give a certificate thereof, and thereupon such vessel and persons having so performed quarantine, shall be liable to no further detention on the same account for which they have so performed quarantine, *id.* s. 28.

48. All goods and other articles liable to quarantine shall be opened and aired in such places, for such time and in such manner as by order in council directed, [45 G. 3. c. 10. s. 29.] [and after such orders have been duly complied with, proof thereof shall be made by the oaths of the master of the lazaret or vessel in which the goods, &c. have been so opened and aired, and of one of the guardians, or if no such guardian, of one of the officers authorized, as in 45 G. 3. c. 10. s. 18. *pl. 37.*, and 51 G. 3. c. 46. *pl. 36.*, to act in quarantine service in such lazaret or vessel; or if no such officer, of two or more credible witnesses serving therein, before the superintendant or his assistant; or in their default, before any officer authorized as above, which oath such superintendant, &c. shall administer, and make certificate of such proof made; on production whereof to the proper customs officer, authorized by any 4 such commissioners, such goods, &c. shall be liable to no further detention, either at the place where quarantine is performed, or at any other place whereto they may be afterwards conveyed, 46 G. 3. c. 98. s. 5.] 45 G. 3. c. 10. s. 29., 46 G. 3. c. 98. s. 5.

49. Persons who shall wilfully forge or counterfeit, or procure to be forged, &c. any certificate required by this act, or who shall publish the same as true, knowing it to be forged, shall suffer death as felons, without clergy, 45 G. 3. c. 10. s. 30.

50. Every person who shall land or unship, or move, in order to land or unship, any goods, packages, baggage, wearing apparel, books, letters, or other articles soever, from on board any vessel liable to perform quarantine, or who shall knowingly receive the same after being so landed or unshipped, shall forfeit not exceeding 500*l.*, nor less than 100*l.*; and every person who shall clandestinely convey or secrete, for the purpose of conveying any letters, goods, or other articles from any vessel actually performing quarantine, or from the lazaret or other place where such letters, goods, &c. are performing it, shall suffer death as a felon, without clergy, *id.* s. 51.

51. If it happens that any part of *G. B., Inc.*, or the isles aforesaid, or *France, Spain, Portugal*, or the *Low Countries*, are infected with

the plague or other infectious disease, H. M. may, by proclamation, prohibit all small boats and vessels, under 20 tons burden, from passing out of any port or place in *G. B.*, or the islands aforesaid, till security be first given by the master, to the satisfaction of the principal customs officer, or to the chief magistrate of the port, &c., by bond taken without fee by the latter to H. M., with sureties in 300*l.* penalty; conditioned, that if such boat, &c. shall not touch at any country or place mentioned in such proclamation; and if neither the master nor any person on board such vessel shall go on board any other vessel at sea, and shall not suffer any person to come on board at sea, or remove any goods soever, out of any other vessel, such bond shall be void; and vessels sailing without giving such security shall, with their tackle, &c. be forfeited to H. M., and the master and every mariner sailing therein shall forfeit 20*l.*, 45 G. 3. c. 10. s. 32.

52. All penalties incurred for offences against this act may be recovered by suit in any court of record at *Westminster*, in which no essoin, &c., or more than one imparlance shall be granted, or in *Scot.* by summary action in the court of session, or by prosecution before the court of judicatory there, or by suit in any of H. M.'s courts in *Guernsey, Jersey, Alderney, Sark, or Man*, and every such penalty shall be given one moiety to the person who shall inform and sue for same, and the other to H. M., to be applied towards defraying the expences of the lazaret, *id.* s. 34.

53. No person soever shall commence or cause, &c. any action, information, or prosecution in any H. M.'s courts in *Eng.* or *Scot.*, or any proceedings before any justice of peace, for recovery of any fine, penalty, or forfeiture incurred by reason of any offence against this act, or orders in council, or by any 3 or more of the council, (as in s. 12. *pl. 26.*) unless commenced, &c. in the name of the attorney-general in *Eng.* or lord-advocate in *Scot.*, or in that of some officer of customs in *Eng.* or *Scot.* respectively; and actions, &c. commenced in the names of any other persons are void, *id.* s. 35.

54. In case any proceeding is commenced by any officer of customs for recovery of any fine, penalty, &c. incurred for an offence against this act, or against any such order as aforesaid, H. M.'s attorney-general in *Eng.*, or advocate in *Scot.*, may respectively stop all further proceedings therein, as well with respect to the officer's as to H. M.'s share of such penalties, if under the circumstances they think fit to do so, *id.* s. 36.

55. Persons hereby authorized to take examinations on oath may administer the same, and persons swearing falsely, or procuring others so to do on such examinations, are guilty of perjury, or subornation thereof, as the case is, and shall be punished accordingly, *id.* s. 37., [and see 46 G. 3. c. 98. s. 10. *pl. 12.*]

56. All offences against this act, not being felonies, and every disobedience to any order of council made as above, for which no specific penalty is hereby provided, may be tried before any 2 justices of the county, or place where the same shall happen, and any person convicted thereof shall be liable to such penalty, not exceeding 50*l.*, or to not more than 3 months imprisonment for any one offence, as in their discretion is judged proper to be paid, one moiety to the party suing, and the other to H. M., to be applied as in s. 34. *pl. 52.*, *id.* s. 38.

57. No attainder of felony under this act shall work any corruption of blood, or forfeiture of lands or goods, *id.* s. 39.

58. In proceedings against any person for any offence against this act, or any act hereafter passed concerning quarantine, viz. 46 G. 3. c. 98. &c. or for any breach of orders made by H. M. in council concerning quarantine, and notified or published as aforesaid, or of any order made by 3 or more of the council, as in s. 12. *pl. 26.*, the answer of the commander of any vessel, to any questions put to him under s. 18. *pl. 37.*, or any other such act, or order as aforesaid, may be given and received as evidence, so far as it relates to the place from whence such vessel came, or at which she touched during her voyage, and where directed to perform quarantine by the superintendant of quarantine or his assistant, or where no such superintendant, &c., by the principal or other officer of customs, authorized, as in s. 12. *pl. 26.*, to act in that behalf, the having been so directed to perform quarantine may be given and received as evidence, that such vessel was liable to quarantine, unless satisfactory proof is given by defendant, to show that the vessel did not come from, or touch at any such place, as stated in the answer, or that such vessel, though directed to perform quarantine, was not liable to performance thereof; and where any vessel shall in fact have been put under quarantine at any port, by such superintendant, assistant, or officer, such vessel shall be deemed liable to quarantine, without proving in what manner she became liable thereto, *id.* s. 40.

59. Whenever any person is charged with any offence against this or any other act hereafter passed, concerning quarantine, viz. 46 G. 3. c. 98., &c. or with any breach of any such order in council as aforesaid, and the same is made appear to any judge of *K. B.*, by affidavit, or certificate of indictment or information being filed in such court for such offence, he may issue his warrant, and cause such person to be brought before him, or some other judge of the court, or before some justice of peace, in

order to his being bound to H.M. with two sufficient sureties, in the sum expressed in the warrant, with condition to appear in the court at the time mentioned therein, and to answer to all indictments, &c. for any of the above offences; and if he refuse to become so bound, such judge or justice may commit him to the common gaol of the county, &c. where the offence was committed, or he was apprehended, till he has become bound as aforesaid, or is discharged by order of K.B. in term-time, or by one of the judges in vacation; and the recognizances to be taken thereon shall be returned and filed in that court, and shall continue in force till such person has been acquitted of such offence, or, in case of conviction, has received judgment for the same, unless sooner ordered by the court to be discharged; and where any person by virtue of such warrant and commitment is or shall hereafter be detained in any gaol for want of bail, the prosecutor may cause a copy thereof to be delivered to such person, or to the keeper of the gaol wherein such person is detained, with a notice thereon indorsed, that unless he shall, within 8 days from the time of such delivery of a copy of the indictment, &c., cause an appearance, and also a plea or demurrer to be entered thereto, an appearance and plea of *not guilty* will be entered thereto in the name of such persons respectively; and in case he shall thereupon, for such 8 days after delivery of such copy as aforesaid, neglect to cause an appearance, and plea or demurrer to be entered, the prosecutor, on affidavit made and filed in such court, of a delivery of such copy, with such notice, indorsed as above to such person or gaoler, &c., (which affidavit may be made before any judge or commissioner of affidavits in that court,) may enter an appearance and plea of not guilty for such persons respectively, and proceedings shall be had thereon, as if defendant had appeared, and pleaded *not guilty* according to the usual course of the court, and if on trial of such indictment, &c. the defendant so committed, &c. as aforesaid, is acquitted of the offences charged on him, the judge before whom his trial is had, though not belonging to K.B., may order his discharge out of custody as to such commitment, and he shall be accordingly discharged, 45 G.3. c.10. s.41.

QUARTER SESSIONS.

1. THE JUSTICES SHALL HOLD THEIR SESSIONS in every county in Eng. at least four times a year, 25 E.3. St.1. c.7. [but see now 2 H.5. St.1. c.4., 54 G.3. c.84. post, pl.9.]
2. AT WHAT TIMES THE FOUR SESSIONS OF JUSTICES OF peace shall be holden, 36 E.3. c.12. [AMD. 12 R.2. c.10.]
3. In commissions of justices of the peace and of labourers, mention shall be made, that the same justices make their sessions four times of the year, viz., one session within *utras* of the *Epiphany*; the 2d within the 2d week of *Mid-Lent*; the 3d betwixt the feasts of *Pentecost* and *St. John Baptist*; the 4th in 8 days of *Saint Michael*, 36 E.3. c.12.
4. Such justices shall hold their sessions every quarter of the year on pain to be punished, after the advice of H.M.'s council at the suit of every man who will complain, 12 R.2. c.10. [See the rest of this act, JUSTICES OF PEACE, pl.8, &c.]
5. FOR REGULATING THE QUARTER SESSIONS OF JUSTICES OF the peace, 2 H.5. St.1. c.4. s.2. (for the rest of this act, see LABOURERS.) [Further regulated for *Middlesex*, 14 H.6. c.4., 32 G.3. c.48. (PUBLIC clause, s.2.) and for the *Michaelmas* session, 54 G.3. c.84.]
6. Justices of every shire named on the *quorum* resident therein, (except lords named in the commission of the peace, and except justices of either bench, the chief baron, serjeants at law, and H.M.'s attornies, whilst occupied in H.M.'s courts or service) shall make their sessions 4 times a year, viz., in the first week respectively, after *Saint Michael*, [but see now 54 G.3. c.84. pl.9.] after *Epiphany*, after the clause of *Easter*, and after the translation of *Saint Thomas*, (7th July,) and oftener if need be, 2 H.5. St.1. c.4. s.2.
7. The justices of peace in *Middlesex*, shall be discharged of the pain in 12 R.2. c.10., the court of K.B. being in the county of *Middlesex*; provided that the justices of peace of *Middlesex* keep the sessions of the peace twice in the year at least, and more often if need be for any riot or forcible entry done within such county, and on pain of such sums as be before ordained by law; that the inhabitants of such county be not enforced to appear before such justices except when necessary, *id. ibid.*
8. When any session of the peace and session of *oyer and terminer*, holden before the justices of peace for *Middlesex*, has been begun to be holden before the *essoin* day of any term, such session may be continued and the business thereof concluded, notwithstanding the happening of such *essoin* day or the sitting of the court of K.B. in *Middlesex*; and all trials, judgments, proceedings, acts, and things, in pursuance of such judgments, had, made, or done at such session so continued, shall be good and valid, 32 G.3. c.48. s.1. [See similar act for any session of *oyer and terminer* and gaol delivery for *Newgate*, 25 G.3. c.18. page 421. pl.35.]
9. The *Michaelmas* quarter sessions shall be held yearly for every county, riding, division, city, borough, and place, in Eng., Wa. and

- Ber.*, in the first week after the 11th Oct., instead of the time now appointed, and all acts done then shall be valid, 54 G.3. c.84. s.1.
10. This act shall not extend to alter the time at which the sessions for *London* or *Middlesex* are now holden, *id. s.2.*
 11. JUSTICES OF PEACE IN SESSIONS shall try and determine indictments taken in sheriffs' turns, 1 E.4. c.2. [See the qualifications of jurors to serve on indictments in the sheriff's turn, 1 R.3. c.4., JURY, pl.8.]
 12. Whatever indictments and presentments shall be taken before the sheriffs, their under-sheriffs, clerks, bailiffs, or ministers at their turns on law days, they shall not arrest, or attach, or levy any fines or amer- ciaments of any person so indicted or presented, nor take any fine or ransom of such persons by colour thereof; but such sheriffs, &c. shall deliver all such indictments and presentments to the justices of peace at their next sessions for the county where such indictments, &c. were taken; and if such sheriffs, &c. fail so to do they shall forfeit 40*l.* to H.M.; and such justices shall award process on such indictments and presentments in like form as if taken before them, and may arraign and deliver all persons so indicted or presented, and fine those indicted or presented of trespass; and the estreats of such fines shall be enrolled, and by indenture delivered to such sheriffs, &c. to the use of the sheriff at the time when such indictments, &c. were taken; and if any such sheriffs, &c. do arrest, or attach, or fine, or ransom any persons so in- dicted, &c. before they have process from such justices, or estreats de- livered, they shall forfeit 100*l.*; one moiety to H. M., and the other to the party damaged; and he shall have therefore an action of debt at common law and usual process therein; and the defendants therein shall not be essoined or wage their law, and shall not be allowed any protection, 1 E.4. c.2. s.1.
 13. This ordinance shall not extend to the sheriffs of *London* con- cerning indictments or presentments taken within *London*, *id. s.2.*
 14. This ordinance shall not affect grantees of fines or amer- ciaments granted by letters-patent before 10th Dec. next after this parliament, nor grantees of franchises by such letters or otherwise by prescription, *id. s.3.*
 15. TO EMPOWER MAGISTRATES TO DIVIDE THE COURT OF quarter sessions, 59 G.3. c.28.
 16. Whenever any court of quarter or general session of the peace is assembled for dispatch of business, the justices there may, on the first day of their assembly, consider the state of the business likely to be brought before them; and if it appear to them, that the same, if heard by the whole court, is likely to occupy more than 3 days, including the day of assembly, they may appoint two or more justices, one being of the *quorum*, to sit apart from themselves in some place, in or near the court, there to hear and determine such business as is referred to them, whilst others of the justices proceed in dispatch of the other business of the same court, which proceedings shall be as valid as if had before the court assembled in its ordinary place and manner, and shall be in- rolled and recorded accordingly, *id. s.1.*
 17. When two or more justices have sat apart as in s.1., and orders and regulations have been made for the apportionment of business, the same shall continue in force as long as expedient, without necessity of renewal at each succeeding session; so that the same may become public and better known to all professional and other persons interested in the business of such session, *id. s.2.*
 18. The clerk of the peace or his deputy, wherever two or more justices shall sit apart at any quarter sessions, shall appoint a fit person to record the proceedings so had before them, which shall be delivered over to the clerk of the peace or his deputy, and shall be equally deemed a part of the records of such session as if recorded by the clerk of the peace, &c. himself; and the justices assembled at the quarter session may order the county treasurer to pay the clerk of the peace such sum as they think fit for such purpose; and may appoint an additional cryer to be remunerated as above, *id. s.3.*

QUEEN ANNE'S BOUNTY. (See FIRST-FRUIT.)

1. FOR MAKING MORE EFFECTUAL H.M.'s GRACIOUS INTENTIONS for the augmentation of the maintenance of the poor clergy, by enabling H. M. to grant in perpetuity the revenues of the first fruits and yearly perpetual tenths; and also for enabling any other persons to make grants for the same purpose, 2 & 3 A. c.11. [MADE MORE EFFECTUAL, 1 G.1. St.2. c.10.; and as to deeds and wills for granting and bequeath- ing lands and goods to the governors of queen Anne's bounty, 45 G.3. c.107.; and as to the returns of certificates into the exchequer and gifts of personal property, 45 G.3. c.84.]
2. H. M. by letters-patent under the great seal, may incorporate such persons as she shall appoint, to be one body politic and corporate, to have a common seal and perpetual succession, and also at H.M.'s will

by like letters, may grant and settle to such corporation for ever all the revenues of first-fruits and yearly perpetual tenths, to be applied to the augmentation of the maintenance of such parsons, vicars, curates, and other ministers, officiating in any church or chapel in *Eng. Wa.* and *Ber.*, where the liturgy of the church of *Eng.* is observed, with such powers, limitations, and restrictions as therein expressed, 2 & 3 A. c. 11. s. 1.

3. Statutes and provisions relating to first-fruits and tenths, shall continue in force, for the purposes in such letters-patent contained, *id.* s. 2.

4. This act shall not impeach or affect any grant, exchange, alienation, or incumbrance, heretofore made upon such revenues, but the same shall be in full force, *id.* s. 5.

5. All persons having in their own right any estate or interest in possession, reversion, or contingency in any lands, or any property in goods, may by deed inrolled, as by 27 H. 8. c. 16. directed, or by their last wills in writing duly executed, give, grant, and vest in such corporation, all or any part of their interest in such lands and goods towards the augmentation of the maintenance of such ministers as in s. 1., having no settled and competent provision, and to be applied as such deed or will shall appoint; and in default of such appointment in such manner as such letters-patent shall direct, such corporation may purchase, take, and enjoy for such purposes, as well from persons giving as from persons willing to sell to them, any manors, lands, or goods, without licence or writ of *ad quod damnum*, *id.* s. 4.

6. Provided this act shall not enable persons within age of *non sane* memory, or women-covert without their husbands, to make such gift, grant, or alienation, *id.* s. 5.

7. The ss. 4, 5. of 5 & 5 A. c. 11. shall be in force, notwithstanding the 9 G. 2. c. 36., for restraining the disposition of lands, whereby the same shall become unalienable, 43 G. 3. c. 107. s. 1.

8. Any person having in their own right any money, goods, or personal effects, may give or vest in the governors of queen Anne's bounty, to be disposed of according to law, all or any part thereof, without any deed, either inrolled or not inrolled, as he might before this act was passed, 45 G. 5. c. 84. s. 3.

9. Nothing herein shall affect the laws respecting the gift or conveyance of any lands, &c. by deed, or the disposition thereof of any personal property by will, *id.* s. 4.

10. One bond only shall be required or given for the 4 payments of the first-fruits, which first-fruits, as well as the tenths payable by the clergy, shall be answered and paid by them, according to such rules and proportions as heretofore usual, 2 & 3 A. c. 11. s. 6.

11. The bishops and the guardians of spiritualities, *sede vacante*, shall by oath of 2 witnesses, or otherwise, inform themselves of the clear improved yearly value of every benefice, with one living and curacy; and of the maintenance of every parson, vicar, curate, and minister, officiating in churches, observing the liturgy of the church of *Eng.* within their several dioceses, or peculiars, or places, exempt from jurisdiction, and how such yearly values arise and other circumstances thereof; and shall afterwards certify the same, under hand and seal of office, to the governors of queen Anne's bounty, 1 G. 1. St. 2. c. 10. s. 1.

12. Where by certificates returned into the exchequer under 5 & 6 A. c. 24. and 6 A. c. 27., or made good by this act, the yearly value of any livings not exceeding 50*l.* per annum are duly specified, such certificates shall ascertain the yearly values of such livings, in order to their being augmented by such governors, and no different valuation shall be returned, 1 G. 1. St. 2. c. 10. s. 2.

13. All bishops and guardians of spiritualities, *sede vacante*, shall from time to time, as they see occasion, by such ways as are directed by 1 G. 1. St. 2. c. 10. inform themselves of the clear yearly value of all such benefices, with cure of souls, livings, and curacies returned into exchequer, in pursuance of 5 A. c. 24. and 6 A. c. 27. (see FIRST FRUITS) within their several dioceses or peculiars, or places exempt from jurisdiction, and how they arise, and other circumstances thereof; and certify the same to the governors of queen Anne's bounty; and such governors may act on such new certificates with respect to livings formerly certified into the exchequer, as fully as they might do under 1 G. 1. St. 2. c. 10. in regard to such livings not so certified into the exchequer, and as if the restraint in s. 2. of the said act had not been made, 45 G. 3. c. 84. s. 1.

14. Provided such certificates as were returned into the exchequer for the purpose of ascertaining what livings were to be discharged from tenths and first-fruits, shall not, as far as relates to such tenths, &c. be affected by this act, *id.* s. 2.

15. All rules and orders by such governors, from time to time agreed on, and proposed to H. M., according to the letters patent of incorporation, and by H. M. approved under his sign manual, shall be as good as if the same were established under the great seal in pursuance of such letters, 1 G. 1. St. 2. c. 10. s. 3.

16. "Whereas H. M.'s bounty was to extend not only to parsons and vicars, but also to such ministers who come in by donation, or are

only stipendiary preachers or curates, officiating in any church or chapel, according to the liturgy of the church of *Eng.* and most of which are not corporations, and therefore not capable of a grant of perpetual augmentation:" IT IS ENACTED, that all such churches, curacies, or chapels, which shall be augmented by the governors of queen Anne's bounty, shall be from the time of such augmentation perpetual cures and benefices, and the ministers duly nominated and licensed thereto, and their successors, shall be esteemed bodies politic and corporate, and have perpetual succession by such name as in the grant of augmentation mentioned, and shall have legal capacity to take in perpetuity to them and their successors, all such lands, tithes, and hereditaments, as shall be granted unto them by such governors, or other persons contributing with such governors as benefactors; and the impropiators or patrons of any augmented churches or donatives, and their heirs, and the rectors and vicars of the mother churches, whereto such augmented curacy or chapel appertains, shall not derive any benefit from such augmentation, and shall after such augmentation pay to the officiating minister there such annual allowance, which by custom or otherwise, of right and not of bounty ought to be paid, and which they might by law be compelled to pay, and such other yearly allowance as may be agreed on between such governors and such patron or impropiator on making the augmentation, and the same shall be vested in such ministers and their successors, 1 G. 1. St. 2. c. 10. s. 4.

17. No such rector or vicar of such mother churches, or any other ecclesiastical person having cure of souls, within the parish where such augmented church or chapel is situate, shall be discharged of the same, but the cure of souls, and all other parochial duties and rights (such augmentation and allowance only excepted) shall remain as before this act, *id.* s. 5.

18. In case such augmented cures remain void for 6 months, without the nomination of a fit person to serve the same to the bishop, or other ordinary to be licensed, the same shall lapse to such bishop, &c., and from him to the metropolitan, and from him to the crown, as in cases of presentative livings, and such right of nomination may be granted or recovered, and the incumbency thereof determined, as the presentation to and incumbency of any vicarage presentative may be, *id.* s. 6.

19. In case the person entitled to nominate to such augmented cure shall suffer lapse, but shall nominate before advantage is taken thereof, the same shall be good, though so much time be elapsed as that the title of lapse be vested in the crown, *id.* s. 7.

20. Recital, "That the governors of queen Anne's bounty may give 200*l.* to cures not exceeding 55*l.* per ann., where any person will give the same or greater sum in lands or tithes," therefore to encourage such benefactions, ALL agreements with such benefactors, with the consent of such governors, touching the patronage of such augmented cures made for the benefit of such benefactor or his heirs, by H. M. under his sign manual, or by any bodies corporate, or persons whatever having an estate of inheritance in fee simple, or fee tail, in their own right, or that of their churches or cures, or jointly with their wives, made before coverture or after, or having an estate for life or years determinable on their own lives, with remainder in fee simple or tail, to any issue of their own bodies, in such patronage in possession, reversion, or remainder, shall be good against H. M., or such bodies corporate, or such persons so agreeing, their wives, heirs, and successors, and their issue, and against all others claiming in remainder or reversion, after such estate tail, according to such agreement, and the advowson, patronage, and right of presentation and nomination to such augmented churches and chapels, shall be vested in such benefactors, their heirs and successors, against H. M., as if the same had been duly granted, *id.* s. 8.

21. Any such agreements of guardians, on behalf of infants or lunatics under their guardianship, shall be valid, *id.* s. 9.

22. Any such agreement by a parson or vicar, shall be by consent of the patron and ordinary, *id.* s. 10.

23. In case of any such agreement made by any person seized in right of his wife, the wife shall be a party to seal and execute the same, *id.* s. 11.

24. Such agreements shall be as effectual for supplying cures vacant at the time of such augmentation made, as for the advowson in future vacancies, *id.* s. 12.

25. With the concurrence of such governors, and of the incumbent, patron, and ordinary of any augmented living or cure, it shall be lawful to exchange all or any part of the lands settled in augmentation thereof, for any other estate in land or tythes of equal or greater value, to be conveyed to the same uses, *id.* s. 13.

26. The power of exchange given by 1 G. 1. St. 2. c. 10. s. 13. shall extend to all buildings and lands belonging to such augmented livings or cures, 43 G. 3. c. 107. s. 2.

27. All donatives now exempt from ecclesiastical jurisdiction, and augmented under this act, shall be thereafter subject to the visitation of the bishop of the diocese, 1 G. 1. St. 2. c. 10. s. 14.

28. No donative shall be so augmented, without consent in writing of patron under hand and seal, *id.* s. 15.

29. Where it shall fall to the lot of any donative, curacy, or chapelry,

to receive an augmentation from such bounty, according to the rules established, such governors may, before they make such augmentation, treat and agree with the patron of any defective, impropricator of any rectory appropriated without endowment of any vicarage, or parson or vicar of any mother church for a perpetual yearly allowance to the minister thereof, to be made by such patron, &c. and his heirs; and for charging the impropricator rectory or mother church, or vicarage therewith, in such manner and with such remedies as may be thought fit; and such agreement made with H. M., under his sign manual, or with any bodies corporate, or other person having any estate in such impropricator rectory in his own right, or in right of his wife or church, or with the guardians of any person having such estate, or with any parson or vicar of any mother church, shall be as good as the agreements in s. 8. mentioned, and in case such impropricator, other than the king, and such parson or vicar will not make such agreement, such governors may refuse such augmentation, and apply the money to augment some other cure, 1 G. 1. St. 2. c. 10. s. 16.

50. Certain livings, &c. to have the benefit of 5 & 6 A. c. 24. and 6 A. c. 27. id. s. 17, 18. [See FIRST-FRUITS AND TENTHS, *pl.* 65.]

51. The courts and committees of such governors, may, and shall administer an oath to such person as shall give them information or be examined concerning any matter relating to this or the said former acts, 1 G. 1. St. 2. c. 10. s. 19.

52. All augmentations, certificates, agreements, and exchanges made under this act, shall be entered in a book kept by such governors, and such entries being approved at a court of such governors, and attested by them, shall be taken as records, and true copies thereof, being proved by one witness, shall be deemed good evidence in law, touching such matters, *id.* s. 20.

53. If such governors shall, by any deed or instrument in writing, under their common seal, allot or apply to any church or chapel any lands, tithes, or hereditaments, arising from such bounty, or from private benefaction, or from any other ways, and shall declare that the same shall be annexed for ever to such church, then such lands, &c. shall be held, and go in succession with such church, &c. for ever, and such augmentation so made, shall be good, whether the church for which it is intended, be then full or vacant, provided such instrument be enrolled in the high court of chancery, within 6 months after the day of the date thereof, *id.* s. 21.

54. Where such governors shall augment a living, either by lot or benefaction, and there is no parsonage house suitable for the residence of the minister, such governors may apply any money in their hands appropriated for such augmentation, in such manner as they deem most advisable, towards building, rebuilding, or purchasing a house within the parish, which shall ever after be deemed the parsonage house of such living, 43 G. 3. c. 107. s. 3.

QUIETING POSSESSIONS.

1. FOR GENERAL QUIET OF THE SUBJECT AGAINST ALL PRETENCES OF concealment whatsoever, 21 J. 1. c. 2. [AMD. 9 G. 3. c. 16., 11 G. 3. c. 4., EXT. to *Ire.* and AMD. 48 G. 3. c. 47.]

2. FOR QUIETING POSSESSIONS AND CONFIRMING DEFECTIVE titles in *Ire.* and limiting the right of the crown to sue in manner therein mentioned; and for relief of incumbents in respect of arrears due to the crown during the incumbency of their predecessors, 48 G. 3. c. 47.

3. H. M. shall not sue, impeach, question, or implead any person or persons, bodies politic or corporate, [in *Ire.* 48 G. 3. c. 47. s. 1.] for or concerning any manors, lands, tenements, rents, tithes, or heredi-

the revenues, issues, or profits thereof, nor make any title, claim, challenge, or demand, of, in, or to the same, by reason of any right or title which has not first accrued within 60 years next before the commencing such action, bill, plaint, information, commission, or other suit for recovering the same; or in respect thereof, unless H. M., or those through whom he, his heirs or successors claim, have or shall have been answered by force of any such right or title to the same, the rents, revenues, issues, or profits thereof, or those of any honour, manor, or hereditament, whereof the premises in question are part, within 60 years; or that the same have been duly in charge, or have stood *insuper* of record, within that space of time, 21 J. 1. c. 2. s. 1., 9 G. 3. c. 16. s. 1., and 48 G. 3. c. 47. s. 1. as to *Ire.*

4. All persons, bodies politic and corporate, their heirs, &c., and all claiming under them, shall, according to their estates, at all times hereafter, quietly and freely have, hold, and enjoy, against H. M., his heirs and successors, claiming by any title which has not accrued [or which hereafter first accrue, 48 G. 3. c. 47. s. 1.] within the said space of 60 years, all manors, lands, &c. as in last *pl.* (except liberties and franchises) which they or those under whom they claim have enjoyed or taken the rents or profits of, by the space of 60 years next before commencing such suit for recovering the same, unless H. M. or some other

person under whom he, or his heirs and successors claim, have been answered, by virtue of such title, the rents or profits thereof, within 60 years, or that the same have been duly in charge, or have stood *insuper* of record as above, within that time, 21 J. 2. c. 1. s. 1., 9 G. 3. c. 16. s. 1., and 48 G. 3. c. 47. s. 1. as to *Ire.*

5. And furthermore, all persons, &c. (as in last *pl.*) shall, according to their several estates and interests for ever hereafter quietly hold and enjoy all such manors, lands, &c. (except liberties and franchises) as they now, or hereafter shall or may have, claim, or enjoy the same, whereof H. M., his ancestors, heirs or successors, or they under whom he claims, by force of some title to the same, have not been answered the rents or profits, within 60 years next before commencing such suit for recovering the same, nor the same have been duly in charge, or stood *insuper* of record as above, within 60 years against all persons claiming to have any estate, interest, or claim soever in or to the same, by letters patent, or grants, on suggestion of concealment, or wrongful detaining, or not being in charge, or defective titles, or under any patentees or grantees, or any letters patent or grants, on suggestion of concealment or wrongful detaining, or not being in charge or defective titles, of or for which said manors, lands, &c. no verdict, judgment, decree, judicial order on hearing, or sentence of any court now standing in force, hath, or shall hereafter be had or given in any courts at Westminster, for or in the name of H. M., his ancestors, heirs or successors, or of any such patentees or grantees, within 60 years next before commencing such suit for recovering the same, 21 J. 1. c. 2. s. 1. as AMD. by 9 G. 3. c. 16. s. 1.

6. Where the rents or profits of any manors, lands, &c. are in charge, by, to, or with any auditor or other proper officer of revenue, they shall be deemed duly in charge within these acts, 9 G. 3. c. 16. s. 2. and 48 G. 3. c. 47. s. 2. as to *Ire.*

7. Nothing herein shall bar H. M., his heirs or successors, of any manors, lands, &c. (as in *pl.* 3.) whereof any reversion or remainder is now in H. M.; nor of any reversion or remainder, or possibility of either, in any of H. M.'s ancestors or predecessors, which, by determination of any limited estate of fee-simple, fee-tail, or other particular estate hath fallen, or shall hereafter fall in possession, within 60 years next before commencing any suit for recovering the same; nor of any right or title first accrued to H. M., his ancestors, heirs or successors, of or to any manors, lands, &c. within 60 years next before such suit commenced, 21 J. 1. c. 2. s. 2., 9 G. 3. c. 16. s. 3.

8. Nothing herein shall extend to any manors, lands, &c. (as in *pl.* 3.) mentioned to be granted by any H. M.'s ancestors, or by any other under whom H. M. claims, to any person of any limited estate in fee-simple, in tail, or other particular estate; which several estates, if good in law, have, or ought to have first fallen or become in possession, or will, or ought first to fall, &c. within 60 years next before commencing any suit for recovering the same; nor to any manors, &c. mentioned to be granted by any H. M.'s ancestors, or by any other under whom H. M. claims, to any person in fee-tail or other particular estate, whereof the reversion or inheritance (if the particular estate had been good in law) should have continued in H. M., or any of his ancestors, or should or ought hereafter to be and continue in H. M., his heirs or successors, at any time within 60 years next before commencing any suit for recovering the same, 21 J. 1. c. 2. s. 3., 9 G. 3. c. 16. s. 4. and 48 G. 3. c. 47. s. 3. as to *Ire.*

9. All such manors, lands, &c. (as in *pl.* 5.) shall hereafter be holden of H. M., his heirs and successors, and of others by the same tenures, services, fee-farms, chief rents, hereditaments, and other duties, as the same ought of right to have been holden, if the estates, rights, and interests by this act established, had been before firm, good, and effectual in law, saving to every person, body politic and corporate, their heirs and successors, (other than H. M., his heirs and successors, and other than all patentees or grantees of concealments or defective titles, and all persons claiming under them) all such rights, title, interest, estate, rents, commons, customs, duties, profits, and other claims and demands soever, in, to, or out of the said manors, &c. as they had, or ought to have had before these acts, 21 J. 1. c. 2. s. 4., 9 G. 3. c. 16. ss. 5, 6. and 48 G. 3. c. 47. s. 4. as to *Ire.*

10. Where any fee-farm or other rent has been paid to H. M., his predecessors, heirs or successors, within 60 years next before suit shall hereafter be commenced for recovering the same, out of any manors, lands, &c. (as in *pl.* 5.) of which the estates rights, or interests being defective, are by this act established, H. M., his heirs and successors, shall, for ever, have and enjoy the said rents and arrears, as amply as they were enjoyed at any time within the said space of 60 years, 21 J. 1. c. 2. s. 6., 9 G. 3. c. 16. s. 7. and 48 G. 3. c. 47. s. 5. as to *Ire.*

11. No putting in charge, standing *insuper*, or taking or answering the farm rents, revegues, or profits of any such lands, &c. (as in *pl.* 3.) by colour of letters patent or grants of concealments, or defective titles, or of manors, lands, &c. out of charge, or by pretext of any inquisitions, presentments under commission to find out concealments, &c. or lands, &c. out of charge, shall be deemed to be a putting in charge, &c. standing *insuper*, or answering the farm rents, revenues, or profits, by or to

H. M., his predecessors, heirs or successors, unless thereupon such manors, lands, &c. have been, or shall, on verdict of demurrer in law, be adjudged, or on hearing decreed for H. M., his predecessors, heirs or successors, within 60 years next before commencing suit, 21 J. 1. c. 2. s. 7, 9 G. 3. c. 16. s. 10.

12. Nothing herein shall prejudice H. M.'s rights to lands, tenements, or hereditaments in *East Greenwich* or the *Savoy*, if prosecuted with effect, in two years from 1 Jan. 1769, 9 G. 3. c. 16. s. 9. [Ext. to 1 Jan. 1771., 11 G. 3. c. 4. s. 1.]

13. Nothing herein shall prejudice the rights of H. M.'s patentees or grantees of manors, lands, &c. granted previous to 1 Jan. 1769, and prosecuted with effect within a year from that time, *id.* s. 9. [CONF. 11 G. 5. c. 4. s. 2.]

14. Incumbents of benefices, having actual cure of souls, shall not be liable to pay arrears of crown rents chargeable on their benefices, which have accrued due before their title arose, and no distress, &c. shall be made, or action brought against them for the same, 48 G. 5. c. 47. s. 6. *Ire. only.*

QUO WARRANTO.

1. THE PRELATES, EARLS, BARONS, AND OTHERS SHALL use their liberties after the form of the writ following, 5 E. 1. St. 1.

'The king to the sheriff greeting: Whereas lately in our parliament at Westminster it was provided and proclaimed by us and our council, that the prelates, earls, barons, and others of our realm who claim to have divers liberties by charters of our progenitors kings of Eng., for examining and judging whereof we had prefixed a day in the same, should use those liberties in such manner that they should increase nothing to themselves, by usurpation or occupation, nor should occupy aught upon us; we command you that you permit all those of your county to use and enjoy their liberties which they have hitherto reasonably used in form aforesaid, until our next coming through the county aforesaid, or until the next coming of our justices itinerant for all pleas in the county, or until we shall give other command therein, saving always our right when we will implead thereof. Witness, &c. *id.* s. 2. [These forms are translated from the Latin text.]

2. In the same form writs shall be directed to sheriffs, &c. for every demandant, and the form shall be changed after the diversity of the liberty in this wise, *id.* s. 3.

'The king to the sheriff greeting: We command you that through all your bailiwick, viz. as well in cities as in boroughs, and other market towns and elsewhere, you cause publicly to proclaim that all they who claim to have any liberties by charters of our progenitors, kings of Eng., or in other manner, be before our justices at the first assize, to shew what kind of liberties they claim to have; and by what warrant, and that yourself be there personally with your bailiffs and ministers, to certify the justices upon these and other businesses touching the same, &c. *id.* s. 4. [see note to pl. 1.]

3. The clause of proclamation is put in the writ of common summons of the justices of *Eyre*, and shall have a premonition of 40 days, as the common summons hath; and if the parties do not come the liberties shall be taken into H. M.'s hands, in name of distress by the sheriff, so that they shall not use them until they come to answer before the justices; and when they come in, their liberties shall be replevied; and if they challenge that they are not bound to answer without an original writ, if it appear that they have usurped any liberties, they shall be commanded to answer without writ, and shall have judgment of K. B.; and if they will say that their ancestors died seised, they shall be heard, and the truth shall be enquired, and if it appear that their ancestors died seised, H. M. shall have a writ out of chancery in this form:—

'The king to the sheriff: Summon by good summoners such a one, that he be before us at such a place, in our next coming in the county aforesaid, or before our justices at the next assize, when they shall come into those parts, to shew by what warrant he holds the view of frankpledge in his manor of N.; [or thus,] by what warrant he holds the hundred of S. in the county aforesaid; [or,] by what warrant he claims to have toll for him and his heirs, through our whole realm, and have there this writ. Witness, &c. [see note to pl. 1.]

RAPE. (See WOMEN.)

1. PUNISHMENT OF HIM THAT DOTH RAVISH A WOMAN, 3 E. 1. c. 13.

2. None shall ravish or take away by force any maiden within age, neither by her own consent nor without, nor any wife or maiden of full age, or any other woman against her will, and if any do, H. M. shall do right, and if none sue within 40 days H. M. shall sue, and the guilty shall be imprisoned for 2 years, and make fine to H. M., and if they have not wherewithal to be fined, they shall be punished by longer imprisonment, 3 E. 1. c. 13.

3. PUNISHMENT OF RAPE: OF A MARRIED WOMAN ELOPING with an adulterer; for carrying off a nun, 13 E. 1. West. Sec. c. 34.; [and as to ravishers, and as to women who consent after rape, 6 E. 2. St. 1. c. 6.; see 13 E. 1. c. 7. BENEFIT OF CLERGY, pl. 18., &c.]

And they shall be adjourned unto short days, and have reasonable delays, according to the discretion of the justices, as in personal actions, and the clause underwritten shall be put in a writ of common summons, in the circuit of the justices assigned for common pleas: viz.

'The king to the sheriff greeting: We command you that you cause publicly to proclaim, that all who complain, or will complain, as well of our ministers and other bailiffs whomsoever, and others, that they come before our justices at the first assize, there to shew all their complaints, to receive competent amends thereof, according to the law and custom of our realm, and according to the ordinance thereupon by us made, and according to the statutes and articles thereupon delivered to our said justices, as the aforesaid justices shall do you to know on our part. Witness ourselves, &c. *id.* s. 5. [see note to pl. 1.]

4. All which can verify, by the country or otherwise, that they and their ancestors or predecessors have used any liberties before the time of Ric. I., or in all his time, and have continued hitherto, so that they have not misused such liberties, shall in a *quo warranto* be adjourned further unto a certain day before the justices within the which they may go to H. M., with the record of the justices under their seal, and also return; and H. M., by letters patent shall confirm their estate, and they that cannot prove the seisin of their ancestors or predecessors in such manner, shall be judged after the law, and such as have H. M.'s charters shall be judged according to them, and the full effect thereof, 18 E. 1. St. 2. s. 1.

5. All judgments that are to be given in pleas of *quo warranto* by the justices at Westminster for H. M., if the parties grieved will come again before H. M., he of his grace shall give them such remedy as before; also pleas of *quo warranto* shall be pleaded and determined in the circuit of the justices, *id.* s. 2.

6. All those which claim to have quiet possession of any franchise before the time of R. 1., without interruption, and can shew the same by a lawful inquest, shall enjoy their possession; and in case such possession is demanded for cause reasonable, H. M. shall confirm it by title, and those who have old charters of franchise shall have the same charters adjudged according to their tenor, *id.* s. 5.

7. FOR AMENDING THE LAW IN PROCEEDINGS IN NATURE of *quo warranto*, 32 G. 5. c. 58.

8. The defendant to any information in nature of a *quo warranto*, whether exhibited by leave of the court or by the attorney-general, or other officer of the crown, by virtue of any royal prerogative or otherwise, may plead that he had first actually taken the office or franchise 6 years before exhibiting such information, to be reckoned from the day on which defendant was actually admitted and sworn; which plea may be pleaded either singly or with such other plea as he might have pleaded before this act, or such several pleas as the court shall allow; and if on the trial the issue is found for the defendant, he shall be entitled to judgment and costs, *id.* s. 1.

9. But in every such case the prosecutor may reply to such plea any forfeiture, surrender, or avoidance happening within 6 years, whereon defendant may take issue, *id.* s. 2.

10. And if any person against whom any such information shall be exhibited shall devise his title under an election, nomination, swearing into office, or admission by any person, his title shall not be defeated by reason of any defect in the title of such person selecting, nominating, swearing, or admitting, in case such person was in exercise *de facto* of the franchise 6 years previous to the time of filing such information, and his title shall not have been questioned by any legal proceeding carried on with effect, *id.* s. 3.

11. And the mayor, bailiff, sheriff, town-clerk, or other officer of any corporation having custody of the records, shall, on demand of any officer or member, on payment of 1s., permit him, on any day, except Christmas Day, Good Friday, and Sunday, between 9 a. m. and 3 p. m., to inspect the books and papers of admission or swearing in, and to have copies or minutes thereof, on paying 6d. for every 100 words; and any such mayor, &c. who shall refuse or deny any such matters shall forfeit 100l. with costs, to him that shall sue within one year, *id.* s. 4.

4. If a man do ravish a woman married, maid or other, where she did not consent neither before nor after, he shall have judgment of life and member; and where a man ravisheth a woman, married lady, maid, or other, with force, although she consent after, he shall have judgment as before said, if attainted at H. M.'s suit, 3 E. 1. West. Sec. c. 34. s. 1.

5. Of women carried away with the goods of their husbands, H. M. shall have suit for the goods; and if a wife go away and continue with her adulterer willingly, she shall be barred of her action for dower, if convict, unless her husband willingly reconcile her, and suffer her to dwell with him, in which case her action shall be restored, *id.* s. 2. [Three years' imprisonment for taking away a nun, *id.* s. 3. Ext.]

6. Whenever ladies, daughters of noblemen, and other women be

ravished; and after such rape do consent to such ravisher, then as well the ravisher as the ravished shall be disabled to have all inheritance, dower, or jointure after the death of their husbands or ancestors, and the next of blood shall have title, directly after the rape, to enter on the ravisher and ravished, and their assigns or tenants, in the same inheritance, &c. to hold in state of inheritance; and the husbands, if any, and if not the fathers of such women, or their next of blood, may prosecute to life or member, although the woman did consent after such rape to the ravisher. The defendants shall be denied the wager of battle, but shall be tried by the country, saving to H. M. and the lords of the realm all their escheats of such ravishers, *CR. 2. S. 1. c. 6.*

REBELLION.

1. PARDON AND INDEMNITY TO THOSE THAT REPRRESSED OR PUNISHED rebels, *5 R. 2. St. 1. c. 6. [EXP.]*

2. ALL THE ACTS OF JOHN CADE SHALL BE VOID, and all indictments in time to come made under any tyranny, rebellion, and commotion shall be void, *31 H. 6. c. 1.*

3. FOR THE PUNISHMENT OF SUCH AS SHALL rebelliously take or detain, or conspire to take or detain from the queen any of her castles, towers, fortresses, holds, &c. *14 Ed. c. 1. [EXP.]*

4. FOR THE PRESERVATION OF THE PUBLIC PEACE in certain disturbed counties in Eng., and to give till 25th March 1813 additional powers to justices for that purpose, *52 G. 3. c. 162. [EXP.]*

RECEIVERS. (See REVENUE.)

1. A REMEDY AGAINST ACCOMPTANTS AND RECEIVERS, *52 or 54 H. 3. c. 23.*, and *13 E. 1. West. Sec. c. 11.*

2. IF BAILIFFS, WHICH OUGHT TO MAKE ACCOUNT to their lords, do withdraw, and have no lands or tenements whereby they may be distrained, they shall be attached by their bodies, so that the sheriff shall cause them to make their account, *52 or 54 H. 3. c. 23.*

3. REMEDY AGAINST RECEIVERS OR ACCOMPTANTS in arrear, *13 E. 1. West. Sec. c. 11.*

4. Servants, bailiffs, chamberlains, and receivers, when their masters assign them auditors to take their accounts, and they be found in arrear, shall be arrested by the testimony of such auditors, and sent to the next gaol; and the sheriff shall receive them and imprison them in irons, and they shall remain until their masters are satisfied; but if they deem themselves grieved, and can find friends to bring them before the barons of the exchequer, they shall be delivered unto them, and the sheriff shall give notice to the master to appear before such barons, at a day certain, with his rolls and tallies; and the account shall be rehearsed before the barons or auditors whom they shall assign, and if in arrear they shall be committed to the Fleet; and if they flee, and will not account as is contained in other statutes, [*QU. 58 (or 54) H. 3. c. 23.*] they shall be distrained to come before the justices to account, and the court auditors shall be assigned, and if found in arrear before them they shall be committed to gaol, and if they flee, and the sheriff returns that they cannot be found, *exigentis* shall be awarded till they are outlawed, and such prisoners shall be replevisable; and if bailed by writ of *replegiare* by the sheriff, such sheriff shall be answerable to the master for the damages done to him by his servants, by writ of debt, and if the keeper of the gaol cannot pay, his superior shall, *id. ibid.*

5. TO AUTHORIZE ALLOWANCES TO BE MADE TO CERTAIN RECEIVERS, *3 G. 1. c. 4. s. 3. 6 G. 1. St. 1. c. 20. s. 36.*

6. The treasury may cause such sums as they, on consideration of the reports made them by the proper officer, shall judge reasonable, to be paid to such persons as shall be receivers, their vouchers, executors, administrators, or assigns [out of the arrears in their hands, without charging them 10 per cent. for so much as such allowances amount to; and the auditors shall allow the same, on warrant signed by three commissioners of the treasury, *3 G. 1. c. 4. s. 3.*] [as well in times past as in future, out of any overplus to arise by land tax which shall remain after discharging all principal and interest and other payments charged thereon, *7 G. 1. St. 1. c. 20. s. 36.*] *3 G. 1. c. 4. s. 3.*, *7 G. 1. St. 1. c. 20. s. 30.*

RECOGNIZANCES.

1. THE STATUTE OF ACTON BURNELL: OF MERCHANTS *11 Ed. 1. [Virtually REP. or superseded by 13 Ed. 1. S. 3. see the note prefixed to the statute, and Reeves's Hist. Eng. Law. c. 9.]*

2. A MERCHANT WHO WILL BE SURE OF HIS DEBT shall cause his debtor to come before the mayor of London, or some chief warden of the city or other town where the king shall appoint, and before the mayor, or chief warden, or other discreet man sworn thereto, when the mayor or chief warden cannot attend, and before one of the clerks that H. M. shall assign when both cannot be attendant, and acknowledge the debt and day of payment; and the recognizance shall be enrolled

one of the clerks, and the roll shall be double, whereof one part shall remain with the mayor or chief warden, and the other with the clerks; and one of the clerks shall write an obligation, whereunto the seal of the debtor shall be put with H. M.'s seal, which seal shall be of two pieces, whereof the great piece shall remain with the mayor or chief warden, and the other in the keeping of the clerks; and if the debtor do not pay the debt at the day, then shall the merchant come before the mayors and clerk with his obligation, and the mayor or chief warden shall cause the body of the debtor to be taken (if he be lay), and shall commit him to the prison of the town, if there be any, and he shall remain there at his own costs until he hath agreed for the debt; and if the keeper of the town prison will not receive him, he shall be answerable for the debt; and if he have not whereof, he that committed the prison to his keeping shall answer it; and if the debtor cannot be found by the mayor or chief warden, then shall the mayor or chief warden send to the chancery the recognizance, and the chancellor shall direct a writ to the sheriff, in whose shire the debtor shall be, to take his body (if he be lay), and safely to keep him in prison until he hath agreed for the debt; and within a quarter of a year after he is taken his goods and lands shall be delivered: and it shall be lawful to him, during the same quarter, to sell his lands for discharge of his debt; and if he do not satisfy it within the quarter, all the lands and goods of the debtor shall be delivered unto the merchant by a reasonable extent, to hold them until the debt is levied; and his body shall remain in prison, and the merchant shall find him bread and water: and the merchant or his assigns shall have such seisin in the lands delivered, that he may maintain a writ of *novel disseisin*, and a *redisseisin*, as of freehold to hold to him and his assigns until the debt be paid; and as soon as the debt is levied, the body of the debtor shall be delivered with his lands. And in the writs which the chancellor shall award, mention shall be made, that the sheriff shall certify the justices of the one bench or of the other, how he hath performed the king's command at a certain day; at which day the merchant shall sue before the justices, if they be not satisfied; and if the sheriff do not return the writ, or return that the writ came too late, or that he hath directed it to the bailiff of some franchise, the justices shall do as is contained in the statute *West. Sec. c. 39.* And if the sheriff return that the debtor cannot be found, or that he is clerk, the merchant shall have writs to all the sheriffs where he shall have any land, that they deliver all the goods and lands of the debtor by a reasonable extent, to hold unto him and his assigns: and he shall have a writ to what sheriff he will, to take his body (if he be lay), and the keeper of the prison must answer the body or the debt; and after that the debtor's lands be delivered to the merchant, the debtor may sell his land, so as the merchant have no damage by the appraisements; and the merchants shall be allowed their damages and costs, and if the debtor find sureties, which shall acknowledge themselves as principal debtors, the sureties shall be ordered as the principal debtor. And the merchant shall have seisin of all the lands that were in the hand of the debtor the day of the recognizance made; and after the debt paid, the lands and issues thereof shall return again, as well to the feoffees as the other lands unto the debtor: and if the debtor or his sureties die, the merchant shall have none authority to take the body of his heir, but he shall have his lands if he be of age, or when he shall be of age, until he hath levied the debt. And there shall be also another seal provided, that shall serve for fairs, and the same shall be sent unto every fair under the king's seal by a clerk sworn, or by a keeper of the fair. And of the commonalty of London two merchants shall be chosen that shall be sworn, and the seal shall be opened before them, and one piece shall be delivered to the merchants, and the other shall remain with the clerk; and before them or one of the merchants (if both cannot attend) the recognizances shall be taken; and before the recognizances be enrolled, the pain of the statute shall be read before the debtor. And to maintain the costs of the clerk, the king shall take of every pound a penny, in every town where the seal is, except fairs, where he shall take 1^d. This act to be observed throughout Eng. and Ire., between any that will make such recognizances, except Jews; and the writ of debt shall not be abated by it, and the chancellor, justices of either bench, and errants, shall not be by this precluded to take recognizances, but the execution of recognizances made before them shall not be made in the form abovesaid, but by the law before used. *Stat. de Mercatoribus, 13 Ed. 1 St. 3.*

3. Every clerk deputed to receive recognizances in cities and boroughs shall abide in person to do his office, and shall have lands sufficient in the county, whereof he may answer. *14 Ed. 3. St. 1. c. 11.*

4. OF RECOGNIZANCES ACKNOWLEDGED IN THE STAPLES FOR recovery of debts. *27 Ed. 3. St. 2. c. 9. [CONF. And no mayor of the staple shall take recognizances contrary to it, on penalty to H. M. of the moiety of the sum acknowledged before him, 15 R. 2. c. 9.]*

5. Every mayor of the staples shall have power to take recognizances of debts in presence of the constables of the staple, or one of them. And in every of the staples shall be a seal remaining in custody of the mayor, under seals of the constables; and all obligations made on such

recognizances shall be sealed with the said seal, paying for every obligation of 100*l.* and within, for every pound *4d.*, and of every obligation above 100*l.* *1*d.**; and the mayor of the staple may take and hold in prison the bodies of the debtors after the term incurred, if they be found within the staple, till they have made satisfaction, and also arrest the goods found within the staple, and deliver them to the creditors, or sell them at the best price, and deliver the money to the creditors; and in case the debtors be not found within the staple, nor their goods to the value of the debt, the same shall be certified in the chancery under the said seal, by which certification a writ shall be sent to take the bodies, and seize the lands and goods; and the writ shall be returned into the chancery, with the certificate of the value of the lands and goods; and thereupon execution shall be made from day to day, in manner as in the statute-merchant; so that he to whom the debt is due, shall have estate of freehold in the lands, and recovery by writ of *novel disseisin*, if he be ousted. And the debtor shall have no advantage of the quarter of a year in the said statute-merchant. And in case a creditor shall not have letters of the seal, but will stand to the faith of the debtor, if after the term incurred he demand the debt, the debtor shall be believed upon his faith, *27 E. 3. St. 2. c. 9.*

6. FOR REGULATING EXECUTIONS ON STATUTES MERCHANT, *5 Hen. 4. c. 12.*

7. When any statute-merchant is certified into the chancery, and a writ awarded to the sheriff, and returned into the common pleas, and the statute there is once shewed, howsoever the process after may be discontinued, the justices of the bench may upon the same record award execution of the statute, without shewing thereof at any other time, *id. ibid.*

8. FOR REGULATING PROCEEDINGS ON WRITS of *scire facias*, to defeat executions on statutes staple, *11 H. 6. c. 10.*

9. WHERE PERSONS TAKEN FOR EXECUTION of recognizances of the staple come in by writs of *corpus cum causa* in chancery, shewing forth divers indentures and other things in defeasance, desiring writs of *scire facias* to warn the parties at whose suit they be taken, and by surety found to H. M. have been delivered; from henceforth such sureties shall be made severally, as well to H. M. as to the party, *id. ibid.*

10. CONCERNING BEFORE WHOM RECOGNIZANCES of debts shall be made and the form of the obligation, *25 H. 8. c. 6.* and recital in *s. 1.* [AMP. generally by *8 G. 1. c. 25.*; particularly as to *s. 5.*, by *id. ss. 1—2.*, and *29 C. 2. c. 3. s. 18.*; and as to *s. 8.*, by *8 G. 1. c. 25. s. 3.*]

11. THE CHIEF JUSTICES OF K. B. and C. P., every of them by himself, and in their absence out of term, the mayor of the staple at *Westminster*, and the recorder of *London* together, shall have power to take recognizances for debts in this form:

'Know all men by these presents, us *A. B.* and *C. D.* to be held and firmly bound to *J. S.* in 100*l.* sterling, to be paid to the same *J.* or his certain attorney shewing this writing, his heirs or executors, in such a feast, &c. next ensuing after the date of these presents; and if we fail in payment of the said debt, we will and grant, that there shall then run upon us the pain ordained and provided in the statute of the staple for the recovering of debts for merchandise bought in the same. Dated such a day, &c., *23 H. 8. c. 6., s. 2.*

12. Every obligation made according to this act shall be sealed with the seal of the party, and also with such seal as H. M. shall appoint, with the seal of one of the said justices, or with the seals of the mayor and recorder, and with their names subscribed, that shall take the recognizance; and the justices, mayor, and recorder shall have the custody of one such seal, which shall severally remain with them, *id. s. 3.*

15. The person assigned by H. M. shall write all such obligations, and cause the same to be enrolled in 2 rolls indented, whereof one shall remain with the justices, or mayor and recorder taking the recognizance, and the other with the writer; and the person appointed for writing and inrolling such obligations, or his deputy, shall dwell in *London*, on pain to forfeit 10*l.* for every time that he shall be absent 2 days, *id. s. 4.*

14. The person assigned to write and enrol such obligations shall, at the request of the creditors, certify such obligations into the chancery, under the seal of the said person, *id. s. 5.*

15. The day of the month and year of the enrolment of recognizances shall be set down in the margin of the roll; and no recognizance shall bind any lands in the hands of any purchaser *bonâ fide*, and for valuable consideration, but from the time of such enrolment, *29 C. 2. c. 3. s. 18.*

16. The rolls appointed by *25 H. 8. c. 6. s. 5.*, to be made of recognizances in nature of a statute-staple shall be made in manner following, *viz.*, the clerk of the recognizances or his deputy, shall yearly prepare 3 parchment rolls, and shall, at the times of acknowledging every recognizance, ingross the full tenor of such recognizance; and one of the rolls shall contain all the recognizances taken before C. J. of K. B.; and one other of them, all the recognizances taken before C. J. of C. P.; and the other, all the recognizances before the mayor of the staple at *Westminster*, and recorder of *London*; and at the time of such acknowledgment, the persons before whom such recognizances shall be taken, and also the party acknowledging, shall sign their names to the roll,

as well as sign and seal the recognizance; and all the three rolls shall, at the end of every year, be fixed together and made one roll, and remain in the custody of the clerk of the recognizances, in his public office in *London* or *Middlesex*, who shall keep a docket to refer to the rolls; to which docket shall be added the day, month, and year of every acknowledgment, *8 G. 1. c. 25. s. 1.*

17. In case any loss shall happen to any such recognizance, the same shall, from any of the rolls, be by the clerk, by certificate under his seal, certified into chancery; and to such certificate, and all certificates of such recognizances, shall be annexed a transcript of the entry from the rolls; and a like certificate with such transcript annexed shall be made, and remain with the clerk of the petty bag; and shall be as effectual, as if the recognizance under seal had been left in the office; and in case of loss, a copy from the rolls, signed by the clerk and duly proved, shall be evidence of such recognizances, *id. s. 2.*

18. Every person to whom such obligation shall be made for default of payment, shall have like process and execution as hath been used upon any obligation of statute-staple, *23 H. 8. c. 6. s. 6.*

19. The recognizors shall also be relieved by *audita querela* or other remedies, as in cases of statute-staple, *id. s. 7.*

20. Every person, that shall have process for execution by reason of any such obligation, shall pay to H. M. at the time of the sealing of the process $\frac{1}{4}$ for every pound, [contained in the obligation of damages incurred, *8 G. 1. c. 25. s. 3.*] *23 H. 8. c. 6. s. 8.*

21. The prosecutor of every such recognizance shall, at the suing out the first extent, deliver into the office a note, testifying the sum of the damages intended to be levied, which sum the officer shall insert in the writ, and the poundage of $\frac{1}{4}$ shall be taken only for every pound according to the sum so inserted, *8 G. 1. c. 25. s. 3.*

22. Every of the said justices, and the said mayor and recorder, before whom such obligation shall be recognized, shall take for knowledge of every such recognizance, *3s. 4d.*; and the clerk that shall write and enrol the same, *3s. 4d.*; and for the certificate of every such obligation, *20d.*; and if any of the said justices, mayor, recorder, or clerk, take above the sums limited, they shall forfeit 40*l.*, *23 H. 8. c. 6. s. 10.*

23. No mayor or constable of the staple for the payment of money shall take any recognizance of the statute-staple, on pain to forfeit 40*l.*, the one moiety of the said penalties to be to H. M., and the other moiety to the party that will sue for the same; provided, that this act be not hurtful to any mayor and constables of the staple, for any bond of statute-staple taken between merchants being free of the staple, for merchandize of the staple between them bought and sold, *id. s. 11.*

24. If at any time before or after the filing or returning the *liberate* on such extent, it is made appear to the court of chancery, that sufficient has been extended and levied to satisfy such recognizance or that any mistake or omission has happened in making, executing, or returning any of the said writs or process thereon: or if any lands or hereditaments are evicted from any person who has extended the same by virtue of such process, such court shall award one or more re-extents, and *liberates* may be sued out thereon, *8 G. 1. c. 25. s. 4.*

25. No sheriff of any county shall take for the extent, *liberate*, and *hab. fac. poss.* on the real estate, and levy on the personal estate under such extent more fees than by *3 G. 1. c. 15. s. 16.* (*tit. SHERIFF.*) fixed for executing an *elegit* and *hab. fac. poss.*, under the penalties of that act, *id. s. 5.*

RECORD.

1. JUSTICES OF ASSIZES, &c. shall annually send their records and process determined into the exchequer, *9 Ed. 3. St. 1. c. 5.* [AMP., and such records shall be returned into the treasury, and there kept without alteration, *11 H. 4. c. 5.*]

2. Justices of assizes, gaol delivery, and of *oyer and terminer*, shall send all their records and processes determined to the exchequer, at *Michaelmas*, once a year, and the treasurer and chamberlains having sight of the commissions of such justices, shall receive the same records, &c. of such justices, or under their seals, and keep them in the treasury, so as such justices first take out estreats from such records and processes relating to them, to send to the exchequer as usual, *9 Ed. 3. St. 1. c. 5.*

3. The justices to be assigned to take assizes by commission of H. M. in the realm shall cause to be delivered fully into the treasury all the records of assizes of *novel disseisin*, of *mort d'ancestor*, and of with the appurtenances before them determined, every second year after the plea determined and judgment given; and the records and process of pleas real and personal, and of assizes of *novel disseisin*, &c., and of others whereof judgment is given and enrolled, or any touching the same, shall not be amended or impaired by new entering of the clerks, or by record, or any thing to be certified or testified, or by *c.* of any justice in any term after judgment in such pleas is given and enrolled, *11 H. 4. c. 3.*

4. FOR PREVENTING THE FALSE ENTRIES OF PLEAS, rasing rolls, and changing verdicts, 6 R. 2. c. 4.

5. If any judge or clerk make any false entry of pleas, rase rolls, or change verdicts (so that by such default there ensueth disherison of either of the parties), and be thereof convict before H. M. in council, as to H. M. in council shall seem meet, within 2 years after such default made, if the party grieved be of full age, and if not, then within 2 years after he shall be full age, he shall be punished by fine and ransom, at H. M.'s will, and shall make amends to the party; and as to the restitution of inheritance after such disherison, the party grieved shall sue by writ of error or otherwise, according to law, 8 R. 2. c. 4.

6. BY MISPRISION OF CLERKS NO PROCESS SHALL BE ANNULLED OR discontinued by mistaking one letter or syllable too much or too little, but as soon as perceived it shall be amended, 14 Ed. 3. St. 1. c. 6.

7. AND THE JUSTICES BEFORE WHOM such plea or record is made or depending, as well by adjournment as by way of error or otherwise, may amend such record and process, as well after as before judgment, 9 H. 5. St. 1. c. 4. [MADE PERP. 4 H. 6. c. 3.]

8. [RECITAL of the above 2 statutes.] As well after judgment given on a verdict passed, as on matter of law pleaded: but *this statute* [and see 8 H. 6. c. 15.] does not extend to records and processes in *Wa.* or whereby any person shall be outlawed, 4 H. 6. c. 5.

9. FOR ERROR IN ANY RECORD, process, or warrant of attorney, writ original or judicial, panel or return in any places rased or interlined, or in any addition or diminution found in any such record, &c., which rasings, &c. at the discretions of the judges of the courts in which the said records and process, by writ of error or otherwise, are certified, do appear suspected, no judgment or record shall be reversed, 8 H. 6. c. 12. s. 1.

10. The judges may examine such records, &c. and amend in affirmance of judgments, all that appears misprision of the clerk except appeals, indictments of treason and felonies, and outlawries of the same, and substance of proper names, surnames, and additions left out in original writs and writs of *exigent* according to 1 H. 5. c. 5., and in other writs containing proclamation; and if any record, &c. be certified defective otherwise than according to the writing thereof remaining in the places from which they are certified, the parties in affirmance of the judgments, shall have advantage to allege variance betwixt the same writing and the said certificate: which being found and certified, the variance shall be amended by the judges according to the first writing, *id.* s. 2.

11. If any such record, &c. is exemplified in chancery, and there enrolled without rasure, then for error assigned therein contrary to exemplification and enrolment, no judgment shall be reversed, *id.* s. 4.

12. THE JUSTICES BEFORE WHOM ANY misprision or default is found in any records pending before them, as well by way of error as otherwise, or in returns thereof made by sheriffs, coroners, bailiffs, or others, by misprision of such sheriffs, &c. may amend such defaults and misprisions by their discretion, and by examination thereof by the justices: but *this statute* [and see 4 H. 6. c. 3. *supra.*] does not extend to records and processes in *Wa.*, or to records of outlawries of treasons and felonies, 8 H. 6. c. 15.

13. WHAT DEFECTS IN RECORDS AND PROCESS may be amended by the judges, and what not: punishment for stealing records, 8 H. 6. c. 12.

14. For error assigned in any record, process, warrant of attorney, writ, original or judicial, panel or return in any places thereof rased or interlined, in any addition, subtraction, or diminution of words, letters, or titles found in any such record, &c., which rasings, &c. at the discretion of the courts in which such records, &c., by writ of error or otherwise be certified, do appear suspected, no judgment or record shall be reversed, *id.* s. 1.

15. The judges of the courts in which any record, process, word [Q^r. imparlance], plea, warrant of attorney, &c. are may examine the same, and amend, in affirmance of the judgments of such records or process, all the misprisions of clerks therein, except appeals, indictments of treason and of felonies, and outlawries for the same, and the substance of the proper names, surnames, and additions left out in original writs and writs of *exigent*, according to 1 H. 5. c. 5. so that by such misprision no judgment shall be reversed; and if any record, process, writ, warrant of attorney, &c. be certified defective otherwise than according to the writing thereof remaining in the place whence they are certified, the parties, in affirmance, may allege that the same is variant from such certificate, and the same being found, the judges shall amend the same, *id.* s. 2.

16. If any record or parcel thereof, writ, return, panel, process, or warrant of attorney in the courts of chancery, exchequer, K. B. or C. P., or in H. M.'s treasury, be wilfully stolen, taken away, withdrawn, or avoided by any clerk or other person, by reason whereof any judgment is *_____* such stealer, &c. and his procurers and abettors, on conviction, by indictment, by confession, or inquest of 12 men, one half of which shall be of the men of the same court, and the other half of other men, shall be adjudged felons, and incur the pain of felony; and the

judges of K. B. and C. P. shall hear and determine such defaults, and punish as aforesaid, *id.* s. 3.

17. If any record, process, &c. is exemplified in the chancery under the great seal, and such exemplification there of record enrolled without any rasing in one and the same place in such exemplification and the enrolment of the same, then for any error assigned in such record, &c. carrying from such exemplification and enrolment, no judgment shall be reversed, *id.* s. 4.

RECOVERIES. (See FINES.)

(STATUTE repealed.)

FOR THE AVOIDING OF RECOVERIES by collusion by tenants for term of life, 32 H. 8. c. 31. [REP. 14 Ed. c. 8. s. 5.]

(STATUTES in force.)

1. FOR REMEDIES AGAINST RECOVERIES by default, 15 E. 1. *West. Sec.* c. 4. [See as to errors in recoveries, 23 Ed. c. 3. FINES, pl. 28., &c.; and as to deeds to declare the uses, 4 & 5 A. c. 16. s. 15. FINES, pl. 37.]

2. OF REMEDIES AGAINST RECOVERIES by default, 15 E. 1. *West. Sec.* c. 4. [suffering recoveries in the name of another without his consent, felony without clergy, 31 J. 1. c. 26. OFFENCES.]

3. Where the husband being impleaded giveth up the land demanded by covin, and where the husband loseth land by default, in both cases the woman demanding her dower shall be heard; and if it be alleged against her, that her husband lost the land by judgment, and it be enquired by what judgment, and it be found that it was by default, whereunto the tenant must answer; then the tenant shall answer over, and shew that he had right in the land according to the form of the writ that the tenant before purchased against the husband; and if he can shew that the husband had no right in the lands, nor any other but he that holdeth them, the tenant shall go quit, and the wife shall recover nothing of her dower; but if he cannot so shew, the wife shall recover her dower. And so in these cases, and in other, viz. when the wife being endowed loseth her dower by default, and tenants in free marriage, by the curtesy of *Eng.* or for term of life, or in fee tail, divers actions concur because as to such tenants when they demand their land lost by default; and when it is come to that, that such tenants must be compelled to shew their right, they cannot answer without them to whom the reversion belongeth, therefore it is granted unto them to vouch such reversion to warranty, as if they were tenants in the suit; and when the warrantor hath warranted, the plea shall pass between him that is seised and the warrantor, according to the tenor of the writ that the tenant purchased before, and by which he recovered by default; and so from many actions they shall resort to one judgment, which is this, that the defendants shall recover their demand, or the tenants go quit. And if the action of such a tenant, which is compelled to shew his right, be moved by a writ of right, though the great assise or battail cannot be joined by the words accustomed, yet it shall be joined by words convenient; for when the tenant in that he sheweth his right which belongeth to him by the writ he before purchased is in place of a demandant, the warrantor may well defend the right of such tenant, and offer to defend the seisin of his ancestors by his freeman, or put himself on the grand assise, and pray recognizance whether he hath more right in the land in demand, or else the party before named. Or otherwise the great assise may be joined thus: "The warrantor doth defend the right and knowledgeth the seisin of his ancestor, and putteth himself on the great assise, &c. and prayeth recognizance may be made whether he hath more right in the foresaid land as in that whereof he infeoffed such a man, or that such a one released and quit claimed, &c., or else the foresaid party, &c." 3 E. 1. *West. Sec.* c. 4. s. 1.

4. And where sometime a woman not having right to demand dower, the heir being within age, doth purchase a writ of dower against a guardian, and the guardian endoweth the woman by favour, or maketh default, or by collusion defendeth the plea faintly, whereby the woman is awarded her dower; the heir, when he cometh to age, shall have an action to demand the seisin of his ancestor against such woman, like as against any other deforcestor; yet so that the woman shall have her exception saved against the demandant, to show that she had right to her dower; which if she can show, she shall go quit and retain her dower, and the heir shall be grievously amerced, or otherwise the heir shall recover his demand, *id.* s. 2.

5. In like manner the woman shall be aided, if the heir, or any other, do implead her for her dower, or if she lose her dower by default; in which case the default shall not be so prejudicial to her but that she shall recover her dower, if she have right thereto, and she shall have this writ. [*Præcipe A. quod iuste, &c. reddam illi que fuit uxor talis tantam cum pertinentiis in N., quam clamat esse rationabilem dotem suam vel de rationabili dote sua et quam talis ei deforciat.*] And to this writ the tenant may show that she had no right to be endowed,

which if he can verify he shall go quit, if not, the woman shall recover. And now because, if a man lost his land by default, he had none other recovery than by a writ of right, which was not maintainable by any that could not claim of mere right as tenants for life in free marriage, or in tail, in which estates a reversion is reserved: it is PROVIDED, that henceforth the default shall not be prejudicial to them, but they may recover their estates by another writ than by writ of right, if they have right form of writ, *quod ei deforciat*, for tenants in frank marriage for land lost by default. [*Præcipe A. quod iuste, &c., reddat B. tali manerium de C. cum pertinentiis quod clamat esse jus et maritagium suum et quod A. ei injuste deforc.*] The like for tenants for life or in tail. [*Præcipe A. quod iuste et sine dilacione reddat B. manerium de C., cum pertinentiis quod clamat esse jus et maritagium suum, et quod prædictus A. ei injuste deforc. vel quod clamat tenere ad terminum vite sue, vel quod clamat tenere sibi et heredibus suis de corpore suo exeuntibus, et quod prædictus A., &c.*] 15 E. 1. *West. Sec. c. 4. s. 2.*

6. RECOVERERS IN RECOVERIES, THEIR HEIRS AND ASSIGNS, MAY distrain for rents, services, and customs, and make avowry, or justify those against whom the recovery is, and also have *quare impedit* for the advowson, if any disturbance be, 7 H. 8. c. 4. s. 2. [see AVOWRY.]

7. THAT TENANTS FOR TERMS OF YEARS may falsify for their term only recoveries had and made by their lessors to the defrauding of the said termor's interests, 21 H. 8. c. 15. (and recital in s. 1.) [See a similar provision for London, 6 E. 1. c. 11., LONDON (Recoveries).]

8. All termors may falsify for their terms only, recoveries had against their lessors in such form as a tenant of freehold may do by the common law, where such tenant was neither privy nor party to the same, *id. s. 2.*

9. And such termors, their executors and assigns, notwithstanding such recoveries, shall enjoy their terms according to their leases against the recoverers, their heirs and assigns, as they might have done against such lessors; and such recoverers, their heirs and assigns, shall have like remedy against such tenants, their executors or assigns, by avowry or action of debt, for the rents and services reserved upon such leases, and also like actions for waste done after such recoveries had, as the lessors might, *id. s. 3.*

10. No statute staple, statute merchant, or execution by *elegit*, shall be avoided by any such feigned recovery, but all persons having lands, &c. in execution, or being entitled so to have, shall have by this act like remedy to avoid such recoveries, as is provided for the lease for years, *id. s. 4.*

11. TO EMBAR FEIGNED RECOVERIES OF LANDS, wherein H. M. is in reversion, 34 & 35 H. 8. c. 20. (and recital in s. 1.)

12. No feigned recovery had by assent of parties against any tenant in tail of any lands, tenements, or hereditaments given by the crown, whereof the reversion or remainder at the time of such recovery had shall be in H. M., shall bind the heirs in tail, whether any common voucher be had in such recovery or not, but that after the death of such tenant in tail against whom such recovery is had, the heirs in tail may enter and enjoy the lands so recovered, according to the form of the gift; the recovery or any other thing done or suffered by or against such tenant in tail notwithstanding, *id. s. 2.*

13. The heirs of such tenant in tail shall take no advantage for any recompense in value against the vouchee or his heirs, *id. s. 3.*

14. This act shall not be prejudicial to the lessees of any such tenant in tail made by writing indented for term of 21 years, three lives, or under, whereupon the accustomed rent is reserved yearly, but such lessees may enjoy their terms therein, against the heir of such tenant in tail according to the purport and effect of 38 H. 8. c. 28. *id. s. 4.*

15. FOR THE AVOIDING OF RECOVERIES suffered by collusion by tenants, for term of life and such others, 14 E. 1. c. 8. (and recital in s. 1.)

16. Where persons being seized of lands, tenements, and hereditaments as tenants by the curtesy, tenants in tail after possibility of issue extinct, or otherwise for term of life only, or of estates determinable on lives, have permitted other persons by agreement or covin to recover such lands, &c., or have permitted themselves to be vouched by like agreement or covin, (s. 1.) all such recoveries to be had by agreement of the parties, or by covin against any such particular tenant, or against any other, with voucher over of any such particular tenant, or of any having or that had right to any such particular tenancy or estate, shall, as against the person to whom any reversion or remainder thereof shall appertain, and against their heirs and successors, be void, *id. s. 2.*

17. This act shall not be prejudicial to any person that shall by good title, recover lands, &c. without fraud, by reason of any former right, but the same shall be as valid as before this act, *id. s. 3.*

18. All recoveries of lands, &c. by the assent of any person to whom the reversion or remainder shall appertain, (so that the same assent appears on the record of any of H. M.'s courts) shall be of like force against such persons that shall assent, their heirs and successors, as before this act, *id. s. 4.*

19. TO AMEND THE LAW CONCERNING COMMON RECOVERIES, 14 G. 2. c. 20. (and recital in s. 1.) [See rest of this title and act. WILLIAMS.]

20. All common recoveries to be suffered in the court of C. R. at Westminster, or in any other court of record in Wales, or the counties palatine, or in any other court having jurisdiction of any honours, castles, manors, lands, tenements, or hereditaments, without any surrender of any lease for one or more life or lives under particular rents reserved, or without any concurrence or conveyance from the lessee or persons claiming under him, in order to make good tenants to the writs of entry, or other writ whereon the recovery is suffered, shall be as valid as if such lessee or other person claiming under him, shall convey, or join in conveying, a good estate of freehold to the tenants to such writs of entry, &c. 14 G. 2. c. 28. s. 1.

21. Nothing in this act shall make any common recoveries valid, unless the person entitled to the first estate for life, or other greater estate (in case there be no such estate for life) in reversion, or remainder next after the expiration of such leases, has by some lawful act conveyed or joined in conveying an estate for life, at least to the tenant to the writ of entry, or other writs, whereupon such common recoveries are suffered, *id. s. 2.*

22. Nothing in this act shall prejudice the estate of such lessee, or any person claiming under such lessee, *id. s. 5.*

23. Where any person hath purchased, for a valuable consideration, any estate in lands or hereditaments, whereof a recovery is necessary to be suffered, to complete the title, such person, and all claiming under him, having been in possession from the time of such purchase, may, after the end of 20 years, produce in evidence the deed making a tenant to the writ of entry or other writ for suffering a common recovery, and declaring the uses of a recovery; and such deed so produced (the execution thereof being proved) shall be deemed good evidence in law or equity for such purchaser and those claiming under him, that such recovery was suffered according to such deed, in case no record can be found of such recovery, or the same shall appear not to be regularly entered on record; provided the person making such deed and declaring the uses of a common recovery had a sufficient estate and power to make a tenant to such writ and to suffer such common recovery, *id. s. 4.*

24. Every common recovery shall, at the end of 20 years from the time of suffering thereof, be deemed valid, if it appears on the face of such recovery, that there was a tenant to the writ, and if the persons joining in such recovery had a sufficient estate and power to suffer the same, notwithstanding the deed for making such tenant to such writ shall be lost or not appear, *id. s. 5.*

25. Every recovery shall be deemed valid, notwithstanding the fine, or deed, making the tenant to such writ, should be levied or executed after the time of the judgment given in such recovery, and the award of the writ of seisin, provided the same appear to be levied or executed before the end of the term, great session, session, or assizes, in which such recovery was suffered, and the persons joining in such recovery had a sufficient estate and power to suffer the same, *id. s. 6.*

26. Nothing in this act shall make any common recovery heretofore suffered valid, which has been avoided by any lawful act, or which shall be avoided by entry before the 16th of January 1740, or by judgment or decree upon some suit at law or in equity, commenced before the said 16th of January, but every such common recovery shall be of such force only as the same would have been if this act had never been made, *id. s. 7.*

27. This act shall not prejudice any question of law which may arise on common recoveries not hereby intended to be remedied, but the same shall be of like force as before this act made, *id. s. 8.*

28. CONCERNING COMMON RECOVERIES TO BE SUFFERED by attorney in courts of ancient demesne, 59 G. 3. c. 80. [See the rest of this title and statute, LUNATIC.]

29. Any person not being under the disability of coverture, and all femes covert (such feme covert being solely and secretly examined by the lord or lady of the manor, whereof the lands, tenements, and hereditaments held in ancient demesne, but not by copy of court roll, of which a common recovery is proposed to be suffered, shall be holden, or by his or her steward, or by the deputy of such steward) may appoint any person to be their, his, or her attorney, to appear for the persons so appointing, either as tenant to the plaintiff or writ, or as vouchee, and as the case may require, either to vouch over to warranty, or to enter into the usual warranty, and also vouch over to warranty, and likewise to do all other necessary acts for the suffering and perfecting of such common recovery; and the common recovery which shall be so suffered, shall have the like effect, but do other, as such common recovery would have had, if the persons who shall so by attorney suffer such common recovery had appeared in court in person, and suffered such common recovery, *id. s. 1.*

1. EVERY PERSON IN HOLY ORDERS SHALL, WITHIN their respective parishes and places, take an exact account, and keep a register in writ-

ing, of every person named, christened, or born therein, or buried in the common burying-places where parishioners are buried: to view which book and register, the collectors for the parishes, &c. and all other persons concerned, shall have free access at seasonable times, without fee; and every minister who shall not keep a true register thereof as above, shall forfeit 100*l.*, recoverable in any court at Westminster, by action of debt or information, without essoin, &c. to go in societies to H. M. and the party suing, with full costs to the latter; 6 & 7 W. 3. c. 6. s. 24.

1. (a) The words "persons in holy orders" in 6 & 7 W. 3. c. 6. s. 24. shall comprehend bishops in all cases where any marriages are celebrated, or the offices for any christenings or burials are performed by them, 9 & 10 W. 3. c. 56. s. 4.

2. FOR BETTER REGULATING AND PRESERVING PARISH and other registers of births, baptisms, marriages, and burials in Eng.; 52 G. 3. c. 146. [See as to the registry of poor children within the bills of mortality, 2 G. 3. c. 22., 7 G. 3. c. 39. LONDON (Poor).]

3. After 31 Dec. 1812., registers of public and private baptisms, marriages, and burials, solemnized according to the rites of the united church of Eng. and Ire. within all parishes or chapelries in Eng. whether subject to the ordinary, peculiar or other jurisdiction, shall be kept by the rector, vicar, curate, or officiating minister of every parish, (or of any chapelry where baptisms, marriages, and burials have usually been performed) in books of parchment, [only if required by churchwardens, s. 2.] or of durable paper, to be provided by H. M.'s printer, at the expence of the parishes, &c. whereon shall be printed on each side of every leaf, the heads of information herein required to be entered in the registers of baptisms, &c. respectively, every entry being numbered progressively, from beginning to the end of each book, and being divided from the next entry by a printed line, according to the forms in sched. A, B, C, and every page being numbered progressively at the middle of the top, 52 G. 3. c. 146. s. 1.

3. A printed copy of this act, with one book so prepared, as in s. 1. and adapted to the form of the register of baptisms in sched. A, and one other to that of marriages in sched. B, and one other to that of burials in sched. C, shall be transmitted by H. M.'s printer, to the officiating ministers of the several parishes in Eng., who shall use them for the purposes of this act, which books shall be proportioned to the population of the several parishes, &c. according to the last returns; and other like books shall, when necessary, be furnished by the church or chapel wardens, at the expence of the parish, &c. whenever required by the rector, &c. or officiating minister, and shall be of paper, unless required to be of parchment by such church or chapel wardens, id. s. 2.

4. Such registers shall be kept in such separate books, and such pastor, &c. or officiating minister, shall, as soon as possible (and never later than 7 days, unless prevented by sickness or unavoidable impediment), after the solemnization of every private or public baptism, or burial, enter, in a legible hand-writing in the proper register book, the required particulars, and sign the same, id. s. 3.

5. Whenever the ceremony of baptism or burial is performed in any other place than the church or churchyard of a parish chapel, or chapel yard of any chapelry providing its own distinct registers, by any other minister than the rector, curate, &c. thereof, the minister performing the same shall, on that or the next day, transmit to such rector, &c. or his curate, a certificate of such baptism or burial, as in sched. D, who shall, thereupon, enter the same in such book, adding to such entry, "according to the certificate of the Rev. ——— transmitted to me on the ——— day, &c. id. s. 4.

6. The above books of entries, and all register books heretofore in use, shall belong to every such parish or chapelry, and shall be safely kept by the rector, &c. or officiating minister thereof, in a dry well-painted iron chest, provided and repaired at the expence of the parish, &c. and which shall be constantly kept locked in some dry and safe place in his house, if resident within the parish, &c. or in the church or chapel, and shall not be removed therefrom, except for making the above entries, and for inspection of persons desirous to search the same, or to obtain copies thereof, or to be produced as evidence in some court, or for inspection into their state, or for the purposes of this act, and immediately after, shall be forthwith returned into the chest, id. s. 5.

7. At the expiration of 2 months after every year's end, fair copies of all the entries of baptisms, marriages, and burials, solemnized in the year preceding, shall be made by the officiating minister (or church or chapel warden, clerk, or other person under his direction) on parchment (as in the said schedules), to be provided by the parishes, and the contents thereof shall be verified by such minister, in the form following:

"I, A. B. rector [or as the case is], of the parish of C. [or of the chapelry of D.] in the county of E., do hereby solemnly declare, that the several writings hereto annexed purporting to be copies of the several entries contained in the several register books of baptisms, marriages, and burials of the parish or chapelry aforesaid, from the — day of — to the — day of — are true copies of

all the several entries in the said several register books respectively, from the said — day of — to the said — day of — and that no other entry during such period is contained in any such books respectively, [a short *Ans. Qn.* "which entries" ?] are truly made according to the best of my knowledge and belief. (Signed) A. B.

Which shall be fairly written, without stamp on the said copy, immediately after the last entry therein, and the signature thereto shall be attested by one at least, of the church or chapel wardens, 52 G. 3. c. 146. s. 6.

8. Copies of such register books, verified and attested as above, shall be transmitted by the church or chapel wardens, after having been signed by one of them, or before 1st June in each year, id. s. 7.

9. The registrar of every diocese in Eng. shall, on or before 1st July in each year, make a report to the bishop, whether the copies of the above registers have been sent to such registrar, as in s. 6, 7, required; and in event of failure to transmit such copies, the registrar shall specially state the default of the parish, in his report to the bishop, id. s. 8.

9. If the officiating minister of any parish or chapelry neglect to verify and sign such copies and declaration as in s. 6, so that the churchwardens cannot transmit the same as in s. 7., the latter shall within the time limited in s. 7 certify such default to the registrar, who shall specially state the same in his report to the bishop, id. s. 9.

10. In all cases of baptism or burial in any extra-parochial place in Eng. according to the established church, where there is no church or chapel, the officiating minister shall, within one month after such baptism or burial deliver to the rector, vicar, or curate of such parish immediately adjoining to such extra-parochial place as the ordinary shall direct, a memorandum of such baptism, signed by such [Q*u.* ? but the act is so] parent of the child baptised, or of such burial, signed by the person employed therein, with 2 of the persons attending the same, as the case may require, containing the particulars herein before required, which memorandum so delivered shall be entered in the parish register, id. s. 10.

11. The superscription on all letters containing the copies of the parish and other registers to be transmitted as in s. 7, shall be indorsed and signed by the church and chapel wardens, as in sched. E., and shall go postage free, id. s. 11.

12. As often as the copies of such registers and lists are transmitted to the office of the registrar, they shall cause them to be safely kept from damage, and to be so arranged as to be resorted to when required, and shall cause correct alphabetical lists to be made in books of the names of all persons or places therein, which, with the above copies, shall be open to public search, at reasonable times, on payment of the usual fees, id. s. 12.

13. Report by the bishop and the *custos rotulorum* to the privy council before 1st March 1813, respecting proper places for the preservation of copies of register books, as well as original wills in each diocese, and for remuneration of registrars offices, id. s. 15. [Exp.]

14. Every person who shall knowingly and wilfully insert, or cause, or permit, &c. in any such register of such baptisms, burials, or marriages, or in any such copy (as in s. 6.) or in any list or declaration ordered to be transmitted to such registrars, any false entry of any thing relating to any baptism, burial, or marriage, or who shall falsely make, utter, forge, or counterfeit, or cause, procure, or wilfully permit, &c. any part of such register, list, or declaration, or copy of such register, or who shall wilfully destroy, deface, or injure or cause, &c. any such register or part thereof, or shall wilfully sign or certify any copy of any such register required to be transmitted as in s. 6, which is false in any part thereof, knowing it to be false, shall be deemed guilty of felony, and transported for 14 years, id. s. 14.

15. No rector, &c. or officiating minister of any parish or chapel who shall discover any error to have been committed in the form or substance of the entry in the register book of any such baptism, burial, or marriage respectively by him solemnized, shall be liable to the penalties in s. 14. if he shall, within one calendar month after discovery of such error, in presence of the parent or parents of the child baptised, or of the parties married, or of two persons who attended at any burial, or in case of the death or absence of the respective parties then in presence of the church or chapel wardens (who shall attest the same), alter and correct the entry which was found erroneous, according to the case, by entry in the margin of such book wherein such erroneous entry is made, without alteration of the original entry; and he shall sign such entry in the margin, and add to such signature the day of the month and year when such correction is made, provided that in the fair copy of the registers transmitted to the registrars of the dioceses the officiating minister shall certify the alterations so made by him, id. s. 15.

16. Nothing herein shall increase or diminish the fees payable to any minister for performance of any of the above duties, or to him or any registrar for giving copies of such registrations, but the same shall be and be recovered as before this act, id. s. 16.

17. No duplicate or copy of any such register made under this act shall be chargeable with stamp duty, id. s. 17.

18. One half the penalties levied under this act shall go to the informer or party suing; and the remainder of those imposed on any chap-

or chapel warden, shall go to the poor of the parish or place; and the remainder of those imposed on any rector, &c. minister, or registrar, to such charitable purposes in the county as the bishop shall appoint, 52 G. 3. c. 146. s. 18.

19. Lists of extant register books shall be transmitted to registrar before 1st June, 1819. *id.* s. 19. [Exp.]

20. This act shall extend to cathedral and collegiate churches, chapels of colleges, or hospitals and burying grounds belonging thereto, and to the ministers who shall officiate therein, and shall baptize, marry, or bury any persons, although such churches, &c. and such ministers be not parochial, and there be no churchwardens thereof; and in all such cases the books in s. 1. directed to be provided, shall be got at the expense of the body appointing the officiating minister, and copies thereof shall be transmitted to the registrar of the diocese by such minister, as in s. 7. directed, attested by two officers of such church, &c. as by s. 6. directed, in respect of churchwardens; but this act shall not repeal 26 G. 3. c. 35. (MARRIAGE, 55 G. 3. c. 146. s. 20.)

RELIGIOUS HOUSES.

(STATUTES *expired.*)

1. HOSPITALERS and TEMPLARS shall draw no man unduly into suit, 13 E. 1. *West. Sec.* c. 43. [semb. EXP. since the dissolution of the order of Templars by 17 E. 2. St. 3., and of that of Hospitalers by 32 H. 8. c. 24.]

2. RELIGIOUS HOUSES SHALL NOT BE CHARGED by compulsion with corodies, pensions, or taking their horses or carts, 9 E. 2. c. 11. [semb. EXP. see 3 E. 1. (West. Prim.) c. 1.]

3. THE LANDS OF THE KNIGHTS TEMPLARS given to the prior and brethren of the order of the hospital of St. John at Jerusalem, 17 E. 2. St. 1. *St. De Terris Templariorum.* [EXP. see 32 H. 8. c. 24. *infra.* pl. 10.]

(STATUTES *in force.*)

1. ALL RELIGIOUS HOUSES under the yearly revenue of 200*l.* shall be dissolved and given to H. M. and his heirs. 27 H. 8. c. 28. and recital in s. 1. [AMD. 35 Hen. 8. c. 14.]

2. H. M. shall have all monasteries before assured to him, or which have been suppressed. *id.* s. 1.; all persons grantees of those abbey lands from H. M. shall enjoy them, *id.* s. 2.; general saving of rights, *id.* s. 3. and temporary provisions, *ss.* 4—8.

3. Hospitality shall be kept on the site of the houses suppressed, under certain penalties, *id.* *ss.* 9—11. [ENF. 5 El. c. 2. s. 2. but REP. 21. J. 1. c. 28. s. 11.]

4. FOR RESERVATION OF TENURES UPON HOUSES with lands belonging to same not exceeding 40*s.* clear yearly value 35 H. 8. c. 14. (and recitals *ss.* 1—2.)

5. H. M. may reserve on letters patent of any lands, tithes, advowsons or other hereditaments not exceeding 40*s.* clear yearly value, belonging to any of the religious houses in 27 H. 8. c. 28. composed, whereby any estate of inheritance shall pass from H. M. (except houses, cottages, and gardens to which no lands or hereditaments belong) [either a tenure by knight-service in *capite*, REP. 12 C. c. 24. s. 1, 2. or else] a tenure in socage or free burgage, and not in *capite*, with the yearly rent of 1-10th of the lands, &c. comprised therein according to the rate and value rated in the patents: [such rent to be paid to the officer of the Court of Augmentations, dissolved 7 E. 6. c. 2. &c.] 35 H. 8. c. 14. s. 3. H. M. may reserve of the cottages, &c. (except in s. 3), and which belonged to any of the said religious houses, a tenure and rent, as in s. 3., *id.* s. 4.

6. FOR DISSOLUTION OF ALL MONASTERIES AND ABBEYS, 31 H. 8. c. 13. and recital in *ss.* 1, 2.

7. All monasteries which shall be dissolved or suppressed, or shall any way come to H. M. shall, with all their lands and rights be vested in the actual possession of H. M., *id.* s. 5.; general saving of rights to all persons (other than the abbots, &c. and founders of such monasteries, &c.) except rent-service, and sock, and all other services and suits. *id.* s. 4.

8. Such abbey lands as before their dissolution were discharged from payment of tithes, shall so continue, 31 H. 8. c. 13. s. 21., saving rents and services to H. M., *id.* s. 22.

9. The churches, &c. of monasteries, and other religious houses shall in future be subject to the jurisdiction of the ordinary, *id.* s. 23.

10. FOR PLACING THE LANDS AND GOODS of the hospitals of St. John of Jerusalem, near London, [viz. the Temple, &c.] in the county of Middlesex, and of Kilmainham, in Ire., in H. M.'s hands and disposition, and for dissolving that corporation, &c. 32 H. 8. c. 24.

11. FOR DISSOLUTION OF COLLEGES, CHANTRIES, and free chapels, at H. M.'s pleasure, 37 H. 8. c. 4.

12. FOR GIVING SUCH COLLEGES, &c. and the possessions of the same to H. M., 1 E. 6. c. 14.

[The objects of the 3 foregoing acts have been so long accomplished, that it was deemed unnecessary to repeat them at greater length.]

13. WHOSOEVER SHALL BY ANY ECCLESIASTICAL process soever,

REPLEVIN.—RESCUE.

molest any person for any of the lands, &c. belonging to the abbey, &c. abolished by H. 8., shall incur the penalties of a *praemunire* (under 16 R. 2. c. 5.) 1 & 2 P. & M. c. 8. s. 49. [CON. 1 El. c. 1. s. 52.]

REPLEVIN. (See AVOWRY. LANDLORD AND TENANT.)

1. OF VEXATIOUS REPLEVINS, 15 E. 1. *West. Sec.* c. 2. [sheriff to appoint deputies for replevins, 1 & 2 P. & M. c. 12.]

2. Where lords of fees distrain their tenants, and the tenants replevy, such lords, as soon as they shall be attached at suit of their tenants, shall have a writ granted them to remove such plaintiff before justices, afore whom justice can be ministered unto such lords; and this cause shall be put into the court, "because such a man distrained in his fee for services and customs to him due." A reasonable distress may be levied upon the seisin of his ancestors or predecessors, from such time as a writ of *novel disseisin* doth run, *id.* s. 1.

3. Sheriffs or bailiffs shall receive of the plaintiffs pledges not only for pursuing suit before they make deliverance of distress, but also for the return of the beasts, if return be awarded; and if any take pledges otherwise, he shall answer for the price of the beasts, and the lord distraining shall have his recovery by writ that he shall return unto him so many beasts, or such chattels, and if the bailiff cannot restore, his superior shall, *id.* s. 2.

3. So soon as return is awarded to the distrainer, the sheriff shall be commanded by a judicial writ, that he cause return to be made of the beasts unto the distrainer, in which writ it shall be expressed that the sheriff shall not deliver them without writ making mention of the judgment given by the justices, which cannot be without writ issuing from the rolls of such justices, before whom the plaintiff was determined; therefore when the party distrained cometh unto the justices, and desireth a new replevin, he shall have a judicial writ, that the sheriff taking such surety for prosecuting, &c. shall deliver unto him the beasts or chattels before returned; and the distrainer shall be attached to come at a certain day before the justices, afore whom proceedings shall be, in the presence of the parties; and if he that replevied make default again, or for any other cause return of distress is awarded, being now twice replevied, that distress shall remain irreplevisable; but if distress be taken of new, and for a new cause, the above process shall be observed, *id.* s. 3.

4. H. M. HATH PUT OUT *non plevin* of land, and the pains thereof, and none shall lose his land because of *non plevin*, 9 E. 3. St. 1. c. 2.

RESCUE.

1. FOR THE AMENDMENT OF THE LAW OF RESCUE, 1 & 2 G. 4. c. 83. [Public clause, *id.* s. 3.]

2. If any person shall rescue, or aid or assist in rescuing from the lawful custody of any constable or other person, any person charged with, or suspected of, or committed for any felony, or suspicion thereof, then if the person so offending is convicted of felony, and is entitled to the benefit of clergy, and is liable to imprisonment for not exceeding one year, the court, before whom any such person is convicted, may direct that such person, instead of being so fined and imprisoned, shall be transported for 7 years, or imprisoned only, or imprisoned and kept to hard labour in the common gaol or house of correction, or penitentiary, for not less than one and not exceeding 3 years, *id.* s. 1.

3. If any person shall assault, beat, or wound any constable or other person, with intent thereby to obstruct or prevent the lawful apprehension or detainer of any person charged with or suspected of felony; and if any person so charged or suspected shall assault, &c. any constable, &c. with intent thereby to obstruct, &c. his apprehension or detainer, then if the person so offending is convicted of a misdemeanor only, the court before whom such person is convicted may order such person, in addition to any other pains to which he is now liable by law, to be kept to hard labour for not exceeding 2 years nor less than 6 months, *id.* s. 2.

REVENUE.

(STATUTES *repealed and expired.*)

1. FOR THE MORE SPEEDY PAYMENT OF H. M.'s DEBTS, and for explaining 13 El. c. 4., 39 El. c. 7. [CON. 45 El. c. 9. *ss.* 22, 27., now EXP. See the preamble to 25 G. 3. c. 55.]

2. CONCERNING RECEIVERS, 1 H. 8. c. 3. [EXP.]

5. FOR ESTABLISHING AN ADDITIONAL REVENUE [of hearth money] on H. M., for the better support of his crown and dignity, 15 & 14 C. 2. c. 10. [AMD. 15 C. 2. c. 13., 16 C. 2. c. 3., and all these acts REP. 1 W. & M. S. 1. c. 10.]

(STATUTES *in force.*)

1. CONCERNING COLLECTORS AND RECEIVERS, 34 & 35 H. 8. c. 2. [REP. 2 & 3 P. & M. c. 4., but REV. 1 El. c. 4. and s. 10. and s. 44.]

3. Whereas collectors and receivers within the survey and rule of the court of Exchequer of the dutchy of Lancaster, the court of augmentations, [abolished, 1 *El. c. 4. s. 24.*] of general surveyors and wards, liveries, [abolished, 12 *C. 2. c. 24. ss. 1—2.*] and the court of the tenth and first fruits [abolished by letters patent issued under 1 *M. S. 2. c. 10.* and by 1 *El. c. 4. s. 24.*] have retained the money collected by them, it is enacted, that every high collector of fifteenths, subsidy or other tax, and all other H. M.'s particular and general receivers of money and other duties belonging to H. M., shall, within 3 months after such money or yearly profits be due and gathered, pay the same to H. M.'s use, as shall be appointed, upon pain to forfeit for every pound 4s. for every month, lose his office; and H. M. shall charge such collector or receiver, and also upon his accounts, with the forfeiture, or recover the same by action, bill, &c. against them or their heirs, executors, or administrators, in which no essoin, &c. 34 & 35 *H. 8. c. 2.*

5. Provided that if any collector or receiver tender such money to H. M.'s use within such 3 months, unto such persons as be charged with the receipt of the same, he shall not incur any penalty, *id. s. 2.*

4. The heirs of any collector or receiver shall not be charged by this act, but only for lands which they have by descent in fee-simple or fee-tail, or by gift or other assurance by covin, from such collector or receiver, or their assigns; and H. M. shall have execution only of such lands until H. M. be paid, *id. s. 3.*

5. The executors or administrators of such collector or receiver shall not be charged by this act, but as executors should be, by law or action of debt, *id. s. 4.*

6. Where the heirs of any of H. M.'s receivers or debtors shall be charged for his ancestor's debts, whereby the land descended or given to him by covin is put in execution, such heirs may take their action of debt against the executors or administrators of the ancestor, and execution against the goods of such ancestor, in which action no essoin, &c. shall be allowed, *id. s. 5.*

7. This act shall not extend to the collectors of the custom, and of tonnage and poundage, which be accountable yearly in the exchequer, *id. s. 6.*

8. This act shall not extend to any receivers for the payments of any pensions or other allowances paid according to order or decree of such courts as in *s. 1.*, *id. s. 7.*

9. FOR THE TRUE ANSWERING OF H. M.'s REVENUES, 7 *E. 6. c. 1.* and see *s. 1.*

10. Every person appointed treasurer, receiver, collector, bailiff, or minister accountant of H. M., shall, before their executing their offices, with sureties make bonds to H. M. in such court of record where the officer is accountable, that they, their heirs, executors, &c. shall truly account and pay all such money as shall come to their hands concerning their offices, to H. M.'s use, at such times and places as in the condition mentioned, upon pain of forfeiture of their offices, *id. s. 3.*

11. Every receiver of H. M.'s honours, lands, and revenues, shall yearly make his precepts to all collectors, ministers, and bailiffs accountant, within the circuit of his office, charging them on H. M.'s behalf to appear before them within the county where the offices, bailiwick, or collections lie, at a certain day and place, and to pay to H. M.'s use such money as they ought by reason of their offices, being due to H. M., at or before *Easter*; and the precepts shall be delivered to such officers, &c. or left at their houses, or at the place where their receipt ought to be, 12 days before the day prefixed, *id. s. 4.*

12. If any such collectors or bailiffs accountants make default at the day appointed, the collector, &c. being convicted in the court where the revenue shall be answered, shall for the first offence forfeit to H. M. his fee for that year, and for non-payment 6d. of the pound for every month, till the same is paid to H. M.'s use, *id. s. 5.*

13. After the first default of appearance, the officer making again default, and being convict for the second offence of non-appearance, shall forfeit his office to H. M., and for the second offence in non-payment of money shall forfeit 12d. of every pound for every month, till the same is paid to H. M.'s use, *id. s. 6.*

14. Every auditor of H. M. of his honours, lands, and revenues, shall have power yearly to make their precepts to all collectors and bailiffs accountant, to appear and account before them within the county where the lands lie, at H. M.'s audit, to be holden there yearly between the feast of *St. Michael* and the nativity of our Lord, for all rents and profits payable within their bailiwicks, at or before the feast of *St. Michael* next before such audit, the precepts to be delivered to the collectors or bailiffs, or left at their houses, or at the place where their receipts are, 12 days before the day prefixed; and if any collector or bailiff-accountant do not appear before the auditor or refuse to account, he shall for his first offence forfeit to H. M. his whole fee for that year; and for non-payment of money shall forfeit 6d. of every pound, in the name of a pain, for every month, until he shall account and pay; and such officer that shall make again default of appearance, for the 2d offence shall forfeit his office, *id. s. 7.*

17. And for the 3d offence in non-payment of money he shall forfeit 12d. of every pound, in the name of a pain, for every month, until he shall account and pay, 7 *E. 6. c. 1. s. 8.*

16. Every such receiver shall make payment yearly to the treasurer, or general receiver of the court where the revenue is answerable, or otherwise as he shall be appointed, of all money due at or before *Easter*, by the 20th of *June* following; and shall make like payment yearly of all rents due at or before the feast of *St. Michael*, by the 20th *Jan.* following, upon pain of forfeiture for every default 2d. of every pound for every day, *id. s. 9.*

17. Such receivers shall enter into their account yearly, *Hilary* term, and finish the same before the 10th of *Mar.*, and make payment of the money that is due on the foot of the account before the 20th *Mar.*, upon pain of forfeiture of the offices, and 4d. of the pound for every day that they shall detain the money, *id. s. 10.*

18. All receivers, collectors, and bailiffs, of H. M.'s manors or revenues, for lack of payment and levying of their rents within their offices, may distrain for the same, and use the distress in such sort as any officer of the exchequer for levying of H. M.'s revenues answerable in the same court, *id. s. 11.*

19. The head officer of every of H. M.'s courts of revenues of record, may assess fines and amerciaments upon any sheriff, for not returning or misreturning of any writ delivered out of the same courts, touching the levying of any issues, rents or revenues, or of any debts due to H. M. in such sort as hath been lawfully used in like cases in the exchequer, *id. s. 12.*

20. All treasurers and chamberlains, and receivers of any of H. M.'s courts of revenue, and all customers and collectors of customs, or certain subsidies within any port, within 10 days after notice from H. M. or 6 of his privy council in writing, shall declare in writing, what sums of money then due to H. M. be in their hands, and shall make payment in such sort as shall be commanded, upon pain of forfeiture of their offices, *id. s. 13.*

21. The same treasurers chamberlains and receivers shall yearly, before 20th *June*, make a true account of all money in their hands to H. M.'s use yearly, at or before the 20th *Mar.* next before such 20th *June*; and also a true declaration in writing of the money in their hands to H. M.'s use before the last day of *June* then next following, and make payment of the same in such sort as commanded by sufficient warrant, upon pain to forfeit their offices, *id. s. 14.*

22. If any treasurer accountant or receiver, or their deputies, take of any person any sum or other profit of and for the payment of any fees, annuities, pensions, duties, or warrants, more than they ought, they shall forfeit for every penny so taken 6s. 8d. to the party grieved, to be recovered in any court of record, by action of debt, &c., in which no essoin, &c., *id. s. 15.*

23. If any auditor or his deputy refuse to take any account in such case, so that it cannot be completed within the times hereby allowed for the same, he shall, on conviction before the court where the account is answerable, forfeit like pain as the person whose account he refuses to take ought to do by this act for not accounting, and such person shall be discharged thereof, *id. s. 16.*

24. The duplicate of every account made by any treasurer or receiver shall at their requests and costs, be delivered to them, subscribed with the hands of the auditor, upon pain that such auditor shall forfeit 10l. to H. M., *id. s. 17.*

25. This act shall not charge any archbishop or bishop to make bond, or to account and pay the tenths arising within their dioceses due to H. M., otherwise than as before accounted, *id. s. 18.*

26. This act shall not charge any sheriff, escheator, or collector of *dismes*, *quindismes*, contributions, or subsidies (tonnage and poundage only except), but they shall use their offices and pay such money in such sort as they have usually done before this act, *id. s. 20.*

27. FOR THE BETTER PAYMENT OF MONIES received for the use of the crown, 20 *C. 2. c. 2.*

28. All receivers, reeves, bailiffs, collectors, and other officers and persons shall diligently gather the monies due to H. M., and answer the same according to their duty, *id. s. 1.*

29. All persons and bodies corporate, who, having received money due to H. M., shall not duly account for and pay the same according to the course of the exchequer, shall within 3 months after receipt thereof, answer to H. M. damages for all money and duties at the rate of 12 *per cent.* by the year, so long as the same is detained by the judgment of the court of exchequer, without any abatement; and the process of such court shall be forthwith awarded against all such persons and bodies, &c. their heirs, executors, and administrators chargeable with such monies for the levying thereof, with damages, *id. s. 2.*

30. Nothing herein shall alter the time or way of accounting of any sheriff, for any part of H. M.'s ancient revenue, or other profits anciently collected, &c. by the sheriff, or subject them to any new penalty for the same, *id. s. 5.*

31. FOR AMENDING AND REDUCING INTO ONE ACT THE PROVISIONS contained in any laws now in force imposing the penalty of death for any act done in breach of or resistance to any part of the laws for collecting H. M.'s revenue in *G. B.*, 52 *G. 3. c. 143.*

32. Where any act committed in breach of or resistance to any part of the laws for collecting H. M.'s revenue in *G. B.* would, by any law in force, subject the offender to suffer death, as guilty of felony, *without* clergy, such act shall be taken to be felony *with* clergy, and punishable only as such, unless excepted by this act, *id. s. 1.*

33. Every deputy, clerk, agent, letter-carrier, &c. or other person employed by or under the post-office of *G. B.* in receiving, stamping, sorting, charging, conveying, or delivering letters or packets, or in other business relating to the office, who shall secrete, embezzle, or destroy any letter, packet, bag or mail of letters, which in any manner shall come into his possession whilst so employed, containing the whole or any part or parts of any bank note, bank post bill, bill of exchange, exchequer bill, *South Sea* or *East India* bond, dividend warrant (whether of the Bank, *South Sea*, *East India*, or other company, society, or corporation,) navy or victualling or transport bill, ordnance debenture, seaman's ticket, state lottery ticket or certificate, bank receipt for payment on any loan, note of assignment of stock in the funds, letter of attorney for receiving annuities or dividends, or for selling stock in the funds or belonging to any company, &c., *American* provincial bill of credit, gold-smiths' or bankers' letter of credit, or note for or relating to payment of money, or other bond or warrant, draft, bill, or promissory note soever for payment of money, or shall steal and take out of any such letter or packet, the whole or any part of such bank note, &c., shall suffer death as a felon, without clergy, *id. s. 2.*

34. Every person who shall steal and take from any carriage, or from the possession [see 2 *Stark. C. N.P. 406.*] of any person employed to convey letters sent by the post of *G. B.* or from any post-office or house or place for the receipt or delivery of letters or packets, or bags or mails of letters sent by such post, any letter, &c. or bag, &c. so sent, or shall steal and take any letter or packet out of any such bag or mail, shall suffer death as a felon without clergy; and such offences may be enquired of and tried either in the county where the offence is committed or the party apprehended, *id. s. 3.*

35. Every person who shall counsel, command, hire, persuade, procure, aid, or abet any such deputy, &c. (as in *s. 2.*) or other person employed by or under the post-office in receiving, stamping, sorting, charging, conveying, or delivering letters or packets, or in any other business relating to the said post-office, to commit any of the above offences; or shall, with a fraudulent intention, buy or receive the whole or part of any security, &c. (as in *s. 2.*) described, which shall have been contained in, and which at the time of such buying or receipt he shall know to have been contained in any such letter, &c. so secreted, &c., stolen, or taken by any deputy, &c. or other person so employed as above, or which such buyer or receiver shall at the time of such buying, &c. know to have been contained in and stolen and taken out of any letter, &c. stolen from or out of any bag of letters sent by such post, or from or out of any post-office or place for receipt or delivery of letters, &c. or bags, &c. of letters sent by such post, shall suffer death as a felon without clergy, and may be tried and attainted of such felony as well before as after conviction of the principal felon, and whether he has been apprehended or is amenable to justice or not, *id. s. 4.*

36. Every person who shall make, forge, or counterfeit or cause, &c. to be made, &c. the mark or hand of the receiver of the prelines at the alienation-office on any writ of covenant whereby he may be defrauded or suffer loss, shall suffer death as a felon without clergy, *id. s. 5.*

37. Every person who shall forge, counterfeit, or alter, or cause, &c. to be forged, &c. or shall knowingly or wilfully aid or assist in the forging, &c. any contract, assignment, certificate, receipt or attested copy of any certificate made out by any person under the land-tax acts, or of any part thereof, or who shall wilfully utter any such forged or altered contract, &c. or attested copy of certificate, knowing it to be forged, &c. with intent to defraud, shall suffer death as a felon without clergy, *id. s. 6.*

38. Every person who shall forge or counterfeit or cause, &c. any mark, stamp, die, or plate provided, made, or used in pursuance of any statutes by or under the direction of the commissioners of stamps, or by any other persons legally authorized, for expressing or denoting any duties, or part thereof, being under the management of the commissioners, or for denoting or testifying the payment of such duties, or part thereof, or for denoting any device appointed by the commissioners for the ace of spades to be used with any playing-cards, or shall forge or counterfeit or cause, &c. the impression or resemblance of the impression of any such mark, &c. upon any vellum, parchment, paper, card, ivory, gold or silver plate, [see Note (2) to 15 *G. 3. c. 59. tit. GOLD and SILVER, pl. 92.*] or other material, or shall stamp or mark, or cause, &c. the same to be stamped, &c. with any such forged, &c. mark, &c., with intent to defraud H. M. of any of the duties, or any part of the duties under management of the stamps-commissioners; or who shall utter,

sell, or expose to sale any vellum, &c. or other material, having thereon the impression of such forged mark or impression, knowing them respectively to have been forged; or who shall privately or secretly use any such mark, &c. so provided or used as above, with intent to defraud H. M. as above, shall suffer death as a felon without clergy, 52 *G. 3. c. 143. s. 7.*

39. Every person who shall transpose [see note referred to in last *pl.*] or remove, or cause, &c. to be transposed, &c. from one piece of wrought gold or silver plate to another, or to any vessel or ware of base metal, any impression made with any mark, stamp, or die provided, made, or used by or under the direction of the commissioners of stamps, or of any other persons duly authorized therein, for denoting any duty or payment of any duty granted to H. M. on gold or silver plate; or shall stamp or mark, or cause, &c. to be stamped, &c. any vessel, &c. of base metal, with any mark, &c. forged in imitation of or to resemble any mark, &c. so provided or used as above; or who shall sell, exchange, or expose to sale or export out of *G. B.* any wrought gold or silver plate or vessel, or ware of base metal, having thereon the impression of any forged mark, &c. or any forged impression of any mark, &c. so provided as above, or any impression thereof transposed from any other piece of plate, knowing the same respectively to be so forged or transposed; or shall without lawful excuse (the proof lying on the accused) be possessed of any such forged mark, stamp, or die, shall suffer death as a felon without clergy, *id. s. 8.*

40. Every person (not lawfully authorized so to do) who shall make or cause, &c. to be made or shall knowingly aid or assist in the making, or without being appointed or authorized as above, shall knowingly have in possession, without lawful excuse, (the proof of which shall lie on the accused) any frame, mould, or instrument for making paper, with the words "*Excise office*" visible in its substance, or shall make or cause to be made, or knowingly aid, &c. in making any such paper, or who shall by any contrivance procure the above words to appear visible in the substance of any paper whatever; or who (not being so authorized as above) shall engrave, cast, cut, or make, or cause, &c. to be engraven, cast, &c. any mark, stamp, or device, in imitation of or to resemble any mark, &c. made or used by direction of the commissioners of excise in *Eng.* or *Scot.* for printing, stamping, or marking any paper to be used as a permit to accompany any excisable commodity removing from one part of *G. B.* to another, in pursuance of the statutes, shall suffer death as a felon, without clergy, *id. s. 9.*

41. Every person, who with intent to defraud H. M., shall falsely make, forge, counterfeit, or alter, or cause, &c. to be forged, &c., or shall willingly assist in falsely making, &c. any debenture or certificate for payment or return of any money, or any part thereof, or any signature thereon in any case, in which such debenture &c. is by any act relating to customs or excise directed to be given, or shall wilfully, with such intent, either publish or make use of any such debenture, &c., or part thereof, being wholly or in part falsely made, &c. or altered, shall suffer death as a felon without clergy, *id. s. 10.*

42. If 3 or more persons, armed with fire-arms or offensive weapons, shall hereafter, be assembled within *G. B.* or the *Isle of Man*, or the limits of any port, harbour, or creek thereof respectively, in order to be aiding, &c. in the illegal export of wool or other goods prohibited to be exported, or in carrying wool or other such goods, in order to such exportation, or in illegal running, landing, or carrying away prohibited or uncustomed goods, or goods liable to pay any duties not paid or secured, or in illegal relanding of any goods shipped or exported on debenture or certificate, or from any warehouse, wherein such wool or goods are deposited under any statute, for securing the home-consumption duties thereon, or in rescuing such wool or other goods after seizure, from any officer authorized to seize the same or the person assisting him, or from the place where lodged by the latter: or in rescuing any person apprehended for any felony by any customs or excise act of *G. B.*, or in preventing the apprehending any person guilty of such offence: or if 3 or more persons so armed in *G. B.* or *Man*, or within the above limits therein respectively shall be so aiding, &c.; or if any person shall maliciously shoot at, or upon any ship, vessel, or boat belonging to the navy or in the service of the customs or excise in *G. B.* or *Man*, or within the above limits therein respectively, or in any port of the *British* or *Irish* channels, or on the high seas within 100 leagues of *G. B.* or *Ire.*; or if any person, either on shore or on the water within the limits last aforesaid, shall maliciously shoot at, maim, or dangerously wound any officer of H. M.'s military or naval forces, or of customs, or excise, or other persons aiding him, when acting in execution of his duty, under any act relating to the revenues of customs or excise of *G. B.*, or for prevention of smuggling, every person so offending or assisting therein, shall suffer death as a felon without clergy; and every offence committed within any port or roadstead of *Guernsey*, *Jersey*, *Sark*, *Alderney*, or *Man*, shall be tried in those islands respectively; and if committed elsewhere out of U. K. then in any county of U. K.: or if within *Eng.*, *Scot.*, or *Ire.* respec-

tively, then within such part of U.K. respectively, but in any county thereof, 52 G. 3. c. 143. s. 11.

43. If any person is charged by information on oath, before any justice or other person competent to take such information in any part of U.K., with being guilty of so assembling, aiding, or assisting, or of so maliciously shooting, maiming, or wounding as above, within the limits in s. 11., in any case wherein any such officer or person assisting him shall have been killed, such information shall be certified by the justice or other person taking it under his hand and seal to a principal secretary of state, who shall lay same before H. M. in council, who may by order in council command the accused, that within 60 days or longer, after publication of such order in the *London Gazette*, he surrender himself to some judge of K. B., justice of peace, or competent person to take such surrender, as specified in the order; and may require such order to be proclaimed by the sheriff, if the offence is committed within any county of U.K., and if not, then by the sheriff of any adjacent county; and the clerks of the privy council shall cause such order to be forthwith published in the *Gazette*, repeating it weekly after such first publication, till expiration of the 60 days or other time appointed as above; and shall cause a copy of such order, attested by the signature of one of them, to be transmitted to the sheriff of the county specified therein, who within 14 days after its receipt, shall cause it to be proclaimed between 10 and 2 in the market-places, on the market-days of 2 market towns in the county if there be 2: or if only one, then therein and in some other place of general resort in the county, and shall affix a true copy in each of such market-towns or such other place; and if the accused shall surrender according to such order, the person to whom he shall surrender shall commit him to gaol, to be dealt with according to law: but if he do not surrender within the limited time, or escapes from justice, or after surrender and before trial, he shall be deemed *attainted* of felony, and shall suffer death without clergy, if the offence is charged to have been committed in *Eng.*, or within the limits of any port in *Eng.* or *Ire.*, or within 100 leagues of the coast thereof; and the K. B. or justices of *oyer, terminer*, and gaol delivery, or great sessions for the county or place where the offence is, shall award execution against him, as if he had been *attainted* in such courts respectively; and if the offence is charged to have been committed in *Scot.* or within any port thereof, or 100 leagues of the coast, the offender shall be deemed convicted of a capital crime, and shall suffer death and confiscation of moveables; and the judiciary and circuit courts shall award execution, as if he had been found guilty and condemned therein respectively, *id.* s. 12.

44. TO UNITE AND CONSOLIDATE INTO ONE FUND all the public revenues of *G. B.* and *Ire.* and to provide for their application to the general service of the *U. K.* 56 G. 3. c. 98. ss. 1—21. 24—25. [See ss. 22—25. and s. 26. of this statute, ACCOUNTS, PUBLIC, *pl.* 110—111. and 115.; the rest relates to *Ire.* (Accounts, Public.) *AMD.* 57 G. 3. c. 48. ss. 1—14.]

45. FOR ADJUSTMENT OF THE ACCOUNTS OF THE CONSOLIDATED fund of *U. K.*, and making good any occasional deficiency which may arise therein in *G. B.* or *Ire.* respectively, 57 G. 3. c. 48. ss. 1—14.

46. After 5th Jan. 1817, all taxes, revenues, and monies of every kind, which by any statutes then in force in *G. B.* or *Ire.* form part of, or are directed to be carried to the respective funds called the consolidated fund of *G. B.*, and the same of *Ire.*, shall make one general fund called "*The Consolidated Fund of G. B. and Ire.*," and whether in the exchequer of *G. B.* or in that of *Ire.* shall, in the first place, be indiscriminately applied in payment of the whole interest of the national debts of *G. B.* and *Ire.* with the sinking funds for their reduction, as one joint consolidated national debt, interest, and sinking fund; and in the next place, in payment of all other charges soever, made payable out of the consolidated funds of *G. B.* and *Ire.* respectively under any acts in force immediately before 5th Jan. 1817; after payment of all which charges, the consolidated fund of *U. K.* shall be in like manner indiscriminately applied to the service of the *U. K.* or any part thereof, as directed by parliament, and shall be applied accordingly, subject to this act, 56 G. 3. c. 98. s. 1.

47. From 5th Jan. 1817, the offices of lord treasurer of *G. B.* and the same of *Ire.* shall be united in one office, and the holder thereof shall be called lord high treasurer of *U. K.* of *G. B.* and *Ire.* And when there is no such officer, H. M. may appoint commissioners for executing the offices of treasurer of exchequer of *G. B.* and lord high treasurer of *Ire.* who shall be called commissioners of H. M.'s treasury of the *U. K.* &c. and shall have all such powers through the *U. K.* with respect to the collection, issue, and application of the whole revenues thereof, as immediately before 5th Jan. 1817 were vested in the commissioners of treasury of *G. B.* or *Ire.* respectively, by statute or custom in force in either country respectively, by whatever names they have been described, except as the same may be hereby altered or amended; and all revenue officers in *U. K.* shall be subject to the orders of such lord high treasurer or commissioners of treasury of *U. K.*, and liable to such penalties for disobedience

of such orders as they would be liable to by virtue of any statute or custom in force as above, 56 G. 3. c. 98. s. 2.

48. The words "*commissioners of H. M.'s treasury*," whether with or without the addition of "*of the U. K. of G. B. & Ire.*" or not, shall apply to the commissioners for executing the offices of treasurer of exchequer of *G. B.* and treasurer of *Ire.*, and all acts executed by them respectively, as such, by virtue of any law or custom in force before 1st July 1816, shall be good, notwithstanding any error or omission in the names or descriptions whereby any such commissioners shall or may at any time have been known or described, *id.* s. 3.

49. H. M. may appoint a vice treasurer for issuing money out of the exchequer of *Ire.* with 2000*l.* British currency annual salary, payable out of the revenue appropriated to H. M.'s civil list establishment in *Ire.*, *id.* s. 4.

50. He shall take such oath before the chancellor of *Ire.*, or commissioners for custody of the great seal of *Ire.*, as was accustomed to be taken by the vice-treasurer of *Ire.* before passing 55 G. 3. c. 28. (*Ir.*) and may appoint a deputy to act during his absence, or incapacity by illness, and is responsible for the official acts of the latter; and the lord lieutenant may from time to time, by warrant of vice treasurer, order the payment out of exchequer of any such sum for the annual establishment and incidental and contingent expences of his office, as the treasury shall direct, *id.* s. 5.

51. No money shall be issued out of the exchequer of *Ire.*, otherwise than by the vice-treasurer, under warrant of lord lieutenant directed to, and countersigned by such vice-treasurer, after which countersignation, the warrant shall be entered and marked by any officer authorized thereto by the latter, and whereof notice shall be given by him to the auditor-general of exchequer of *Ire.* for issue of his order on the teller of exchequer for payment, provided authority be given for such payments under some grant from H. M. or his royal predecessors, or some statute; but all such payments shall not exceed the amount authorized under the respective acts, by virtue whereof such issues are made; or the annual grants of parliament, as they are specified in the appropriation acts of each session, *id.* s. 6.

52. All warrants signed by the *Irish* treasury prior to 3 Jan. 1817, and then remaining in the auditor-general's office unpaid, are good authority for his order to the teller, for their payment, *id.* s. 7.

53. "And that no annual grants of parliament may be exceeded," All grants under H. M.'s great or privy seal, or sign-manual, or H. M.'s letters or warrants, directing issues for services in *Ire.* out of such annual grants, shall be entered and recorded in the office of auditor of exchequer of *G. B.*, who shall cause the entry to be certified thereon, and to be forthwith returned to the treasury of *U. K.*, in order to transmission to lord lieutenant, *id.* s. 8.

54. In regard to exchequer in *G. B.*, the treasury of *G. B.* and *Ire.*, and in regard to that in *Ire.* the vice-treasurer of *Ire.*, under warrant of lord lieutenant, as above provided, may direct the issue of all sums necessary for payment of the interest and sinking fund of the national debt, which shall be payable in either part of the *U. K.* and of all charges which have been heretofore usually defrayed out of the respective consolidated funds thereof, immediately before or after close of every quarter, though the accounts of the respective exchequers have not been made up and settled, *id.* s. 9.

55. As soon as the quarterly accounts of the consolidated fund of *U. K.* have been made up in the respective exchequers of *G. B.* and *Ire.* a copy of the amount of such part thereof as has arisen in *G. B.* within the preceding quarter, shall be drawn out and certified by the auditor of exchequer there, and transmitted to the treasury of *U. K.*, who shall cause same to be transmitted to vice-treasurer for *Ire.* with directions to cause the same to be deposited in the office of receipt of exchequer in *Ire.* for information of the officers there, and a copy of the account of such part thereof as has arisen in *Ire.* within the preceding quarter, shall, in like manner, be drawn out and certified by the auditor-general of exchequer there, and transmitted to the treasury of *U. K.* who shall order it to be deposited in the office of auditor of exchequer, for like information, *id.* s. 10.

56. The treasury may from time to time cause any money to be issued out of the growing produce of the consolidated fund of *U. K.* at the receipt of exchequer in *G. B.* in advance, or otherwise, as was practised before passing, 56 G. 3. c. 98., 57 G. 3. c. 48. s. 2. [See same provision as to issues from exchequer in *Ire.* of the growing produce of that part of the consolidated fund, arising there, 56 G. 3. c. 98. s. 12. *infra*, *pl.* 58.]

57. Whenever the surplus of consolidated fund remaining in the respective exchequers of *G. B.* and *Ire.* at close of any quarter has been ascertained and certified as in s. 10. the treasury may by warrant direct that all or any part thereof shall be issued to the person named in the warrant, for the purpose of remittance or transfer to the exchequer of the other part of *U. K.* as the exigencies of public service appear to them to require, 56 G. 3. c. 98. s. 11.

58. Nothing herein shall prevent issues being made from exchequer

in *Ire.* out of the growing produce of the consolidated fund, arising from time to time in that part of *U. K.* for the necessary current services thereof, according to the invariable course which has heretofore prevailed there, 56 *G. 3. c. 98. s. 12.* [and see *ante*, *pl. 56.*]

59. Immediately after termination of each quarter ending 5th April, 5th July, 10th Oct. and 5th Jan. annually, accounts shall be made up in the exchequer in *Ire.* of all sums issued according to 56 *G. 3. c. 98. s. 12.*, during the quarter ending on the above days respectively, out of the growing produce of the consolidated fund arising in *Ire.* specifying separately the issues made for defraying the services comprised in the annual grants of parliament, or which would in *G. B.* be payable at receipt of exchequer out of any supplies of the year, as also the heads of service for which such issues were so made, which accounts shall be certified by the auditor-general of exchequer in *Ire.* and by him transmitted to the treasury of *U. K.* who shall thereupon by warrant direct, that out of any supplies of the year in the exchequer in *G. B.* a sum of money equal to such certified amount of the issues so made for the above purposes, out of any supplies of the year, shall be placed to the credit of the consolidated fund of *U. K.* for the quarter ending on the usual quarter day next ensuing the date of such certificate, by the auditor of exchequer in *G. B.*, 57 *G. 3. c. 48. s. 1.* [superseding the latter part of 56 *G. 3. c. 98. s. 12.* not given in last *pl.*]

60. So much of 37 *G. 3. Ir. c. 27.* as appoints commissioners for redemption of national debt there, is repealed; and after 5th Jan. 1817, the *British* commissioners for that purpose shall be "Commissioners for reduction of national debt of *U. K.*" with all the powers of both sets of commissioners, and the several sums which by virtue of several acts in force in *G. B.* and *Ire.* respectively are required to be set apart at the receipt of each exchequer thereof on account of such commissioners, shall continue to be set apart, and all sums, or any part thereof so set apart may from time to time be paid into the bank of *Eng.* or that of *Ire.* as is directed by treasury, and shall from time to time be applied by the commissioners in purchase of such capital stock debentures or annuities, or towards any public loan in *G. B.* or *Ire.* as seems most expedient, and their order shall always be sufficient authority to the banks of *Eng.* and *Ire.* for paying any part of the money from time to time remaining in either, on account of the commissioners, to any person, in order to its remittance from one part of *U. K.* to the other, and also for its application to the above purposes, 56 *G. 3. c. 98. s. 13.*

61. In consequence of the increase of business resulting from this act, H. M. may appoint 2 additional commissioners of the treasury to sit and act as such with the commissioners who may now by law be appointed for executing the office of treasurer of exchequer of *G. B.* with a yearly salary to each not exceeding that received by each of the other commissioners to be paid to them out of the revenues appropriated to H. M.'s *Irish* civil list, any thing in 6 *A. c. 7.* or any other act notwithstanding, *id. s. 14.*

62. After 5th Jan. 1817, in all cases not otherwise specially provided for by this act, where under provisions of any acts in force immediately before 1st July 1816, any warrant, licence, order, or document has been required to be signed by the treasury of *Ire.*, a warrant or other proper document, as the case may be, signed by the lord-lieut. shall be of like effect as any such warrant, &c. of such treasury; except in cases relating to the revenue of *Ire.*, and where by any act in force in *Ire.* the approbation of treasury has been required, except as above, the approbation of the lord-lieut. signified by the chief secretary, or in his absence, by the under civil, or military secretary, as the case requires, shall be of like effect as the approbation of such treasury, *id. s. 15.*

63. The appointment of any person to be vice-treasurer of *Ire.* or to be commissioner of treasury of *U. K.* shall not be deemed an appointment to a new office or place of profit under the crown, and no person so appointed to either office shall be disabled from sitting in the House of Commons, *id. s. 16. [s. 17. Exp.]*

64. All the powers of 35 *G. 3. c. 28. Ir.* regulating the receipts and issues of *Irish* treasury, are continued to the treasury of *U. K.* except as hereby altered, *id. s. 18.*

65. The quarterly accounts of receipts, issues, and remains of exchequer of *Ire.* as prepared by the auditor-general thereof, and heretofore examined and signed under 35 *G. 3. c. 28. Ir.* by the treasurer of *Ire.* shall after 5th Jan. 1817, be examined and signed by the vice-treasurer for *Ire.* and certified abstracts of such accounts shall be by him from time to time regularly transmitted to the treasury of *U. K.*, *id. s. 19.*

66. The weekly abstracts or certificates of receipts, issues, and remains in treasury of *Ire.* required by 35 *G. 3. c. 28. Ir.* to be made by auditor-general, clerk of pells, and teller of exchequer thereof to the treasury of *Ire.* and the weekly abstract of receipts and payments on account of the teller of exchequer so required to be made out by the bank of *Ire.* and transmitted to treasury of *Ire.* shall after 5th Jan. 1817 be weekly transmitted to the vice-treasurer for *Ire.*, and copies of all the above abstracts, with all other returns, certificates, abstracts, ac-

counts, or declarations by that act directed to be furnished to the treasury of *Ire.* shall be transmitted to the treasury of *U. K.*, at and for the periods by the above act required in respect thereof, 56 *G. 3. c. 98. s. 20.*

67. The vice-treasurer of *Ire.* shall, in virtue of his office, be a governor, visitor, and member of all such colleges, corporations, charitable and other public institutions in *Ire.* of which the chancellor of exchequer there hath at any time heretofore been governor, &c. in right of his office under any statute, charter, bye-law, or custom now in force there; and may send and receive letters and packets by post, free of postage within *U. K.*, in like manner, and under such restrictions as the late chancellor of exchequer hath been authorized so to send and receive the same, *id. s. 24.*

68. All rules and orders made by the treasury of *Ire.*, at any time before Jan. 5, 1817, with respect to receipt, payment, issue or remittance of public money, or to any thing within their jurisdiction, shall remain in full force till revoked or altered by lord lieutenant or treasury; and all records, minute books, and entries of proceedings of the *Irish* treasury, and all other books and papers in their custody, shall be delivered over to the vice treasurer, (subject to orders of treasury,) in the offices in the castle of *Dublin*, now occupied by the treasury of *Ire.*, and his business shall, from 5th Jan. 1817, be carried on therein, *id. s. 25.*

69. Parliamentary grants, to arise from surplus of consolidated fund which had not accrued prior to 5th Jan. 1817, and sums due for advances towards its deficiencies, shall be deemed satisfied and cancelled, 57 *G. 3. c. 48. s. 3.*

70. Balances due from either country to the other, on joint contributions to expences of *U. K.*, under union acts of 39 & 40 and 40 *G. 3.* are declared satisfied and cancelled, *id. s. 4.*

71. If on making up accounts of the income and charge of the consolidated fund in *G. B.* or *Ire.* respectively, for the quarter ending as in *s. 1. supra pl. 59.* it appears to the treasury that the produce thereof is not sufficient to defray the charges thereon in *G. B.* or *Ire.* respectively, they may, by warrant under their hands, order any number of exchequer bills to be made out to make up the deficiency, subject to regulations of 48 *G. 3. c. 1. id. s. 6.*; all the powers and penalties of which act extend to exchequer bills issued as in *s. 6. id. s. 7.*, and the interest thereon shall not exceed 3½ *d. per cent. per diem, id. s. 8.*

72. The banks of *Eng.* and *Ire.* may take the above exchequer bills, and advance, on credit of such bills, sufficient money to make good such deficiency of the consolidated fund, notwithstanding 5 & 6 *W. & M. c. 20. id. s. 9.*

73. Exchequer bills for deficiencies in that part of the consolidated fund which arises in *G. B.* shall be placed as so much cash in the offices of the tellers of exchequer in *G. B.*, each of whom shall be severally charged with the proportion so placed in his office, as so much cash, *id. s. 10.*

74. The exchequer bills in the hands of the tellers shall be locked up, and secured as cash, according to the course of receipt of exchequer in *G. B.*, and shall be taken as so much, in part of the remains in real money wherewith each shall from time to time stand charged, in common with other monies in exchequer; and the treasury may issue and apply them in defraying charges on the consolidated fund remaining unpaid in *G. B.*, by reason of any such deficiency, *id. s. 11.*

75. The treasury may cause exchequer bills, issued under this act for any deficiency in the consolidated fund, arising in *Ire.*, to be paid into the Bank of *Ire.* to the credit and account of the teller of exchequer there, to be issued and applied to defraying the charges unpaid by reason of such deficiency, *id. s. 12.*

76. The principal contained in such exchequer bills, and the interest thereon, shall be charged on the growing produce of the consolidated fund in the succeeding quarter; and the treasury may, from time to time, by warrant, direct the auditors of exchequer, in either country, in what manner they think necessary to issue to the person named in such warrant, out of the growing produce of the consolidated fund of the next quarter, any sum not in all exceeding a sum sufficient to pay off the principal of such exchequer bills then outstanding in either country, with all interest due thereon, *id. s. 13.*

77. The treasury shall, from time to time, cause a true account in writing to be taken, attested by proper officers, of the amount of all exchequer bills issued as above, and how much thereof has been discharged, and how much remains undischarged; and every such account shall, on or before 25th March, annually, be laid before both houses, if parliament be then sitting, or within one month after commencement of its next session, *id. s. 14.*

REVENUE OFFICER (PROTECTING.)

1. FOR THE RELIEF OF COLLECTORS OF PUBLIC MONIES, and their assistants and deputies, 13 & 14 *C. 2. c. 17.*

2. All collectors and other persons who shall levy or collect any sum, or shall do any act concerning the same, by virtue of any act of parlia-

ment now in force, and who are sued for the same by other than H. M. may plead the general issue, and give the special matter in evidence, 13 & 14 C. 2. c. 17.

3. TO RENDER OFFICERS OF THE EXCISE MORE SAFE in the execution of their offices, 23 G. 3. c. 70. ss. 30—34. (This title is framed from these sections.) [EXTD. to officer of the customs, 24 G. 3. S. 2. c. 47. s. 35. AMD. 28 G. 3. c. 37. ss. 23—28.]

4. All the provisions of 23 G. 3. c. 70. s. 30—34. concerning any actions against excise officers, shall extend to officers of customs, and persons acting in their aid, 24 G. 3. S. 2. c. 47. s. 35.

5. No writ shall be sued out against [nor a copy of any process served on 23 G. 3. c. 70. s. 30.] any officer of excise [or customs, 28 G. 3. c. 37. s. 25.] or against any person acting by his order, or in his aid, [for any thing done in execution of his office, 23 G. 3. c. 70. s. 30.] [for any act concerning the public revenue of customs, or excise, 28 G. 3. c. 37. s. 25.] until one calendar month next after notice in writing has been delivered to him, or left at his usual abode, by the attorney or agent of the intended plaintiff; in which notice shall be stated clearly and explicitly, the cause of action, the name and abode of the plaintiff, and of his attorney or agent, and a fee of 20*l.* shall be paid for preparing and serving such notice, 23 G. 3. c. 70. s. 30. 28 G. 3. c. 37. s. 25.

6. Any of such officers, or other persons acting in their aid, to whom such notice is given, may, within one calendar month after, tender amends to the party complaining, or to his agent or attorney; and, in case the same is not accepted, may plead such tender in bar, together with a plea of not guilty; and any other plea, with leave of the court; and if on issue joined, the jury shall find the amends tendered to have been sufficient, they shall give a verdict for the defendant; and in such case, and in case the plaintiff is nonsuited, or discontinues, or in case judgment is given for the defendant in demurrer, then such defendant shall have the like costs as if he had pleaded the general issue only; and if they find that no tender was made, or that the same was not sufficient, and also against such defendant, on any other plea, they shall give a verdict for the plaintiff, with such damages as they think proper, [together with his costs, 23 G. 3. c. 70. c. 31.] 23 G. 3. c. 73. s. 31., 28 G. 3. c. 37. s. 26.

7. No plaintiff, in any case where an action is grounded on any act done by the defendant, shall be permitted to produce evidence of the cause of such action, except such as is contained in the notice so to be given, or shall recover any verdict against such officer, or persons acting in his aid, unless he prove that such notice was given; and in default thereof, the defendant shall recover a verdict and costs, as in s. 31. aforesaid, 23 G. 3. c. 70. s. 32. 28 G. 3. c. 37. s. 27.

8. Such officers, and others acting in their aid, who neglect to tender amends, or who have tendered insufficient amends before action brought, may, by leave of the court, at any time before issue joined, pay money into court, whereupon the proceedings, judgments, &c. usual in such cases, shall be had, 23 G. 3. c. 70. s. 33. 23 G. 3. c. 37. s. 28.

9. Every action commenced against any person for any thing done, [by any officer of excise, or other acting in his aid, 23 G. 3. c. 70. s. 34.] in the execution of [his office, 23 G. 3. c. 70. s. 34.] or of any act relating to the public revenues of customs or excise, 28 G. 3. c. 37. s. 23.] shall be commenced within 3 months next after the cause of action shall arise, and shall be laid in the proper county, and the defendants may plead the general issue, and give the special matter in evidence; and if the plaintiff is nonsuited or discontinues, [or if on verdict or demurrer, 26 G. 3. c. 70. s. 34.] [on demurrer or otherwise, 28 G. 3. c. 37. s. 23.] judgment is given against him, the defendant shall have treble costs, with usual remedy to recover the same, 26 G. 3. c. 70. s. 34. 28 G. 3. c. 37. s. 23.

10. In case any information or suit is commenced and brought to trial, for any seizure of goods, &c. seized as forfeited under any act relating to the revenues of excise and customs, or of any ship, vessel, or boat, or of any horse, cattle, or carriage used in removing the same, wherein a verdict is found for the claimer thereof, and it appears to the court before whom the same is tried, that there was a probable cause of seizure, such court shall certify the same, and then such claimant shall not be entitled to any costs, nor shall the person seizing be liable to any action, &c. on account of such seizure; and in case any action, &c. is commenced against such person on account of such seizure, (whether any information is brought to condemn the same or not), and a verdict is given against the defendant, and the court before whom the same is tried shall certify as aforesaid, then the plaintiff, besides the thing so seized, or the value thereof, shall not have more than 2*d.* damages, nor any costs, nor shall the defendant in such prosecution be imprisoned, or fined above 1*l.*, 28 G. 3. c. 37. s. 24.

11. FOR THE MORE EFFECTUAL PUNISHMENT OF persons assaulting revenue officers, rescuing prohibited or uncustomed goods, or offending against the laws of quarantine, 26 G. 3. c. 77 s. 18. (This title is framed from this section.) [AMD. as to such offenders being in custody for want of bail, 35 G. 3. c. 96.]

12. Wherever any person is charged with assaulting or obstructing any officer of the customs or excise in the execution of his office, or any person acting in their aid, or with rescuing or attempting to rescue any uncustomed or prohibited goods after seizure by such officers, or with any offence against the laws of quarantine; and the same is made appear to any judge of K. B. by affidavit or certificate of any indictment or information being filed against him in such court for such offence, such judge may issue his warrant under his hand and seal, for apprehending and bringing the offender before a judge of such court, or a justice of peace, in order to his being bound by recognizance to H. M., with two sureties in the sum in the warrant expressed, with condition to appear in such court at the time in the warrant mentioned, to answer all indictments or informations for such offences; and in case such person shall neglect to be bound, such judge or justice may commit him to the common gaol of the place where he was apprehended or the offence was committed, until he shall be so bound, or until discharged by order of the court of K. B. in term time, or judge thereof in vacation; and such recognizance shall be returned and filed in such court, and shall continue in force until such person is acquitted or has received judgment, unless sooner ordered to be discharged, 26 G. 3. c. 77. s. 18.

13. Where any person by virtue of the 26 G. 3. c. 77. s. 18. is committed and detained in gaol for want of bail, the prosecutor may cause a copy of the indictment or information to be delivered to him, or to the gaoler, keeper, or turnkey, with a notice indorsed, that unless such person shall, within the time fixed by the court of K. B. [See R. M. T., 6 Term Rep. 400.] cause an appearance, and a plea or demurrer to be entered in such court thereto, an appearance and a plea of not guilty will be entered for him; and in case he shall neglect so to do, the prosecutor may, on affidavit made and filed in such court, of the delivery of a copy of the indictment, &c. with such notice indorsed, to such person, gaoler, &c., (which affidavit may be made before any judge or commissioner of such court,) may cause an appearance and a plea of not guilty to be entered for him, and the usual proceedings shall be had thereon and if, on the trial, such offender is acquitted, the judge who tried him although not a judge of the court of K. B., may discharge him from custody as to the commitment under such act, and he shall be discharged accordingly, 35 G. 3. c. 96. [see further, 48 G. 3. c. 58. s. 1. *tit.* ARREST, *pl.* 42.]

REVERSIONER.

1. CUI IN VITA FOR A WIFE. RECEIT OF A WIFE OR OF ONE IN reversion to defend, 13 E. 1. (*West. Sec.*) c. 5. [AMD. 20 E. 1. S. 5.]

2. In case where a man doth lose by default the land which was the right of his wife, the woman after death of her husband shall recover by a writ of entry, whereto she could not disagree during his life, which shall be pleaded in form under written. 13 E. (*West. Sec.*) c. 3. s. 1.

3. If the tenant do except against the demand of the wife that he entered by judgment, and if it be found that his entry was by default, whereto the tenant must make answer, if demanded of him, then he shall answer over, and shew his right according to the form of the writ that he purchased before against husband and wife; and if he can verify that he hath right, the woman shall gain nothing by her writ; but if he cannot so shew, she shall recover, provided that if the husband absent himself, and will not defend his wife's right, or against his wife's consent will render the land, the wife may come before judgment, and be admitted to defend her right, *id.* *ibid.*

4. In like manner, if tenant in dower, tenant by the curtesy, or otherwise for term of life, or by gift where the reversion is reserved, do make default or will give up, the heirs or reversioners shall be admitted to their answer if they come before judgment; and if on default or surrender judgment be given, then the heirs or reversioners shall, after the death of such tenants, have recovery by writ of entry, in which like process shall be observed, as in case where husband loseth his wife's land by default, *id.* s. 2.

5. So in cases aforesaid, two actions do concur, one between demandant and tenant, and the other between the tenant shewing his right and demandant, *id.* s. 3.

6. "Where any demands by writ, any tenement against tenants by the curtesy or fee-tail in dower or for life, or for years, and the demandant sueth so far that the lands be adjudged to him, and upon judgment, a party comes in by a collateral title, and says that he has fee and right in those tenements, and prays to be admitted to answer the demandant under the 13 E. 1. *West. Sec.* c. 5." it is provided, That in such case, before the receipt of such party, he shall find surety as the court awards, to satisfy the demandant of the value of the tenement so to be recovered from the day he is received to answer, until final judgment given, in case the demandant recovers, and shall if he have whereof, be fined, or imprisoned if he have not; but if he prove his right, he shall go quit, 20 E. 1. S. 3.

7. REVERSIONERS SHALL BE RECEIVED TO DEFEND their title in suits commenced against particular tenants, 13 R. 2. c. 17.

8. If any tenant for life, or dower, by the curtesy, or in tail after possibility of issue extinct, be impleaded, and he in reversion comes into court and prays to be received to defend his right at the day the tenant pleads to the action, or before he shall be so received without taking any delay by voucher, aid prayer, homage, or otherwise, so that after such receipt he shall have no delay by esoin or otherwise; and days of grace may be given by the judges, between the demandant and him so received, without giving the common day in pleas of land if the demandant will not assent, 13 R. 2. c. 17. s. 1. [s. 2. is Exp.]

9. The reversioners so received, shall find surety for the issues of the tenements demanded for the time the demandant is delayed; after the plea determined, if judgment pass for the demandant against those in the reversion aforesaid; as well where the receipt is counterpleaded as where it is granted, 13 R. 2. c. 17. s. 3.

RIOT. (See ASSEMBLIES.)

(STATUTES repealed and expired.)

1. FOR PUNISHMENT OF RIOTERS, 2 R. 2. St. 1. c. 6. [REP. 2 R. 2. St. 2. c. 2.]

2. MANUMISSIONS, BONDS, &c. LATE MADE BY COMPULSION, shall be void. [Exp.] It shall be treason to begin a riot, rout, or rumor, 5 R. 2. St. 1. c. 7. [Rep. as to the Treason, 1 Ed. 6. c. 12. s. 2.]

3. FOR INDEMNIFYING PERSONS CONCERNED IN REPRESSING INSURRECTIONS, 7 H. 4. c. 18. [Exp.]

4. FOR COMPELLING OBEDIENCE TO HIS MAJESTY'S WRITS, &c., against rioters and others, 31 H. 6. c. 2. Exp.

5. AGAINST RIOTS AND UNLAWFUL ASSEMBLIES, 11 H. 7. c. 7. [Exp.]

6. FORMER STATUTES AGAINST RIOTS CONFIRMED, 12 H. 7. c. 2. [Exp.]

7. FOR MORE EFFECTUALLY BRINGING TO JUSTICE any person concerned in the barbarous murder of captain *John Porteous*, and punishing such as shall knowingly conceal any of such offenders, 10 G. 2. c. 35. [Exp.]

8. TO INDEMNIFY SUCH PERSONS AS HAVE ACTED in the suppression of the late riots, [1780] in and about the cities of *London* and *Westminster* and borough of *Southwark*, and for the preservation of the public peace, 20 G. 3. c. 63. [Exp.]

(STATUTES in force.)

1. NONE SHALL MAKE ANY RIOTOUS ASSEMBLY, and when any riotous assembly is beginning, the sheriffs shall take the power of the county to resist the same, and apprehend the offenders; and all lords and lieges shall be aiding such sheriff therein, 17 R. 2. c. 8.

2. FOR SUPPRESSING RIOTS, ROUTS, AND UNLAWFUL ASSEMBLIES, 13 H. 4. c. 7. [Rec. and AMD. 2 H. 5. St. 1. c. 8. and CONF. and AMD. as to the qualification of jurors in cases of riot, 19 H. 7. c. 13.]

3. If any riot, assembly, or rout of people, against law, be made, the justices of peace, or two of them, and the sheriff, shall come with the power of the county, if need be, and arrest them; and the same justices and sheriff shall record that they find so done in their presence against law, and by such record such offenders shall be convict in manner as in the statute of forcible entry, 15 R. 2. St. 12. c. 2.; and if such offenders be departed before the coming of the justices and sheriff, the same justices, or two of them, shall diligently enquire, within a month after, of such riot, assembly, or rout, and shall hear and determine the same, 13 H. 4. c. 7. s. 1.

4. If the truth cannot be so found, then within a month next following, the justices, or two of them, and the sheriff shall certify before H. M. and his council, all the circumstances thereof, which certificate shall be of like force as the presentment of 12 men; upon which certificate the offenders shall be put to answer, and they which be found guilty shall be punished after the discretion of H. M. and his council, *id.* s. 2.

5—7. If such offenders traverse the matter certified, the certificate and traverse shall be sent to the K. B. to be tried and determined; and if the offenders do not come before H. M. and his council, or in the K. B. at the first precept, there shall be made another, directed to the sheriff, to take the offenders if they may be found, and bring them at a certain day before H. M. and his council, or in the K. B.; and if they cannot be found, the sheriff shall make proclamation in the county next ensuing the delivery of the second command, that they come before H. M. and his council, or in the K. B., or in the chancery in time of vacation, within three weeks then following; and in case the offenders come not, and the proclamation is made and returned, they shall be convict of the riot, assembly, or rout, *id.* s. 3.

8. The justices of peace dwelling nearest where such riot, assembly, or rout, is made, together with the sheriff, and also the justices of assizes or the time that they shall be in their sessions, if such riot, &c. is done

in their presence, shall do execution of the same statute, every one upon pain of 100*l.* to H. M., 13 H. 4. c. 7. s. 4.

9. If default be found in the said justices of peace, [named in 13 H. 4. c. 7. pl. 3.] or in the justices of assize or sheriff or under-sheriff of the county where such riot, assembly or rout is made, touching the execution of the said statute; then, at the instance of the party grieved, H. M.'s commission shall go out under his great seal, to inquire as well of the truth of the cause, and of the original matter, as of the defaults of the justices, sheriff, or under-sheriff, to be directed to indifferent persons, at the nomination of the chancellor; and the commissioners shall send into the chancery the inquests before them taken, 2 H. 5. St. 1. c. 8. s. 1.

10. And the coroners shall make the panel for the time that the sheriff, that is supposed in default, shall continue in his office, which coroners shall return no persons but such which have lands to the value of 10*l.* by the year; and the coroners shall return upon the persons, impanelled at the first day issues to 20*l.*, and at the second day 40*l.*, and at the third day 100*l.*, and at every day after, the double at least; and the same shall go to H. M. and be levied to his use; and if default be found in the coroners, touching the return of such persons impanelled, or touching the return of issues, every of them shall pay to H. M. 40*l.*, 2 H. 5. St. 1. c. 8. s. 2.

11. And if the sheriff be discharged of his office, the new sheriff shall make the panel under the like penalties as before. And the chancellor, as soon as he may have knowledge of such riot, assembly, or rout, shall cause H. M.'s writ to be sent to the justices of peace and to the sheriff, that they put the statute [*scmb.* 13 H. 4. c. 7.] in execution, upon the pain contained in the same; and though such writ come not to the justices or sheriff, they shall not be excused if they make not execution of the statute, 2 H. 5. St. 1. c. 8. s. 4.

12. Provided that the justices and other officers shall do their offices at H. M.'s costs, by payment to be made by the sheriff by indentures betwixt such sheriff and the justices and other officers, and shall be allowed the same in his accounts at the exchequer. And rioters attainted of great and heinous riots shall have one year's imprisonment, and rioters attainted of petty riots, shall have imprisonment as best shall seem to H. M. or his council; and the fines of such rioters shall be by such justices increased in greater sums than they were wont to be in aid of the costs of the justices on their behalf; and H. M.'s liege people in the country shall be assistant to the justices, commissioners, sheriff, or under-sheriff, when they shall be reasonably warned, to ride with them to resist such riots, &c., upon pain of imprisonment, and to make fine and ransom to H. M.; and bailiffs of franchises shall cause to be impanelled sufficient people, upon pain to lose to H. M. 40*l.*; in case such sufficient persons may be found within the same franchise; and the like ordinances shall take effect in cities and other places, and towns unfranchised, which have justices of peace within such cities, &c., *id.* s. 7.

13. If any riot, rout, or unlawful assembly be committed, the sheriff having a precept directed to him, shall return 24 persons dwelling within the shire where such riot, &c. is done, whereof every of them shall have lands within the same shire, to the yearly value of 20*l.* of charter land or freehold, or 26*l.* 8*d.* of copyhold, or of both, to enquire of the same riot, &c.; and he shall return upon every person so by him impanelled in issues in the first day 20*l.*, in the second 40*l.*, if they appear not and be sworn to enquire of the premises at the first day; and if default be found in the sheriff for returning other persons, not being of such sufficiency, or return not issues as aforesaid, then such sheriff shall forfeit to H. M. 20*l.*, 19 H. 7. c. 13. s. 1. [But see the present qualifications of jurors, *JURY*, pl. 3. and 35.]

14. And if such riot, &c. be not found by such jury, by reason of any maintenance or embracery, then the same justices and the sheriff, besides the certificate that they must make according to 13 H. 4. c. 7. shall therein also certify the names of the maintainers and embracers, with their misdemeanors that they know, upon pain to forfeit 20*l.*, if they have no excuse for not so certifying, which certificate shall be of like force as the verdict of 12 men; and every person duly proved to be a maintainer or embracer, shall forfeit to H. M. 20*l.*, and they be committed to ward by discretion of the justices, *id.* s. 3.

15. AGAINST TUMULTS AND DISORDERS UPON PRETENCE OF preparing or presenting public petitions or other addresses to H. M. or to parliament, 13 C. 2. St. 1. c. 5. (and recital in s. 1.)

16. No person shall solicit or procure the getting of hands, or other consent of any persons above 20, to any petition, complaint, remonstrance, declaration, or other address to H. M. or parliament, for alteration of matters established by law in church or state, unless the same has been before consented to by 3 justices, or by the major part of the grand jury of the county where the matter shall arise, at their assizes or quarter sessions; or if arising in *London*, by the lord mayor, aldermen, and commons, in common council assembled; nor shall any repair to H. M. or parliament, in order to present the same, accompanied with more than 10 persons, upon pain to forfeit 100*l.*, and suffer

3 months' imprisonment; such offence to be prosecuted in K. B. or at the assizes or quarter sessions within 6 months after committed, and proved by 2 witnesses, 13 C. 2. St. 1. c. 5. s. 2.

17. This act shall not debar any persons, not exceeding 20, to present any public or private grievance or complaint, to any member of parliament after his election, and during the continuance of the parliament, or to H. M., nor extend to any address to H. M. by any members of both houses of parliament during the sitting thereof, *id.* s. 3.

18. FOR PREVENTING TUMULTS AND RIOTOUS ASSEMBLIES, and for the more speedy and effectual punishing the rioters, 1 G. 1. St. 2. c. 5. (the Riot Act.) [and see 60 G. 3. c. 6. ASSEMBLIES, *pl.* 40. 51. 54.]

19. If any persons, to the number of 12 or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, and being commanded by a justice of peace, sheriff of the county, or his under-sheriff, or by the mayor, bailiff, or other head officer or justice for any city or town corporate, where such assembly shall be, by proclamation to be made in H. M.'s name, in form here given, to disperse, and peaceably depart, shall, to such number of 12 or more, notwithstanding such proclamation, unlawfully, &c. continue together by the space of one hour, after such command so made, then such continuing shall be adjudged felony, and the offenders shall suffer death, without clergy, *id.* s. 1.

20. The justice of peace or other person authorized by this act to make such proclamation shall, among such rioters, or as near as he can safely come, command silence, and make proclamation as follows:

'Our sovereign lord the king chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, on the pains contained in an act made in the first year of king George [semb. should be added *The First*] for preventing tumults and riotous assemblies. God save the king.'

And every such justice, sheriff, or under-sheriff, mayor, bailiff, &c. within their respective jurisdictions, shall, on notice of such unlawful &c. assemblies, resort to the place where such assembly is to the number of 12 or more, and there make such proclamation, *id.* s. 2.

21. If such persons so unlawfully assembled, or 12 or more of them, do not, after proclamation made, disperse within one hour, then every such justice, sheriff, or under-sheriff, and all peace officers of the county, and every mayor, &c. and peace-officer of any city or town corporate, where such assemblage shall be, and all persons assisting them, (and they may command all H. M.'s subjects to assist,) may seize and apprehend such persons so unlawfully, riotously, &c. continuing together after proclamation made, and carry them before some justice for the county or place, to be proceeded against according to law. And if such persons so assembled shall happen to be killed, maimed, or hurt in dispersing and apprehending them, or endeavouring so to do, then every such justice, &c. and peace officer, and all persons aiding, &c. shall be free and discharged and indemnified against H. M., and all other persons, for such killing, &c., *id.* s. 3.

22. All persons unlawfully, riotously, and tumultuously assembled together, in disturbance of the public peace, who shall unlawfully and with force demolish or pull down, or begin so to do, any church or chapel, or any building for religious worship, certified and registered according to 1 W. & M. s. 1. St. 1. c. 18. or any dwelling-house, barn, stable, or other out-house, shall be guilty of felony, and suffer death without clergy, *id.* s. 4.

23. All persons who shall with force and arms wilfully and knowingly oppose, obstruct, or otherwise let, hinder, or hurt any person that shall begin, or go to make such proclamation, whereby it shall not be made, shall be guilty of felony, and suffer death, without clergy; and also all persons so unlawfully, &c. assembled to the number of 12, to whom proclamation ought to be made, if the same had not been so hindered, who shall continue together, and not disperse within one hour after such let, having knowledge thereof, shall be adjudged felons, and suffer death without clergy, *id.* s. 5. [See further as to demolishing or setting fire to buildings, &c. 9 G. 1. s. 22. s. 7., *pl.* 34.; 9 G. 3. c. 29. *tit.* MILLS; 41 G. 3. U. K. c. 24., *tit.* MINES; 43 G. 3. c. 58. *tit.* OFFENCE, &c.]

24. If any such church, house, &c. as in s. 5. is demolished or pulled down, wholly or in part, by persons so unlawfully assembled, then if such church or house, &c. is out of any city or town, that is a county of itself, or is not within any hundred, then the inhabitants of the hundred where such damage is done, shall yield damages to the persons damaged by such demolition, &c.; and such damages may be recovered in the courts of record at Westminster, (wherein no essoin, &c. and no imparlance shall be allowed) by the persons damaged, against two or more inhabitants of such hundred; and such action for damages done to any church or chapel shall be in the name of the rector, vicar, or curate thereof, in trust, for applying the damages to be recovered in rebuilding or repairing the same; and judgment being given for the plaintiff, the damages so recovered shall, at his request, or that of his executors or administrators, be raised and levied on the inhabitants

of such hundred, in the same manner as in case of robberies, under 27 E. c. 13. *tit.* HUE AND CRY, 1 G. 1. St. 2. c. 5. s. 6.

25. And in case any such church, chapel, building for religious worship, dwelling-house, &c. so damaged, is in any city or town that is a county of itself, or is not within any hundred, then such action may be brought in manner aforesaid, (wherein no essoin, &c.) against two or more inhabitants of such city or town, and judgment being given for the plaintiff, the damages so recovered shall, at request of the plaintiff, his executors, &c. made to the justices of such city or town, at quarter sessions, be raised and levied on the inhabitants, and paid to him in such manner as in case of robbery (under 27 E. c. 13.) 1 G. 1. St. 2. c. 5. s. 6.

26. The act shall be read at every quarter sessions, leet or law day, *id.* s. 7.

27. No persons shall be prosecuted for offences against this act, unless within 12 months after the offence committed, *id.* s. 8.

28. The sheriffs, stewards, bailies of regalities, and the deputies of each of them, magistrates of royal boroughs, and all other inferior judges, and magistrates, and all peace officers of any county, stewardry, city, &c. in Scot., shall have the same power, &c. to execute this act within Scot., as magistrates have by this act in other parts of the kingdom, and all persons convicted of any offence against this act in Scot., shall suffer death, and confiscation of moveables; and all prosecutions for damages to churches, chapels, &c. demolished or pulled down, in whole or in part, in Scot., by persons unlawfully, &c. assembled, may be recovered by summary action, at instance of the party grieved, or his heirs, executors, &c. against the county, &c. where such disorders happen, the magistrates being summoned in the ordinary form, and the several counties and stewardries, called by edictal citation, at the market cross of the head borough of each county, &c. and that in general without mentioning their names and designations, *id.* s. 9.

29. This act shall extend to all places of religious worship in Scot., tolerated by law, and where H. M., and prince and princess of Wa., and their issue are prayed for in express words, *id.* s. 10.

30. AGAINST DISGUISED PERSONS AND WEARING OF VISORS, 3 H. 8. c. 9. [Exp.]

31. FOR THE MORE EFFECTUAL PUNISHING WICKED AND EVIL disposed persons going armed, in disguise, and doing injuries and violence to the persons and properties of H. M.'s subjects, and for the more speedy bringing to trial of such offenders, 9 G. 1. c. 22. (called the Black Act) [CON. 12 G. 1. c. 30., 6 G. 2. c. 37. s. 4., 10 G. 2. c. 32. s. 1., 17 G. 2. c. 40. s. 4., 24 G. 2. c. 57. s. 2. MADE PERP. 31 G. 2. c. 42. s. 2. AMD. as to sending threatening letters, 27 G. 2. c. 15., and EXT'D. to certain other offences, 10 G. 2. c. 30. s. 4., which is CON. 24 G. 2. c. 57. s. 5. and MADE PERP. 31 G. 2. c. 42. s. 5.]

32. If any persons armed with swords, fire arms, or other offensive weapons, having their faces blacked, or being otherwise disguised, shall appear in any forest, chase, park, paddock, or grounds enclosed with any fence, wherein any deer have been kept; or in any warren, or place where hares or conies are kept, or in any high road, open heath, common, or down; or shall unlawfully hunt, wound, kill, destroy, or steal any red or fallow deer, or rob any such warren; or steal, or take away any fish out of any river or pond; or unlawfully and wilfully hunt, wound, kill, destroy, or steal any red or fallow deer, fed or kept in any places in any of H. M.'s forests or chases, inclosed with fences, or in any park, paddock, or grounds enclosed, where deer are usually kept; or shall unlawfully and maliciously break down the head or mound of any fishpond, whereby the fish shall be lost or destroyed; or shall unlawfully and maliciously kill, wound, or maim any cattle; or cut down or destroy any trees planted in any avenue, or growing in any garden, orchard, or plantation for ornament, shelter, or profit; or set fire to any house, barn, or outhouse, or to any hovel, cock, mow, or stack of corn, straw, hay, or wood; or shall wilfully and maliciously shoot at any person, in any dwelling-house, or other place; or knowingly send any letter without any name subscribed thereto, or signed with a fictitious name, demanding money, venison, or other valuable thing; or forcibly rescue, [see *tit.* RESCUE,] any person being lawfully in custody for any such offences, or shall procure another to join him in any such unlawful acts, such person shall on conviction be adjudged guilty of felony, and suffer death without clergy, 9 G. 1. c. 23. s. 1.

33. Persons who shall knowingly send any letter without any name subscribed thereto, or signed with a fictitious name, or letter threatening to kill or murder any of H. M.'s subjects or to burn any houses, outhouses, barns, stacks of corn, or grain, hay or straw, or other valuable thing, though no money be demanded in such letter, shall be deemed guilty of felony, and suffer death without clergy, 27 G. 2. c. 15.

34. The inhabitants of every hundred in Eng. shall make satisfaction to all persons, their executors, &c., for the damages they shall have sustained by the killing and maiming of cattle, destroying of trees, setting fire to any house, barn, &c. done by any offender against this act; and persons sustaining such damages may sue for the same, the sum to be recovered not exceeding 200*l.* against the inhabitants of the hundred;

and if they shall recover and sue execution against any of such inhabitants, all the other inhabitants shall be rateably taxed towards contribution for relief of such inhabitant; which tax shall be raised as damages recovered against the inhabitants of hundreds in cases of robbery, by 27 *El. c. 13.* (HUE AND CRY), 9 *G. 1. c. 22. s. 7.* [see further, as to trees, 19 *G. 2. c. 36. s. 9., TREES.*]

35. No persons shall recover damages by this act unless they or their servants, within 2 days after such damage done, give notice of such offence to some of the inhabitants near the place where such fact shall be committed; and shall within four days after such notice give in their examination upon oath before any justice of the peace of the county, &c., inhabiting within or near the said hundred, whether they know the persons that committed such fact; and if they confess that they know the persons, or any of them, they shall be bound by recognizance to prosecute the offenders, 9 *G. 1. c. 22. s. 8.*

36. Where any one of such offenders shall be apprehended and convicted within 6 months after the offence, no hundred shall be liable as aforesaid, *id. s. 9.*

37. No person who shall sustain any damage contrary to this act shall be enabled to sue the hundred, except he commence his action within one year after the offence, *id. s. 10.*

38. Any justice of peace may issue his warrant to any constable, or other peace-officers, to enter into any house, to search for venison stolen or unlawfully taken, as for stolen goods, *id. s. 11.*

39. If any person shall apprehend, or cause to be convicted, any of the offenders above mentioned, and shall be killed, or wounded so as to lose an eye, or the use of any limb, in apprehending such offenders, then on proof thereof at the quarter sessions for the county, &c. where the offence was committed, the justices shall give a certificate thereof to the person so wounded, or the executors, &c. of the party killed, which shall entitle them to receive of the sheriff of the county 50*l.*, to be allowed the sheriff in passing his accounts; which 50*l.* the sheriff is to pay within 30 days from the day on which the certificate shall be shewn him, on forfeiture of 10*l.* to the person to whom the certificate is given; for which 10*l.* as well as the 50*l.* such person may bring his action upon the case against the sheriff, as for money had and received to his use, *id. s. 12.*

40. Every offence against this act may be inquired of and tried in any county in *Eng.*; but no attainder for any offences made felony by this act shall make corruption of blood, loss of dower, or forfeiture of lands and goods, *id. s. 14.*

41. This act shall be read at every quarter sessions, leet or law-day, *id. s. 15.*

42. If any person is charged with any of the said offences before 2 justices of the county where the same were committed, by information of one person on oath by him subscribed, such justices shall certify under hand and seal, and return such information to one of the principal secretaries of state, who is to lay the same before H. M. in council; whereupon H. M. may make his order in council, commanding such offender to surrender himself within 40 days to a judge of K. B., or to a justice of peace, to answer the offences wherewith he is charged; which order shall be printed in the next *London Gazette*, and transmitted to the sheriff of the county where the offence was committed, and shall within 6 days after the receipt thereof be proclaimed by him or his officers, between 10 and 2 in the afternoon, in the market-places, on the market-days, of 2 market-towns in the county, near the place where such offence was committed; and a copy of the order shall be affixed in some public place in such market-towns: and if such offender shall not surrender pursuant to such order, he shall be deemed convicted and attainted of felony, and shall suffer death without clergy; and the court of K. B., or the justices of *oyer and terminer*, or gaol delivery for the county where the offence is sworn in such information to have been committed, upon producing such order in council, under the seal of the council, may award execution against such offender, as if he had been convicted in such court, &c., 9 *G. 1. c. 22. s. 4.*

43. Every person who, after the time appointed for the surrender of any person so charged is expired, shall conceal, abet or succour him, knowing him to be so charged and required to surrender, shall, being convicted thereof, suffer death as a felon without clergy, *id. s. 5.*

44. Nothing herein contained shall hinder any judge, justice of peace or minister of justice, from apprehending such offenders, against whom such information is given and such order in council made; and if they be taken before the time be expired, no farther proceedings shall be had upon such order in council, *id. s. 6.*

45. All the provisions of 9 *G. 1. c. 22.*, "for the more speedy bringing of offenders against that act to justice, and the persons concealing or abetting them, and for making satisfaction to all persons and their executors and administrators, for the damages they shall sustain by any such offenders, and for the encouragement of the apprehension of such offenders, and for the better trial of any indictment or information found for such offences, together with all restrictions, limitations and

mitigations, shall extend to all cases of offences by unlawfully and maliciously breaking or cutting down of the bank or banks of any river, or any sea bank, whereby the lands shall be overflowed or damaged, or by unlawfully and maliciously cutting any hop binds, growing on poles in any plantation of hops; or by unlawfully and maliciously setting on fire or causing to be set on fire, any mine, pit or delph of coal, or cannel coal, 10 *G. 2. c. 32. s. 4.*

46. FOR THE MORE EFFECTUAL PUNISHMENT OF PERSONS destroying the properties of H. M.'s subjects, and enabling the owners of such properties to recover damages for the injury sustained, 52 *G. 3. c. 130.*; [See as to destroying mills, 9 *G. 3. c. 29.* MILLS; and as to mines, 41 *G. 3. U. K. c. 24.* MINES; and see 1 *G. 4. c. 56. tit. TRESPASS.*]

47. All persons who wilfully and maliciously burn or set fire to any building, erections or engines, used or employed in the carrying on or conducting of any trade or manufactory, or any branch or department of any trade or manufactory of goods or merchandizes, of any kind or description, or in which any goods, &c. shall be warehoused or deposited, shall, on conviction, be guilty of felony, and suffer death without clergy, 52 *G. 3. c. 130. s. 1.*

48. All persons unlawfully, riotously, and tumultuously assembled together in disturbance of the public peace, who shall unlawfully and with force, demolish or pull down, or begin to demolish or pull down any erection and building, or engine, used or employed in any such trade or manufactory (as in *s. 1.*), or in which any goods, &c. are warehoused, or deposited, shall be guilty of felony, and suffer death without clergy, *id. s. 2.*

49. The persons damnified by such demolishing or pulling down, wholly or in part, of any such erection, &c. may recover the value of such erection, &c. and of the machinery belonging thereto, or used therein, which is destroyed in such demolishing, or the amount of damage done to such erection, &c. or machinery, in such tumultuous and riotous demolishing, and may levy and raise same by such manner and form as is by 1 *G. 1. St. 2. c. 5. s. 6. pl. 24—25.* directed, *id. s. 3.*

50. Provided, that no person shall recover such damages unless he or his servant, within 2 days after such damage done, shall give notice of such offence to some of the inhabitants of some town, village, or hamlet, near the place where the fact was committed, and shall within 4 days after such notice, give in his examination, on oath, or that of his servant that had care of such erection, &c. (as in *pl. 48.*) so damaged, before a justice of peace for the county, liberty, or division, inhabiting within or near the hundred where the fact was committed, whether he knows such offenders, or any of them; and if on such examinations it be confessed he does know the offenders, or any of them, that then he so confessing shall be bound by recognizance to prosecute by indictment or otherwise; but no person who shall sustain any damage by reason of any offence against this act, shall be enabled to sue any hundred, except he bring his action within one year after the offence was committed; but the notice hereby required, may in *Scot.* be given to the sheriff, or steward depute, or substitute of the county or stewardry where the fact happened, in order that the law of *Scot.* may be followed, *id. s. 4.*

RIVERS. (See BANKS OF RIVERS.)

NO RIVERS SHALL BE DEFENDED, [*semb. obstructed by embankments, see 2 Inst. 30.*] but such as were in defence in the time of H. 2. by the same places and bounds, 9 *H. 3. M. C. c. 16.*

RIVERS. (See INLAND NAVIGATION.)

1. ALL MEN SHALL HAVE FREE PASSAGE IN *Severn*, with goods and chattels, 9 *H. 6. c. 5.* [AMD. 19 *H. 7. c. 18., 23 H. 8. c. 12.*]

2. H. M.'s barges may have their free passage in the *Severn*, with flotes and drags, and merchandizes and goods, at their will, without disturbance, and if any disturb such free passage, the party grieved shall have an action according to the common law, 9 *H. 6. c. 5.*

3. None shall hinder vessels from passing on the *Severn*, or take tolls, on penalty of 20*l.* to be recovered by action of debt; but for offences done in the city of *Worcester*, or town of *Gloucester*, the action shall be tried by jurors of the county at large; owners of lands shall be satisfied for damages done by towing of boats, &c., 19 *H. 7. c. 18.*

4. No person shall interrupt another passing on the accustomed paths of *Severn*, nor shall take or demand any toll of any person for the same, on pain to forfeit 40*s.* which shall go in moieties to H. M. and the party suing by bill, &c. wherein no *essoins*, &c., 23 *H. 8. c. 12.*

5. KEEPERS OF FERRIES ON THE WATER OF THE *Severn*, shall not convey in their ferry-boats any persons, goods, or chattels, after the sun going down till the sun be up, 26 *H. 8. c. 5.*

6. Every person taking on them to keep passages upon the *Severn*, shall not convey with any boat or vessel, any person with horses, mares,

oxen, kine, or other cattle, nor other person, before sun rise, or after sun down, upon pain of imprisonment and fine, unless they have good knowledge of such persons and their dwelling-places, and on request made, disclose their names and abodes to any person requiring the same, if suit be made after them upon any outcry of, or for any felony, robbery, murder, or manslaughter, 26 H. 8. c. 5. s. 1.

7. Within the counties of Gloucester and Somerset, the justices of peace at quarter sessions may call before them and bind any such persons keeping such ferries, with sureties in recognizance, in such sums as they deem fit, that such keepers will not, after the time so limited, carry any person or cattle but such as they know and their abodes, and will answer for, and on request will disclose as well the person as the goods so passing, on fresh suit made for any felony, &c. done on the borders of such counties, or in any other place in South Wales, *id.* s. 2.

ROBBERY.

1. THAT NO MAN ROBBERING ANY HOUSE, BOOTH, OR TENT, shall be admitted to the benefit of his clergy, 5 & 6 E. 6. c. 9. (and ss. 1—5.)

2. No person found guilty according to law, for robbing any persons in any part of their dwelling-houses or places, the owner or dweller, or his wife, children, or servants, being therein, or in any other place within the precinct of the same house, shall be admitted to their clergy, whether such owner or dweller, his wife or children, be sleeping or waking, *id.* s. 4.

3. No person found guilty of, and for robbing any person in any booth or tent in any fair or market, the owner, his wife, his children, or servant, being within the same, shall be admitted to his clergy, but be excluded therefrom, and suffer death, as in 23 H. 8. c. 1. (s. 1., BENEFIT OF CLERGY, *pl.* 4.) mentioned, without having any respect whether such owner, his wife, children, or servants, being therein at the time of such robberies and felonies committed, shall be sleeping or waking, 5 & 6 E. 6. c. 9. s. 5.

4. FOR ENCOURAGING THE APPREHENDING OF HIGHWAYMEN, 4 W. & M. c. 8. and s. 1. [Streets of London DECLARED within this act, 6 G. 1. c. 23. s. 8. REP. as to rewards for convicting offenders against the same, and AMD. 58 G. 3. c. 70. s. 1. This act is extended to the county palatine of Durham, by 14 G. 3. c. 46. see COUNTIES PALATINE, (Durham), *pl.* 13., and to burglary, 5 & 6 A. c. 31. see FELONY, *pl.* 65.]

5. Every person and persons who shall apprehend or take any one or more such thieves or robbers, and prosecute him or them to conviction of any robbery committed in any high-way, passage, field, or open place, shall receive from the sheriff of the county where such robbery and conviction shall be made and done, without fee, for every such offender so convicted 40*l.* [but see next *pl.*] within one month after conviction and demand thereof made, by tendering a certificate to such sheriff under the hand of the judge or justices before whom such felons shall be convicted, certifying the conviction of such felons, for a robbery done in such county, and also, that such felons were taken by the person or persons claiming such rewards; and in case any dispute shall arise between the parties claiming such reward, touching their title thereto, such judge or justices shall, in such certificate, direct in what shares the same shall be paid amongst them. And if such sheriff shall die, or be removed before the expiration of one month after such conviction and demand made, the succeeding sheriff shall pay the same within one month after demand and certificate brought; and if such sheriff shall make default in paying the same, he shall forfeit double the sum that ought to have been paid to the party grieved, to be recovered by him, his executors, or administrators, in any court of record at Westminster, by action of debt, &c. or information, wherein but one imparlance and no essoin, &c. shall be allowed, with treble costs, 4 W. & M. c. 8. s. 3.

6. The 4 W. & M. c. 8. s. 2. shall be REP. as to so much which gives any reward for apprehending, &c. thieves and robbers as therein mentioned, 58 G. 3. c. 70. s. 1. [But see as to cases where such reward may be obtained, 58 G. 3. c. 70. s. 5. FELONY, *pl.* 99.]

7. If any person is killed by any such robber, endeavouring to apprehend or in pursuing him, the executors or administrators of such person or persons entitled to administer the estate (upon certificate delivered under the hands and seals of the judge or justices of assize for the county where fact was done, or the two next justices of peace, that such person was so killed, which certificate shall be given on due proof made without fee), shall receive 40*l.* from the sheriff of such county, and on failure of payment double such sum, to be recovered with treble costs, as in s. 2. aforesaid, 4 W. & M. c. 8. s. 3.

8. All sheriffs, their executors or administrators, upon producing such certificates and receipts for money paid by them under this act, shall deduct upon their accounting with H.M. all monies (other than such double sums and costs) which they so disburse without fee, 4 W. & M. c. 8. s. 4. [but see next *pl.*]

9. If upon account of any sheriff there shall not be money enough in his hands to reimburse him, the treasury shall repay such monies by him so paid, upon certificate from the clerk of assize to that effect, 4 W. & M. c. 8. s. 5. [Sheriff may apply to treasury immediately for repayment of such sums without charging them in his accounts, 5 G. 1. c. 15. s. 4. tit. SHERIFF.]

10. All persons who shall apprehend, prosecute or convict any such robber, shall have the horse, furniture and arms, money or other goods of such robber, any their majesties' right or title, bodies politic or corporate, or the right of the lord of any manor or liberty, or of him lending or letting the same, notwithstanding; provided this clause shall not take away the right of any person to such horses, &c. from whom the same were feloniously taken, 4 W. & M. c. 8. s. 6.

11. If any person being out of prison shall commit any robbery, and afterwards discover two or more persons who have committed like offences, so that they may be convicted, such discoverer shall be entitled to H.M.'s pardon for such robberies by him committed at any time before such discovery made, and such pardon shall bar appeals for such offences, 4 W. & M. c. 8. s. 7.

12. The streets of London and Westminster, and other towns, shall be deemed highways within the meaning of 4 & 5 W. & M. c. 8., and all certificates to be signed upon convictions for robbery shall be signed and paid without any deduction or fee, excepting 5*s.* for the writing and drawing thereof, and that as well where the offenders plead guilty as where they are convicted on evidence; and every person who, under pretence of signing any such certificate, or on account of payment of the money allowed therein, shall take any fee other than as aforesaid, shall forfeit 40*l.* to be recovered by action of debt, &c. or information in any court at Westminster, wherein no essoin, &c. or more than one imparlance shall be allowed, such forfeiture to be to the use of the party entitled to such certificate, 6 G. 1. c. 23. s. 8. [See 48 G. 3. c. 129., FELONY, *pl.* 91—92., whereby stealing from the person is punished by transportation, if not accompanied with force or a putting in fear sufficient to a robbery.]

13. FOR MORE EFFECTUAL PREVENTING AND PUNISHING robberies committed in houses, 12 A. c. 7.

14. All persons who shall feloniously steal money, goods or chattels of 40*s.* value or more, being in any dwelling-house or out-house thereto belonging, though such house, &c. be not actually broken by such offender, and though the owner of such goods, or any other person be or be not in such house or out-house, or who shall aid or assist any person to commit such offence, on conviction or attain by verdict or confession, or who, being indicted thereof, stands mute, or will not directly answer to the indictment, or shall peremptorily challenge above 20 returned of the jury, shall lose the benefit of clergy, *id.* s. 1. [See as to standing mute, 12 G. 3. c. 20., FELONY, *pl.* 82—83.]

15. Nothing herein shall extend to apprentices under 15 who rob their masters as aforesaid, *id.* s. 2.

16. Any person who shall enter the house of another by day or night without breaking same with a felonious intent, or being therein shall commit any felony, and shall, in the night time, break such house to get out of the same, shall be guilty of burglary, and be ousted of his clergy, *id.* s. 3.

17. FOR THE MORE EFFECTUAL PUNISHMENT OF ASSAULTS with intent to commit robbery, 7 G. 2. c. 21.

18. Every person who shall, with any offensive weapon, unlawfully or maliciously assault, or by menaces, or in any forcible or violent manner demand any money or goods from another person with a felonious intent to commit robbery, shall, on conviction, be adjudged guilty of felony and be transported; and the court trying such offender may sentence him to transportation for 7 years on such conditions and in such ways as other felons may be, *id.* s. 1.

19. If any such offender ordered for transportation under this act shall break gaol or escape before such transportation, or shall return to G.B. or Ire. before such 7 years are expired, he shall, on conviction, suffer death, and have execution awarded against him as persons attainted of felony without clergy, *id.* s. 2.

20. FOR THE MORE EFFECTUAL PREVENTING ROBBERIES and thefts upon any navigable river, ports of entry or discharge, wharfs and keys adjacent, 24 G. 2. c. 45.

21. Every person who shall feloniously steal any goods of the value of 40*s.* in any ship, barge, lighter, boat or other vessel or craft upon any navigable river, port of entry or discharge within G.B., or upon any wharf or key adjacent to any navigable river or port, &c. or shall be present aiding therein, on being convicted or attainted thereof; or being indicted thereof, shall of malice stand mute, or will not answer to the indictment, or shall peremptorily challenge above 20 jurymen, shall be excluded from his clergy, *id.* *ibid.* [See 12 G. 3. c. 20. FELONY, *pl.* 82.]

SAFE CONDUCT. (See PRIZE.)

(STATUTES repealed and expired.)

1. FOR PUNISHING BREAKERS OF TRUCES AND SAFE CONDUCTS, and for appointing conservators thereof in every port, 2 H. 5. S. 1. c. 6. [Susp. as to the penalties of treason, 14 H. 6. c. 8., 20 H. 6. c. 11., CONF. 29 H. 6. c. 2. (which acts are all Exp.); but it appears REP. by 14 E. 4. c. 4., which confirms all statutes against breakers of safe conducts not repealed, with an express exception to this statute; (and see 4 Bla. Com., 68—70.); and as to the penalties of treason REP. by 1 E. 6. c. 12. s. 2., 1 M. c. 1. s. 3.]

2. All statutes and ordinances made before 4th March, 1 E. 4. not repealed, against the offenders and breakers of truces, leagues and safe conducts shall be in full force, except 2 H. 5. St. 1. c. 6., 14 E. 4. c. 4.

(STATUTES in force.)

1. FOR REGULATING THE FORM of a safe conduct, 15 H. 6. c. 3.

2. The keepers of the great and privy seal shall not suffer the clause *vidimus* to be put in any safe conduct unless some great cause move H. M. so to grant the same; and in all safe conducts hereafter granted the names of the persons, ship's masters, and the number of mariners, with the ship's burthen, shall be expressed, *id. ibid*

3. ALIEN MERCHANTS may lade ships of enemies under H. M.'s letters of safe conduct in form as in 15 H. 6. c. 3., but captures from ships not having safe conducts on board or enrolled in chancery are valid, 18 H. 6. c. 8.

4. ALL LETTERS OF SAFE CONDUCT to be granted to H. M.'s enemies or other, shall be enrolled in chancery before they are delivered or shall be void, 20 H. 6. c. 1. s. 1.

5. Prizes of goods or merchandizes taken from ships of H. M.'s enemies not having letters of safe conduct inrolled, shall be good, *id. s. 2.*

6. The subjects taking such ships without letters of safe conduct therein, and bringing them within the realm, shall not be endamaged for such taking if they are ready to make restitution within reasonable time after knowledge made to them of such letters enrolled in chancery before the taking, *id. s. 3.*

7. FOR PROVIDING REDRESS FOR ALIENS INJURED in breach of amity, truce, or safe conduct, 31 H. 6. c. 4.

8. If any subjects attempt to offend on the sea or in any port under H. M.'s obeisance against any strangers in amity, league, or truce, or by safe conduct, and specially in attaching of any such strange person, robbing him, his ship, or goods, or against any of the lieges, the chancellor (as well for deliverance of such person as for restitution of his goods) shall have authority, calling to him any one judge of K. B. or C. P. on bills of complaint, to make process out of chancery as well against such offenders as against all other persons to whose hands such person, ship, or goods shall come as for deliverance and restitution thereof, and further to proceed to make full deliverance and restitution to the strangers grieved, and also their costs and losses by award of execution, &c. *id. ibid.*

SAILCLOTH.

(STATUTES expired.)

FOR DISALLOWING THE BOUNTY ON THE EXPORT TO Ire. of sailcloth or canvas of the manufacture of G. B. for a limited time, 37 G. 3. c. 76. [CON. 38 G. 3. c. 30., and till 25th Mar. 1800.; 39 G. 3. c. 26. Exp.]

(STATUTES in force.)

1. AGAINST DECEITFUL-MAKING OF MILDERMIX AND FOWLE DAVIES, whereof sail-cloths for shipping are made, 1 J. 1. c. 24. and recitals in ss. 1—2.

2. No person in this realm shall make sail-cloths called *mildermix* and *poulev daves*, but such as shall be apprentices in the trade of making the same for 7 years; and on pain to forfeit 20s. for every month, 1 J. 1. c. 24. s. 3.

3. No person shall make the said cloths of any other stuff than of good hemp, nor of less length than 33 yards, nor breadth than 3 quarters; nor shall sell or offer to sell them before the stuff be well beaten, scoured, bleached, and the cloth well driven with a brazen or iron shuttle, upon pain to forfeit for every piece 5s. *id. s. 4.*

4. One moiety of the forfeitures shall be to H. M. and the other to such as will sue for the same in any of H. M.'s courts, by action of debt, or information, &c. without essoin, &c. *id. s. 5.*

5. So much English-made sail-cloth, as shall be fit for the service of H. M.'s navy, shall have the preference of foreign sail-cloth. And the commissioners of the navy shall, during the continuance of this act, contract for such English sail-cloth, and allow the makers 2d. per yard above what they pay for foreign cloth of equal goodness, 7 & 8 W. 3.

c. 10. s. 14. [QU. if now in force? the duties only being continued by 8 A. c. 18. s. 4. and MADE PERP. 9 A. c. 21. s. 1. and now lastly REP. by 59 G. 3. c. 52. s. 1.]

6. EVERY MANUFACTURER OF SAIL-CLOTH SHALL AFFIX at the end of every piece thereof a stamp, containing his name and abode; and on exposing to sale any piece of sail-cloth without being stamped, such manufacturer convicted on oath of one witness before one justice, shall forfeit 5l. for every piece; and any person who shall wilfully or maliciously cut off or obliterate any stamp so affixed, or shall affix any stamp on which shall be marked the name and place of abode of any other person, shall, on conviction, forfeit 10l., both which forfeitures shall be levied by distress and sale of goods, by warrant of 2 justices, to the use of the informer, 4 G. 2. c. 27. s. 8.

7. TO ENCOURAGE THE MAKING OF SAIL-CLOTH IN THIS KINGDOM, 7 & 8 W. 3. c. 39.

8. English-made sail-cloth, (on proof on oath of its being made in this kingdom), shall be exported free of custom, whether in the piece or bould, *id. s. 2.*

9. FOR THE BETTER ENCOURAGEMENT OF MAKING SAIL-CLOTH in G. B., 12 A. St. 1. c. 16. [CON. and AMD., 8 G. 1. c. 18. s. 1., 15 G. 2. c. 35. s. 1., 20 G. 2. c. 45. s. 1., 4 G. 2. c. 27. s. 4., 33 G. 2. c. 17., 14 G. 3. c. 80. s. 1., 29 G. 3. c. 55. s. 2. MADE PERP. 45 G. 3. c. 68. s. 1.]

10. Out of the duty on foreign sail-cloth imported, a reward of 1d. per ell shall be paid for British-made sail-cloth, or sail canvas, exported by way of merchandize, provided the exporter make oath that it was made in G. B.,—is actually shipped for export, without intention of re-landing in G. B.,—and that no former reward on this act was made for the same, 12 A. St. 1. c. 16. s. 2. [A further bounty of 1d. per ell given, 4 G. 2. c. 27. s. 4.]

11. Any British-made sail-cloth, for which such reward is given, and which is re-landed in G. B. shall be forfeited, and every person concerned in re-landing it, shall forfeit 2s. per ell, one moiety to H. M. and the other to such as will seize or sue for the same, or its value, by action or information in any court at Westminster, or in exchequer at Edinburgh, with no essoin, &c. and but one imparlance allowed, 12 A. St. 1. c. 1. s. 3.

12. No such award shall be paid, unless such sails shall before their shipping be stamped or marked on every cloth thereof, in some place or warehouse of the exporter, by the searcher, or officer of customs appointed for that purpose, in such manner as the commissioners of customs in Eng. and Scot. shall direct, and every sail made in G. B. of British-made sail-cloth, and shipped as above, in order to obtain the said reward, but not *bonâ fide* exported, according to 12 A. St. 1. c. 16. (*supra*, pl. 10.) or which after being exported shall be brought back or found in any ship belonging wholly or in part to any British subject, within 4 leagues of the coast of G. B. or re-landed there, shall be forfeited, and may be seized by any officer, and prosecuted and recovered by any law of customs, the produce to go between H. M. and the officer, after deducting costs of condemnation and sale, 29 G. 3. c. 55. s. 2.

13. FOR FURTHER ENCOURAGING AND REGULATING THE MANUFACTURE of British sail-cloth, 9 G. 2. c. 37. [CON. and AMD., 19 G. 2. c. 27. s. 11., 4 G. 3. c. 11. s. 1., 18 G. 3. c. 45. s. 2., 33 G. 3. c. 49. s. 1. MADE PERP. 45 G. 3. c. 68. s. 2. REP. as to ss. 6—7., 1 G. 4. c. 25.]

14. All foreign-made sail-cloth entered as hollands, duck, or vitry canvas, which shall be fit for sails, and imported, and for which duties are payable, shall be stamped at the time of landing, 9 G. 2. c. 37. s. 1.

15. The commissioners of customs shall provide stamps for such foreign sail-cloth, and shall cause them to be distributed to the officers of customs of the ports of importation, and which shall express the country from whence it was imported; and any person who shall counterfeit any stamp made in pursuance of this act, or counterfeit the impression of the same on foreign sail-cloth, to defraud H. M. of the duties, shall forfeit 50l. and any person exposing to sale such foreign sail-cloth with a counterfeit stamp, knowing the same to be counterfeit, with intent to defraud H. M., shall forfeit 50l., *id. s. 2.*

16. Every maker of sail-cloth shall affix on every piece by him made a stamp, containing his name and place of abode, in words at length; and any person who shall expose to sale, or work up into sails any piece of British sail-cloth without being stamped, shall, on conviction on oath of one witness before one justice, forfeit 10l. for every piece; and any person who shall wilfully or maliciously cut off or obliterate any stamp so affixed, (except in tarring or working up the same), or shall affix or impress any stamp on which shall be the name or place of abode of any other person, shall forfeit 5l. to be levied by distress and sale of goods, by warrant of 2 justices, to the use of informer, 9 G. 2. c. 37. s. 3.

17. Every ship built in G. B. and every ship built in H. M.'s plantations in America, shall, on her first setting out, have one complete set of sails made of cloth manufactured in G. B.; and in case such ship shall not be fitted as aforesaid, the master shall forfeit 50l., *id. s. 4.*

18. Such ship shall on her being first navigated, be furnished with one complete set of new sails *bonâ fide* belonging to such ship made of

sail-cloth, manufactured in *G. B.* under penalty on the master of 50*l.* for default, 19 *G. 2. c. 27. s. 11.*

19. No person shall make into sails or tarpaulins, any foreign sail-cloth imported after 24th June 1731, not stamped, [as in *s. 1 & 2.*] and in case any person shall make up foreign sail-cloth other than as aforesaid, such sails, &c. shall be forfeited, and such person shall forfeit 20*l.* 9 *G. 2. c. 37. s. 5.*

20. Every maker shall cause this act, or an abstract thereof, to be put up in some public part of the loft or workhouse where his trade is carried on, under the penalty of 40*s.*, *id. s. 8.*

21. The forfeitures herein imposed shall be recovered in any of *H. M.*'s courts in *G. B.* or in such of the plantations wherein such offence shall be committed, by action of debt, &c. or information, with no essoin, &c. and but one imparlance allowed, one moiety to *H. M.*, and the other to the person who shall sue for the same, 9 *G. 2. c. 37. s. 9.*, 19 *G. 2. c. 27. s. 12. s. p.*

22. No part of the penalties in 9 *G. 2. c. 37.* which do not attach to double sail-cloth, shall extend to *British* canvas, made with single thread warps, corded or not corded, and fit for or made into sails, and such single canvas shall be deemed *British* sail-cloth, and equally entitled with double canvas to the bounties given by 12 *A. c. 16. (s. 2.)* and 4 *G. 2. c. 27. [s. 4.] 33 G. 3. c. 49. s. 2.*

23. Such single-thread sail-cloth shall be made of equally good materials, and be conformable in weight, and otherwise to the restrictions on double sail-cloth in 9 *G. 2. c. 37. (s. 7., &c.) id. s. 3.*

24. FOR REGULATING THE MAKING UP OF SAILS, WITH FOREIGN sail-cloth, 19 *G. 2. c. 27. s. 7., &c.* [This title is framed as that of the act itself relates principally to the duties imposed by *s. 1—6. CON. 14 G. 3. c. 80. s. 1., 29 G. 3. c. 55. s. 6. MADE PERP. 45 G. 3. c. 68. s. 3.]*

25. No person in *G. B.*, or *America*, shall work up into sails or tarpaulins, any foreign-made sail-cloth, or canvass not stamped according to this act, on pain of forfeiture thereof; and such offender convicted on the oath of one witness, before a justice for the county or place where the offence is committed, shall forfeit 50*l.* for every sail or tarpaulin by him so made, not being stamped as aforesaid; to be levied by distress and sale of the offender's goods by warrant of 2 justices, to the use of the informer; and for want of such distress, such justice may, by warrant, commit such person to the gaol of the county or place where such offence was committed, for 6 months, or until the penalty paid, 19 *G. 2. c. 27. s. 7.*

26. Every person who shall make up into sails any foreign-made sail-cloth or canvass, shall place the stamps impressed thereon, in the most conspicuous part of such sails, *viz.* on the after side, and in such manner, that the number of stamps may appear proportionably to the number of bolts or pieces in the sail; and in case any person make up any foreign-made sail cloth, &c. in any other manner, such sails shall be forfeited, and the offender shall, for every offence, forfeit 10*l.*, *id. s. 8.*

27. No person shall alter or mend any sail made of foreign-made sail-cloth or canvass not stamped, but shall, for every sail so altered or mended, forfeit 20*l.*, *id. s. 9.*

28. Every sail-maker in *G. B.* and *America* shall affix on every new sail a stamp of 8 inches diameter, containing the name and place of abode of such sail-maker; which stamp, to make the impression durable, shall be dipped in a liquor made with lamp-black mixed with linseed-oil boiled; and in case any person make any new sail and deliver the same not stamped with his name and place of abode as aforesaid, such sail shall be forfeited, and he shall, for every sail so delivered not stamped, forfeit 10*l.*, *id. s. 10.*

SALT.

1. FOR REGULATING the sale and price of salt, [Framed to shew the object of these sections, 7 & 8 *W. 3. c. 31. s. 49.* and *s. 92., 9 & 10 W. 3. c. 44. s. 39., 1 A. St. 1. c. 21. s. 28.*

2. All persons selling salt (except foreign salt) shall sell the same after the rate of 56*lbs.* to the bushel, and every offender shall forfeit 5*l.* to the informer, *id. ibid.*

3. No dealer in salt shall sell it otherwise than by weight at 56*lbs.* to the bushel; and every offender therein shall forfeit 5*l.* to the informer, 9 & 10 *W. 3. c. 6. s. 1.*

4. No person shall buy salt otherwise than by weight, and not by measure, on penalty of 10*s.* for every bushel, to be paid by the person buying, 1 *A. (St. 1.) c. 21. s. 28.*

5. The offences against this act shall be heard and determined by any 2 justices residing near the place where the offence is committed, and the party grieved may appeal to the next quarter-sessions; and all justices of peace, on complaint of any forfeiture made as above, shall summon the accused, and on his appearance or contempt, shall proceed to examination of the fact; and on proof by oath of 2 witnesses, or confession of the party, shall give judgment and issue warrants for levying such forfeitures on the offender's goods, and cause sale to be made,

if not redeemed within 6 days, and for want of distress shall imprison the party till satisfaction is made, 9 & 10 *W. 3. c. 6. s. 2.*

6. When any salt is entered to be put on board any ship, or carried by land, and the duty is paid or secured, together with all monies then due by bond or otherwise on account of salt before then delivered, the officer shall, on notice by himself or deputy, in the day time, between sunrise and sunset, attend the weighing out without loss of time; and on refusal, shall forfeit 40*s.*, to be recovered or mitigated as in *s. 2. id. s. 3.*

7—8. "To prevent exactions in price of salt," The lord mayor and court of aldermen of *London* shall ascertain certain reasonable prices upon all salt to be sold in *London* and the bills of mortality; and the justices of peace shall, at the general sessions, set prices upon all salt sold within the several counties and places where they are justices, and shall, from time to time, alter the prices of salt, which prices are required to be observed by all persons selling salt; and if any shall sell at higher price, or refuse to sell at the prices aforesaid, such persons shall forfeit 5*l.*, to be levied of the goods of such offenders by distress and sale, by warrant of the lord mayor of *London*, or of any justice of peace for the place wherein such distress shall be made; and in default of distress it shall be lawful, by warrant from the lord mayor or any such justice, to imprison the offender until he pay the said sum, 7 & 8 *W. 3. c. 31. s. 92.,* and 9 & 10 *W. 3. c. 44. s. 39. s. p.*

9. FOR MANURING land with salted ashes, 57 *G. 3. c. 49. s. 45.* [Framed from the preamble to this section.]

10. Any salt-maker may throw any quantity of brine in its fluid state, over, into, or amongst his ashes, or other compost heaps, or may steep them in fluid brine, and use, sell, or deliver the ashes or compost so steeped for the purpose only of manuring land: and every such salt-maker shall, on 5th July yearly, deliver to the collector of excise the quantity of such salt, ashes, compost or manure, used and delivered in the preceding year: provided that no saline substance, except liquid brine only, shall be so mixed, sold, used, or delivered: and if any salt-maker so steeping such ashes, &c. in brine, shall put amongst them, or shall, under pretence of this act, use, sell, or deliver, or suffer to be used, &c., any saline substance without payment of duty, except liquid brine so employed as manure; or if he, or any person into whose custody and under whose directions any such salted ashes, compost, or manure shall come, shall use the same for any other purpose than manuring land, he and every person so offending shall severally forfeit 500*l.*, 57 *G. 3. c. 49. s. 45.*

11. TO REPEAL THE DUTY ON ROCK-SALT delivered for feeding or mixing with the food of cattle [as well as the provisions in *s. 1. recited, viz. 57 G. 3. c. 49. ss. 46—48.*], and to impose another duty and make other provisions in lieu thereof, 58 *G. 3. c. 77.* [The principle and many regulations of this act are EXT. by 59 *G. 3. c. 57. ss. 23—36.*]

12. [57 *G. 3. c. 49. ss. 46—48.* are REP. *s. 1.*] Any owner of any rock-salt pit, or mine, may sell and deliver therefrom, or from any warehouse adjoining thereto, such coarse and impure rock-salt as shall be approved by the proper officer of excise appointed to inspect it, in lumps of not less weight than 20*lbs.* each [or 10*lbs.* from warehouses for which entry has been made and bond given, 59 *G. 3. c. 57. s. 34. post, pl. 21.*] to such person and in such quantity as may be granted by the commissioners of excise, for feeding, or mixing with the food of sheep and cattle, steeping seed, or preserving hay, or being employed as manure for lands, on such person's paying 2*s. 6d.* per bushel duty; and so in proportion for a greater or less quantity, such salt being accompanied, on its removal from such mine or warehouse to the place to which it is to be sent, with a permit as required by law, for duty paid on salt, expressing the quantity and quality thereof, and the purposes for which it is removed and intended, 58 *G. 3. c. 77. s. 2.*

13. Every person to whose use such rock-salt shall be sold or delivered, shall, on receipt thereof, or within 2 days afterwards, deliver such permit to the nearest officer of excise, and shall be accountable for the whole being used for the purposes as in *s. 2.*, and in no other manner soever; but no further quantity of rock-salt shall be delivered to any person who has already reserved salt for any such purposes, till such certificate be given by him in respect of such prior quantity, as in *s. 4., id. s. 3.*

14. Every person to whom any such rock-salt shall be sold or delivered, shall, before the end of one month, after expiration of 12 months from delivery thereof, give and deliver a certificate signed by such person, his executors, administrators, or assigns, or steward to the collector of excise in whose collection he shall reside, declaring that the whole has been used for some of the purposes in *s. 2.*, and in no other manner or purpose, specifying in what manner and proportions it hath been used, what description or number of sheep or cattle has been fed therewith, in what way the same has been used as manure, on what lands, where situated, and what benefits appear to have resulted therefrom: and if such certificate shall not be signed and delivered as above, or shall in any respect be false, or if any of the rock-salt so delivered shall be

used, spent, employed or consumed, otherwise than as in *s. 2.*, the offender shall forfeit 40*s.* per bushel of rock-salt so delivered, or 100*l.*, at election of H. M.'s attorney-general, or the person who shall sue for the same, and no such penalty shall be mitigated below one-fourth thereof; but any person to whom any such rock-salt is sold or delivered as above, shall apply to the nearest excise officer; and such officer, with approbation of board, may grant permit for further removal of any part of such rock-salt to any other farm or land of the same or another owner, for the purposes in *s. 2.* only; and thereupon the persons to whom such rock-salt shall be removed and delivered shall, within 2 days after its receipt, deliver such permit to the nearest officer of excise, and shall be accountable and give certificate for its employment within the above time, and be subject to the like regulations and penalties as if delivered to him from the salt-mine or warehouse adjoining, as in *s. 2.*, which delivery over of such rock-salt shall be specified in the certificate, and accepted by such collector in part discharge of the account of the person to whom the same had been first delivered, 58 *G. 3. c. 77. s. 4.*

15. The duty hereby imposed is subject to, and shall be levied under all the provisions of the excise laws, and the persons or commodity hereby charged with duty shall be subject to the penalties and regulations therein contained, *id. s. 5.*

16. All fines and penalties hereby imposed shall be sued for, recovered, levied, or mitigated by such means, except as hereby altered, as any fine may be sued for, &c. by any law of excise, or by action of debt or information in any court of record at *Westminster*, or in exchequer in *Scot.* respectively, in moieties to H. M. and the person suing for the same, *id. s. 6.*

17. TO AFFORD GREATER FACILITY FOR SUFFICIENT and easy supply of rock-salt for more extensively proving whether it can be beneficially employed in feeding or mixing with the food of sheep or cattle, steeping seed, preserving hay, or manuring land, [*Framed from the preamble to s. 33.*] 59 *G. 3. c. 57. ss. 33—36.*

18. Any person not being a refiner of salt, or rock-salt, or connected with, or interested therein, at *Liverpool, Gloucester, Plymouth, London, Norwich, Hull, and Newcastle-on-Tyne*, or other places, with approbation of commissioners of excise in *Eng.*, and at *Leith and Glasgow*, or other places, with like approbation in *Scot.*, may provide and make use of a warehouse or warehouses for receiving from any rock-salt mine, or warehouse belonging thereto, and for keeping therein rock-salt delivered under 58 *G. 3. c. 77. (s. 2. ante, pl. 12.)*; and may receive from any owner of such salt mine or warehouse, any coarse and impure rock-salt according to 58 *G. 3. c. 77. s. 2., (pl. 12.)* for the purposes of feeding, or mixing with food of sheep or cattle, or steeping seed, or preserving hay, or manuring land; and may keep the same therein, and sell and deliver not less thereof than one ton at a time, if any part thereof be unground, for the above purposes, to any person authorized to receive it by certificate first to him granted by the proper and nearest officer of excise (as directed by commissioners) specifying the quantity of rock-salt which he is authorized to receive, and the place where, and the uses to which, it is to be applied, according to 58 *G. 3. c. 77. ss. 3—4., ante*, which person shall produce such certificate to the officer who shall grant the permit for removal of such rock-salt to him, from such warehouse, 59 *G. 3. c. 57. s. 33.*

19. Such warehouses shall be substantially built, and not used for keeping, at the same time, any other kind of salt or rock-salt, except rock-salt delivered for the above purposes, nor for the latter purpose, until entry in writing of such warehouse, &c. be first made at the next excise-office by the true occupier, nor until it be first approved in writing by and under the hand of the supervisor of the district, nor until the occupier has entered into a bond to H. M. in the penalty of a sum equal to the amount of the home consumption duties on salt made in *Eng.* for all the rock-salt to be next received into such warehouse, and of 50*l. per cent.* thereon, with sufficient sureties to the satisfaction of the commissioners of excise, or their appointee, to receive the same, that all such rock-salt shall, on 1st June then next, be duly accounted for by him as in 58 *G. 3. c. 77. s. 4., ante, pl. 14.*, and sold and delivered as above for the above purposes only; and on delivery of any part thereof (not less, if unground, than one ton at one time) it shall be accompanied with the permit required in that act, *s. 3. ante, pl. 13.*, and to those persons only who are authorized by certificate to receive it, and who produce the same to the officer granting the permit, *id. ibid.*

20. Persons so making such entry shall not receive or deposit any such rock-salt in such warehouse, without 24 hours previous notice thereof in writing to the proper excise officer of the division, and delivering to him the permit; and shall be subject to the like penalties as in this or other acts directed for persons receiving rock-salt for the above purposes: and if any such rock-salt delivered for any of the above purposes, to be kept in any such warehouse, is deposited for sale at any of the above places, in any such warehouse, otherwise than as above, or which warehouse was not entered or previously approved of in writing under the hand of the supervisor of excise of the district in which it is

situate, and not afterwards disapproved by such supervisor or commissioners of excise, or without the occupier having first given such bond and notice, and delivered such permit as above: or if such entered occupier of such warehouse, or other person, shall sell, exchange, transfer, deliver, consume, or employ any part of the rock-salt so deposited for the above purposes in any other manner or for any different purpose than above, or shall not duly account for the same, as in 58 *G. 3. c. 77. s. 4. ante, pl. 14.*, all the rock-salt in the warehouse shall be forfeited, and may be seized by any officers of excise, and the offender shall, for every offence, besides the penalty of his bond, forfeit 500*l.*, 59 *G. 3. c. 57. s. 33.*

21. Any person having made entry, and given bond, as in *s. 33.*, may deliver from any such warehouse, for the purposes in 58 *G. 3. c. 77. s. 2. pl. 12.* and *s. 33.* of this act mentioned to any person authorized by certificate to receive the same, such rock-salt, in lumps of not less than 10*lbs.* weight; and where such certificate shall express that any quantity of rock-salt shall be delivered and received crushed or powdered, such person so making entry and giving bond, may deliver the same from such warehouse crushed and powdered, provided it be mixed throughout with not less than half a pound of coal-tar to every bushel of crushed salt, *id. s. 34.*

22. When any such rock-salt is delivered from any salt mine or warehouse belonging thereto, for any of the purposes in *s. 33. pl. 18.*, or 58 *G. 3. c. 77. s. 2. pl. 12.*, and is carried on board of any vessel from one port or place in *G. B.* to any or either of the places where it may be warehoused under this act, for the purpose of being so warehoused, and shall arrive at the port where such warehouse is situate, the owner of the latter may sell and deliver any quantity thereof, not being less than one ton, to any person authorized to receive the same by certificate as above first granted to such person, directly from the vessel, without first landing or warehousing it: provided that the permits accompanying the whole shall be first duly delivered to the proper officer, and that the master of the ship shall first make oath, as by law required, in removal of duty-free salt, and that the whole be first duly weighed on board such ship in presence of the proper officers; and that the whole rock-salt mentioned in such permit, and so removed in such vessel shall be duly entered as part of the stock of, and deemed to be received by the person to whom it is permitted, into his possession: and every quantity so sold to any other person shall be accounted for, and accompanied with such permit on removal from warehouse, and such entries shall be made in respect thereof as by law required, in case the whole had been actually landed into the entered warehouse, and the rock-salt sold as above had been afterwards received from him out of his stock therein by the buyer, *id. s. 35.*

23. Any officers of excise, on their request, may at any time enter into and survey such warehouse and rock-salt therein; and any supervisor, or other officer of equal or superior rank, may weigh the rock-salt therein; and if any owner thereof, or other person, who, on such request shall not open and unlock such warehouse, and permit such officers to enter and survey the same, and the rock-salt therein, or shall prevent or obstruct him from so doing, or any supervisor, &c. from weighing all the rock-salt therein, or shall hide any such rock-salt, or shall not, on demand, furnish him with true scales and weights sufficient for weighing the same, or give all needful assistance in so doing, or shall use, or permit to be used, any contrivance by which he shall be prevented from taking a true account of the weight and quantity of such rock-salt, all such rock-salt, scales and weights, shall be forfeited, and may be seized by any excise-officer; and every such offender shall for every offence, severally forfeit 200*l.*, *id. s. 36.*

SANCTUARY.

(STATUTES repealed and expired.)

1. THEY THAT ABJURE THE REALM SHALL BE IN PEACE so long as they be in the church or highway, 9 *E. 2. c. 10.* [REP. 1 *J. 1. c. 25. s. 24.*, and 21 *J. 1. c. 28. ss. 6, 7.*]

2. FOR GRANTING PARDON TO ALL PERSONS IN SANCTUARY, and for indemnifying those who assisted H. M. in his battle with *Richard Duke of Gloucester*, 1 *H. 7. c. 6.* [EXP.]

3. HOW PLEA OF SANCTUARY IN FOREIGN SHIRE SHALL BE TRIED, 4 *H. 8. c. 2. s. 2.* [MADE PERF. 22 *H. 8. c. 2.*, sanctuary abolished, 1 *J. 1. c. 25. s. 34.*, 21 *J. 1. c. 28. ss. 6, 7.* See the rest of this act, BENEFIT OF CLERGY.]

4. CONCERNING SUCH AS SHALL TAKE SANCTUARY FOR FELONY OF murder, 21 *H. 8. c. 2.* [REP. by 1 *J. 1. c. 25. s. 34.*, and 21 *J. 1. c. 28. ss. 6, 7.*]

5. FOR LIMITING AN ORDER FOR SANCTUARIES AND SANCTUARY persons, 27 *H. 8. c. 19.* [REP. as in last *pl.*]

6. CONCERNING SANCTUARIES, PRIVILEGES OF CHURCHES and church yards, 32 *H. 8. c. 12.* [REP. as in *pl. 4.*]

7. TOUCHING THE TRANSLATION OF THE SANCTUARY FROM *Manchester to Westchester*, 33 *H. 8. c. 12.* [REP. as in *pl. 4.*]

(STATUTES *in force*.)

1. NO OFFENDERS IN HIGH TREASONS, THEIR AIDERS, &c. shall be admitted to sanctuary, 26 H. 8. c. 13. s. 3.
2. SO MUCH OF ALL STATUTES AS CONCERN ABJURED PERSONS and sanctuaries, or the ordering of such persons made before 35 El. shall be REP., 1 J. 1. c. 25. s. 34.
3. All statutes that take away sanctuary for any offence, shall be revived, the 1 J. 1. c. 25. s. 34. notwithstanding, 21 J. 1. c. 8. s. 6.
4. No sanctuary, or privilege of sanctuary, shall henceforth be allowed, 21 J. 1. c. 28. s. 7.

SCOTLAND (PARLIAMENT — PEERS).

1. SIXTEEN OF THE PEERS OF *Scot.* shall be the number to sit and vote in the house of lords, and 45 the number of the representatives of *Scot.* in the house of commons, 5 & 6 A. c. 8. Art. 22.
2. Those 16 peers shall have all the privileges of parliament of the peers of *G. B.*, and particularly that of sitting on the trials of peers, to which, if happening during adjournment or prorogation of parliament, they shall be summoned as other peers of *G. B.*, and if happening when there is no parliament in being, the 16 peers of *Scot.* who sat in the last parliament shall be summoned in like manner; and all peers of *Scot.* shall be peers of *G. B.*, and have rank next after the peers of the like degrees in *Eng.* at the union, and before all peers of *G. B.* of like degree created after the union, and shall be tried and enjoy all other privileges as peers of *G. B.*, except that of sitting in the house of lords, and the privileges depending thereon, and the right of sitting on the trial of peers, *id.* Art. 23.
3. AN ACT SETTLING THE MANNER OF ELECTING THE 16 PEERS, [and 45 members, *see infra*, this title, COMMONS.] to represent *Scot.* in the parliament of *G. B.*, passed in the parliament of *Scot.* at *Edinburgh*, 5th Feb. 1707, is inserted 5 & 6 A. c. 8. Art. 25. s. 6., and is made part of the articles of union, *id.* s. 7., and here follows: 'H. M., with advice and consent of the estates of parliament, ordains, that the 16 peers, who shall have a right to sit in the house of peers in the parliament of *G. B.* on the part of *Scot.*, shall be named by the peers of *Scot.*, out of their own number, by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate duly signed before witnesses, and both the constituent and proxy being qualified according to law; also such peers as are absent, being qualified, may send to all such meetings lists of the peers whom they judge fittest, validly signed by the absent peers, which shall be reckoned as if the parties had been present, and given in the list: and in case of the death, or legal incapacity, of any of the said 16 peers, the said peers of *Scot.* shall nominate another of their own number, [see the rest of this section, *infra*, this title, COMMONS, *pl.* 17.]
4. TO MAKE FURTHER PROVISION FOR ELECTING AND SUMMONING 16 peers of *Scot.* to sit in the house of peers of the parliament of *G. B.*, and for trying peers for offences committed in *Scot.*, 6 A. c. 23. ss. 1—12. [*see s.* 13. *infra*, this title, COMMONS, *pl.* 19. See s. 14. OATHS.]
5. When H. M. shall declare his pleasure for summoning any parliament, in order to the electing the 16 peers of *Scot.*, a proclamation shall be issued under the great seal of *G. B.*, commanding all the peers of *Scot.* to assemble at *Edinburgh*, or such other place in *Scot.*, and at such time as appointed therein, to elect the 16 peers to sit and vote in the house of peers in the parliament of *G. B.*, 6 A. c. 23. s. 1.
6. Every proclamation for this purpose shall be published at the market-cross at *Edinburgh*, and in all the country towns of *Scot.*, 25 days before the time appointed for the meeting of the peers, *id.* s. 2.
7. All the peers who meet on such proclamation shall, before they proceed to the election, and in presence of the peers assembled, take the oaths of allegiance and supremacy, and shall also make and subscribe the declaration against popery in 30 C. 2. St. 2., (PARLIAMENT, *pl.* 67.) and shall also take and subscribe the oath of abjuration, *id.* s. 5. [see OATHS.]
8. Peers living in *Scot.*, but not present at such meeting, may take the oaths, &c. in any sheriff's court in *Scot.*; and every sheriff or his deputy, before whom such oaths, &c. shall be so made, shall return the original subscription signed by the peer, and make a return in writing, under his hand and seal, to the peers so assembled, of such peer's taking the oaths, &c.; and such peer shall be thereby enabled to make a proxy, or send a signed list, containing the names of the 16 peers for whom he votes; and such of the peers as reside in *Eng.* may take the oaths, &c. in the courts of chancery, K. B., C. P., or exchequer in *Eng.*, which being certified by writ to the peers in *Scot.* at their meeting, under seal of the court, shall entitle such peer to make his proxy, and to send a signed list; and in case any of the peers, who, before the issuing of such proclamation, have taken the oaths, &c. to be certified

as aforesaid, (and if taken in parliament, to be certified under the great seal) shall, at the time of issuing such proclamation, be absent in the service of H. M., he may make his proxy, or send a list, 6 A. c. 23. s. 4.

9. Such peers of *Scot.* as are also peers of *Eng.*, shall sign their proxies and lists by the title of their peerage in *Scot.*, *id.* s. 5.

10. No peer shall be capable of having more than 2 proxies, *id.* s. 6.

11. At such meeting of the peers they shall all give in the names of the persons by them nominated to sit and vote in the house of peers, and the lord clerk register, or 2 of the principal clerks of the session appointed by him for this purpose shall, after the election is made, certify the names of the 16 peers elected, and sign the same in the presence of the peers; which certificate shall be returned into chancery before the time appointed for the meeting of the parliament, *id.* s. 7.

12. The peers shall come to such meetings with their ordinary attendants only, under the penalties inflicted by the laws in force in *Scot.*, *id.* s. 8.

13. It shall not be lawful for the peers assembled for the electing 16 peers to sit and vote in parliament, to act, propose, debate, or treat of any other matter, except only the election of the peers, on penalty of *premunire* as in 16 R. 2. c. 5., *id.* s. 9.

14. The *Scotch* act for settling the election of the 16 peers and 45 members for *Scot.*, declared vested by 5 & 6 A. c. 8. is confirmed, except where further provided by this act, *id.* s. 10.

15. If any of the 16 peers dies, or becomes legally disabled to sit in the house of peers, H. M. shall forthwith issue a proclamation for electing another peer of *Scot.* to sit in the house of peers in the room of such peer deceased or disabled, *id.* s. 11.

16. For trial of any peer of *G. B.* guilty of high, petit, or misprision of treason, murder or other felony in *Scot.*, commissions may issue under great seal of *G. B.*, directed to persons therein named, constituting them justices to enquire by the oaths of good and lawful men of the counties of *Scot.* named therein, of all treasons, &c. committed in such county, by peers of *G. B.*, which inquisition shall be taken and proceeded on in the same way as any inquisition found before justices of *oyer* and *terminer* in *Eng.*, whereby any peer is indicted for such offence, and such justices shall issue mandates to the sheriffs of counties of *Scot.* to return to them good and lawful men of the county, to enquire of the above offences, 12 or more of whom being sworn, shall be sufficient to find any indictment; and if the sheriff shall not summon a sufficient number, the justices may impose a fine on him, leviable by exchequer process, and if any person summoned does not appear, they may fine him in like manner, 6 A. c. 23. s. 12.

SCOTLAND (PARLIAMENT — COMMONS).

17. AN ACT SETTLING THE MANNER OF ELECTING THE [16 peers, *supra*, this title, PEERS, *pl.* 3.] 45 members to represent *Scot.* in the parliament of *G. B.*, passed in *Parl. Scot.* at *Edinburgh*, 5th Feb. 1707, 5 & 6 A. c. 8. Art. 25. s. 6., and is made part of the articles of union, *id.* s. 7.; and here follows: 'Of the said 45 representatives of *Scot.* in the house of commons in the parliament of *G. B.*, 30 shall be chosen by the shires or stewartries, and 15 by the royal boroughs, as follows, *viz.* one for every shire and stewartry, excepting the shires of *Bute* and *Caithness*, which shall chuse one by turns, *Bute* having the first election, the shires of *Nairn* and *Cromarty* which shall also chuse by turns, *Nairn* having the first election; and in like manner the shires of *Clackmannan* and *Kinross* shall chuse by turns, *Clackmannan* having the first election; and in case of the death or incapacity of any of the members from the respective shires or stewartries, the shire or stewartry who elected the said member shall elect another in his place. And the 15 representatives for the royal boroughs shall be chosen as follows, *viz.* the town of *Edinburgh* shall send one member to the parliament of *G. B.*; and each of the other burghs shall elect a commissioner in the same manner as they use to elect commissioners to the parliament of *Scot.*; which commissioners and burghs being divided in 14 districts, shall meet at such time and burghs within their districts, as H. M. shall appoint, and elect one for each district, *viz.* the burghs of *Kirkwall*, *Week*, *Dornock*, *Dingwall*, and *Taine*, one; the burghs of *Fortrose*, *Inverness*, *Nairn*, and *Forres*, one; the burghs of *Elgin*, *Cullen*, *Banff*, *Inverury*, and *Kintore*, one; the burghs of *Aberdeen*, *Inverbercy*, *Montrose*, *Aberbrothock*, and *Brochinch*, one; the burghs of *Forfar*, *Perth*, *Dundee*, *Cupar*, and *St. Andrews*, one; and the burghs of *Craik*, *Kilrennie*, *Ansuther Easter*, *Ansuther Wester*, and *Pittenweem*, one; the burghs of *Dysart*, *Kirkcaldie*, *Kinghorn*, and *Bruntisland*, one; the burghs of *Inverkeithen*, *Dunfermline*, *Queensferry*, *Culross*, and *Stirling*, one; the burghs of *Glasgow*, *Renfrew*, *Ruglen*, and *Dumbarton*, one; the burghs of *Haddington*, *Dunbar*, *North Berwick*, *Lauder*, and *Jedburgh*, one; the burghs of *Selkirk*, *Peebles*, *Lindisgow*, and *Lanark*, one; the burghs of *Dumfries*, *Sanquhar*, *Annan*, *Lochmaben*, and *Kircudbright*, one; the burghs of *Wigtown*, *New Galloway*, *Stranraer*, and *Whitcher*, one; and the burghs of *Ayr*, *Irvine*,

Rothsay, Campbeltown, and Inverary, one. And where the votes of the commissioners for the burghs, met to chuse representatives, shall be equal, the president of the meeting shall have a casting vote, according to his vote as a commissioner from the burgh; the commissioner from the oldest burgh presiding in the first meeting, and the commissioners from the other burghs by turns, in the order as they are called in the rolls of the parliament of *Scot.*; and in case any of the 15 commissioners from burghs shall decease, or become legally incapable, the town of *Edinburgh*, or the district which chose the said member, shall elect a member in his place. Provided that none be capable to elect or be elected for any of the said estates, but such as are 21 years of age complete, and protestant, excluding all papists, or such who being suspect of popery, and required, refuse to swear and subscribe the formula contained in the 3d act made in 8 & 9 *Sess. of W. 3d.*'s parliament, for preventing the growth of popery. And none shall be capable to elect, or be elected, to represent a shire or burgh for this part of the *U. K.*, except such as are now capable by the laws of this kingdom, to elect, or be elected as commissioners for shires or burghs, to the parliament of *Scot.* [but *QU.* qualification may now be situate any where in *U. K.*, see p. 1224. *pl.* 231.] and when H. M. shall declare her pleasure for holding any parliament of *G. B.*, and a writ shall be issued, directed to the privy council of *Scot.*, conform to the 22d article, until the parliament of *G. B.* shall make further provision, the said writ shall contain a command to the privy council, to issue out a proclamation, requiring the peers of *Scot.* to assemble at such time and place within *Scot.*, as H. M. shall think fit, to make election of the 16 peers; and requiring the lord clerk register, or 2 of the clerks of session, to attend all such meetings, and to administer the oaths and to ask the votes, and having made up the lists in the presence of the meeting, to return the names of the 16 peers chosen (certified under the subscription of the lord clerk register, or clerks of session attending) to the clerk of the privy council of *Scot.*; and in like manner requiring the several freeholders in the respective shires and stewartries, to convene at the head-burghs of their shires and stewartries, to elect their commissioners, and ordaining the clerks of the said meetings, immediately after the elections are over, to return the names of the persons elected to the clerks of the privy council; and lastly, ordaining the city of *Edinburgh* to elect their commissioner, and the other royal boroughs to elect each of them a commissioner, and to send the said commissioners at such times, to such burghs within their districts, as H. M. by such proclamation shall appoint, requiring the common clerk of the burghs, where such election shall be, to attend the said meetings, and immediately after the election to return the name of the person elected (under his hand) to the clerk of privy council, to the end that the names of the 16 peers, 30 commissioners for shires, and 15 commissioners for burghs, may be returned to the court from whence the writ did issue. And the 16 peers, and 45 commissioners for shires and burghs, who shall be chosen by the peers, barons, and burghs, respectively, in this session of parliament, and out of the members thereof, shall be the members of the respective houses of the first parliament of *G. B.*, on the part of *Scot.* [How to proceed if commissioners absent, see 16 *G. 2. c. 11. s. 28. infra, pl.* 64.]

18. When any parliament shall be summoned, the 45 representatives of *Scot.*, in the house of commons, shall be elected by writs under the great seal of *G. B.*, directed to the several sheriffs and stewards of the respective shires and stewartries; who shall, on receipt of such writs, forthwith give notice of the time of election for the knights or commissioners for their shires or stewartries, and at such time the several freeholders shall meet at the head-burghs of their shires and stewartries, and proceed to the election of their commissioners or knights; and the clerks of the said meetings immediately after the elections, shall return the names of the persons elected to the sheriff or steward, who shall annex it to his writ, and return it into the court out of which the writ issued. And as to the manner of election of the 15 representatives of the royal boroughs, the sheriff of *Edinburgh* shall, on receipt of the writ directed to him, forthwith direct his precept to the lord provost of *Edinburgh*, to cause a burghess to be elected for that city; and on receipt of such precept, the city of *Edinburgh* shall elect their member, and their common clerk shall certify his name to the sheriff of *Edinburgh*, who shall annex it to his writ, and return it; and as to the other royal boroughs divided into 14 districts, the sheriffs, &c. on receipt of their writs, shall direct their precepts to every royal borough, reciting the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a commissioner, and to order the commissioners to meet at the presiding borough of their district (naming the borough) upon the 30th day after the *teste* of the writ, unless it be *Sunday*, and then the day after, and then to choose their burghess for the parliament; and the common clerk of the presiding borough shall immediately after the election return the name of the person elected to the sheriff, &c. of the shire, &c. wherein such presiding borough is, who shall annex it to his writ and return it. And in case a vacancy happens in time of parliament, by the decease or legal

incapacity of any member, a new member shall be elected in his room, conformable to the method herein appointed; and in case such a vacancy be of a representative of any one of the said 14 districts of royal boroughs, that borough which presided at the election of the deceased or disabled member shall be the presiding borough at such new election, 6 *A. c. 6. s. 5.*

19. On issuing writs of summons for the election of a new parliament, if any shire or stewartry, wherein a royal borough is, hath not then a turn or right to elect a commissioner, or knight of the shire for that parliament, it shall be omitted out of the writ directed to such sheriff, &c. to cause a commissioner for that shire to be elected, *id. s. 6.*

20. FOR FURTHER REGULATING ELECTIONS OF MEMBERS OF parliament in *Scot.*, 6 *A. c. 23. s. 13.*, [see rest of this title and statute, *ante*, this title, *PEERS, pl.* 4—16., *AMD. 12 A. St. 1. c. 6.*]

21. Every person who shall refuse to take the oath of abjuration in 6 *A. c. 23. s. 3.* [but see the present forms of oaths, 6 *G. 3. c. 53. ss. 1—2.*] or being a quaker, shall refuse to declare the effect thereof on his solemn affirmation, as by 7 & 8 *W. 3. c. 34.* provided, [which oath and declaration the member, last elected for any county or stewartry in *Scot.*, or in his absence the sheriff or steward's clerk until a person be chosen to proceed [*QU. preside?*] in such meeting, according to 3 *C. 2. c. 21. (Sc.)* and after such choice, the person so chosen to proceed in any meeting of any county or stewartry there, in which rolls for elections shall happen to be made up, is authorized to administer, at the request of any candidate or other person present at such meeting for election, before or after choosing the president, or making up the rolls, 1 *G. 1. St. 2. c. 13. s. 4.* [altering 6 *A. c. 23. s. 13.*] shall not be capable of voting for election of a president of the meeting making up the rolls, or of any M.P. for any place in *Scot.*, or of any commissioner to choose a burghess for any place there: [but no words in the oaths by 6 *A. c. 23.* formerly imposed, are meant to oblige H. M.'s said subjects to any acts inconsistent with the establishment of the church of *Scot.*, 1 *G. 1. St. 2. c. 15. s. 4.*] 6 *A. c. 23. s. 13.*, 1 *G. 1. St. 2. c. 13. s. 4.*

22. No conveyance or right, whereupon infeeoffment is not taken, and seisin registered, one year before *teste* of writs for calling a new parliament, shall, on objection made, entitle the person infeeoff to vote or to be elected in any shire or stewartry in *Scot.*; and in case any election happen during the continuance of a parliament, no conveyance or right, whereupon infeeoffment is not taken one year before the date of the warrant for making out a new writ for such election, shall, on objection made, entitle the person infeeoff to vote or be elected at that election; and any elector suspecting any person to have his estate in trust, and for behoof of another, may require the *preses* of the meeting to tender the herein prescribed oath to any elector; and if he refuse to swear, and subscribe the oath, he shall not be capable of voting or being elected at such election, 12 *A. St. 1. c. 6. s. 1.*

23. Notwithstanding such oath taken, such other objections may be made as are allowed by the laws of *Scot.* against such electors, *id. s. 2.*

24. No infeeoffment taken on any redeemable right, (except proper wadsetts, adjudications, or apprisings, allowed by the act of parliament relating to elections in 1681,) shall entitle the person to vote or be elected in any shire or stewartry, *id. s. 3.*

25. All sheriffs of shires and stewards of stewartries shall be obliged, on pain of 50*l.*, (one moiety to H. M., and the other to the person who shall sue, to be recovered before the court of session, by any act summarily, without abiding the course of the roll,) to make the public intimations required by the laws of *Scot.*, at the parish churches, at least three days before the dyet of elections, *id. s. 4.*

26. The right of apparent heirs in voting by virtue of their predecessors' infeeoffments, and the right of husbands by virtue of their wives' infeeoffments, are reserved, *id. s. 5.*

27. Provided, that no husbands shall vote by virtue of their wives' infeeoffments, who are not heiresses, or have not right of property of the land named, *id. s. 7.*

28. FOR BETTER REGULATING THE ELECTION OF M. P.s for *Scot.*, and for incapacitating the judges of the courts of session and judiciary, and barons of the exchequer in *Scot.*, to be elected, or sit and vote as M. P.s, 7 *G. 2. c. 16.*

29. If the clerk of any meeting of freeholders, for the electing of a commissioner to serve in parliament for any shire or stewartry in *Scot.*, shall wilfully return to the sheriff or steward any person, other than him who shall be duly elected; or if any other person, pretending to be the clerk, shall return any person as elected, who shall not be duly elected, the offender shall forfeit 500*l.*, to be recovered by the candidate elected, 7 *G. 2. c. 16. s. 1.* [*QU. if in force since 16 G. 2. c. 11. s. 14. and s. 16., pl.* 50. and 52.?]

30. Every freeholder who claims to vote at an election, or in adjusting the rolls of freeholders, instead of the oath appointed by 12 *A. St. 1. c. 6.* shall, on request of any freeholder formerly inrolled, take and subscribe the oath following: 7 *G. 2. c. 16. s. 2.*

I. A. B. do, in the presence of God, declare and swear, that the lands and estate of — for which I claim a right to vote in the election of a member to

serve in parliament for this county or stewartry, is actually in my possession, and do really and truly belong to me, and is my own proper estate, and is not conveyed to me in trust, or for, or in behalf, of any other person whatsoever; and that neither I, nor any person to my knowledge, in my name, or on my account, or by my allowance, hath given, or intends to give, any promise, obligation, bond, back-bond, or other security whatsoever, other than appears from the tenor and contents of the title, upon which I now claim a right to vote, directly or indirectly, for redising or reconveying the said lands and estate in any manner of way whatsoever, or for making the rents or profits thereof forthcoming to the use or benefit of the person from whom I have acquired the said estate, or other person whatsoever; and that my title to the said lands and estate is not nominal or fictitious, created or reserved in me in order to enable me to vote for a member to serve in parliament; but that the same is a true and real estate in me, for my own use and benefit, and for the use of no other person whatsoever, and that is the truth, as I shall answer to God.'

31. If he refuse, his name shall be erased out of the roll of freeholders; and if any person wilfully and falsely swear, and subscribe the said oath, he shall incur the punishment of perjury, according to the laws in *Scot.*, 7 G. 2. c. 16. s. 3.

32. No judge of the court of session, or justiciary, or baron of the exchequer, in *Scot.*, shall be capable of being elected a member of the house of commons, *id.* s. 4.

33. At the annual election of magistrates and counsellors for boroughs, no magistrates or counsellors shall separate from the majority, who have been such from the year preceding, or elect separate magistrates or counsellors; and if they shall, in opposition to the majority, make a separate election, the same shall be void; and every magistrate or counsellor who concurred therein, shall forfeit 100*l.* to be recovered by the magistrates and counsellors from whom they separated, *id.* s. 6.

34. Every penalty imposed, with respect to the recovery of which no provision is made, shall be sued for by way of summary complaint before the court of session, on 15 days' notice, without abiding the course of any roll, *id.* s. 9.

35. Every freeholder in *Scot.* shall, before he is inrolled or admitted to vote for the choice of clerk or *prases*, or other question, (if required,) take and subscribe the oaths appointed by law to be taken by electors of members to serve in parliament, *id.* s. 10.

36. The borough of *Wigtoun* shall preside at the election of a member to represent that district in the next parliament, *id.* s. 11.

37. To explain and amend the law of elections of M. P.s in *Scot.*, and to regulate the conduct of returning officers at such elections, 16 G. 2. c. 11. [AMD. 14 G. 3. c. 81. s. 1. and 30 G. 3. c. 17. s. 4.]

38. So much of 12 A. St. 1. c. 6. s. 3. as enacts, that no persons who have not been inrolled and voted at former elections, shall be inrolled or admitted to vote at any election, except they first produce a sufficient title to qualify them to the satisfaction of the freeholders formerly inrolled, and that the returning officers make their returns of the persons elected by the majority of the freeholders inrolled, and those admitted by them, reserving always the liberty of objecting against the persons admitted to or excluded from the roll, shall be repealed, *id.* s. 1.

39. Such persons as stand upon the roll last made up by the freeholders, whether at the *Michaelmas* meeting, or at the last election of a member to serve in parliament, shall be the original constituent members at their next *Michaelmas* meeting, or meeting for election, to revise the said roll, *id.* s. 2.

39. (a) It shall be lawful for any freeholder upon the roll, to object to the title of any person who stands at present upon the roll last made up, and for that purpose to apply at any time before the 1st of Dec. 1743, by summary complaint, to the court of session, who shall grant a warrant for summoning such persons upon 30 days' notice, and shall, in a summary way, hear and determine such complaint; and if no such complaint be exhibited within the time aforesaid, then no freeholder, who at present stands upon the rolls last made up, shall be struck off or left out of the roll, except upon objections arising from the alteration of that title, in respect of which he was inrolled, sustained by the other freeholders upon the roll, *id.* s. 3.

40. If at any *Michaelmas* meeting, or meeting for election, any person shall by judgment of the freeholders be refused to be admitted, or be struck out of the roll, it shall be lawful for him to apply within 4 calendar months by summary complaint to the court of session, who shall grant a warrant for summoning the person upon whose objection he was refused or struck off, upon 30 days' notice to answer, and shall hear and determine in a summary way on such complaint; and if any person be inrolled whose title shall be thought liable to objection, it shall be lawful for any freeholder upon the said roll (whether present at the meeting or not) to apply in like manner by complaint to the court of session within 4 calendar months, and the said court after service of such complaint on 30 days' notice upon the person said to be wrongfully admitted to the roll, shall hear and determine; and if no such complaint be exhibited within the time aforesaid, the freeholder inrolled

shall continue upon the roll, until an alteration of his circumstances be allowed by the freeholders at a subsequent *Michaelmas* meeting, or meeting for election, as a sufficient cause for striking him out of the roll, 16 G. 2. c. 11. s. 4. [And a complaint to the lord ordinary on the bills in vacation within the 4 months shall be equivalent to a complaint to the court of session; if printed copies of such complaint be lodged before the 3d *sederunt* day of that ensuing session, by 30 G. 3. c. 17. s. 4.]

41. If in any of the aforesaid cases the judgment of the court of session shall alter or reverse the determination of the meeting of the freeholders, the sheriff or steward's clerk shall, upon presenting to him the extract of such judgment, forthwith make the alteration directed in the books kept by him; and in case of refusal or delay, he shall forfeit 100*l.* sterling to the person in whose favour the judgment of the court is given, to be recovered by him or his executors, *id.* s. 5.

42. If the judgment of the freeholders refusing to admit, or striking off any person from the said roll be affirmed by the court of session, the person complaining shall forfeit to the objector the sum of 30*l.* sterling, with costs, *id.* s. 6.

43. Every freeholder who intends to claim to be inrolled at any *Michaelmas* meeting of the freeholders, shall, 2 calendar months at least before the said meeting, leave with the sheriff or steward's clerk a copy of his claim, setting forth the names of his lands and his titles thereto, and dates thereof, with the old extent upon which he desires to be inroller, and in case of his neglect he shall not be inrolled at such meeting; and in like manner, whoever intends to object to any freeholder who stands upon the roll, on account of the alteration of his circumstances, shall, at least 2 calendar months before the *Michaelmas* meeting, leave his objections in writing with the sheriff or steward's clerk, who shall upon receipt of the aforesaid claim or objections indorse thereon the day he received the same, and also give a copy to any person upon paying the legal fee of an ordinary extract of the same length, *id.* s. 7.

44. No person shall be intitled to vote for a commissioner to serve in parliament for any shire or stewartry in *Scot.*, or to be inrolled in respect of the old extent of his lands holden of H. M. or prince, unless such old extent is proved by a retour of the lands of a date prior to the 16th Sept., 1681; and no division of the old extent made since the said 16th Sept., 1681, by retour or any other way, shall be sustained as evidence of the old extent, *id.* s. 8.

45. Lands holden of H. M. or prince liable in public burdens for 400*l.* Scots of valued rent, shall be a sufficient qualification, whatever be the old extent of the said lands, *id.* s. 9.

46. No purchaser, or singular successor, shall be inrolled till he be publicly infeofed, and his seisin registered, or charter of confirmation be expedite (where confirmation is necessary) one year before the inrolment; and no heir apparent shall be inrolled, until his predecessor's titles are produced and allowed by the freeholders; and any person may be inrolled, though absent, provided the titles and vouchers of his qualification are produced before the freeholders: and if any person be chosen a member to serve in parliament for any shire or stewartry in *Scot.*, who shall not be present at the meeting for election; the member so elected, before he takes his seat in parliament, shall take the oath appointed to be taken by freeholders claiming to vote at election by 7 G. 2. c. 16. before the lord steward of H. M.'s household, or any person authorized by him; and if a member so elected neglect or refuse to take the aforesaid oath, such election shall be void, *id.* s. 10.

47. At the annual meetings of the freeholders at *Michaelmas*, the original constituent members shall be such only as stand upon the roll last made up, at a *Michaelmas* meeting, or at a meeting for an election of a member to serve in parliament, and a copy signed and extracted of the roll made up at the *Michaelmas* meetings, or meetings for elections, together with the minutes of the proceedings, shall by the clerks of such meetings be delivered to the sheriff or steward's clerk *gratis*, and shall be inserted in books to be kept by the said sheriff or steward's clerk for that purpose, who shall deliver copies of the same extracted and signed to any freeholder paying the legal fee for an ordinary extract of the same length, and shall at every subsequent meeting produce the said books, for the use of the freeholders; and in case such sheriff or steward's clerk neglect or refuse to enter the aforesaid rolls of election or minutes of proceedings into books so to be kept, or to give copies thereof extracted and signed, or to produce the books at any subsequent meeting, he shall for every such offence forfeit 100*l.* sterling, to be recovered by any freeholder within such shire or stewartry; and if the aforesaid principal books be not produced, a copy of the said roll and minutes extracted and signed by the sheriff or steward's clerk shall be sufficient; and if the sheriff or steward's clerk give false copies of the said roll or minutes, he shall for every such offence forfeit 100*l.* sterling to the person to whom the false copy is given, to be recovered by him or his executors, and shall be incapable of holding his said office, *id.* s. 11.

48. At every election for any shire or stewartry in *Scot.*, the roll of

electors last made up, whether at the *Michaelmas* meeting, or at the last election, shall be the roll to be called over by the commissioner last elected, or in his absence by the sheriff or steward's clerk, in order to the election of preses and clerk, as also by the preses after he is chosen, for the choice of the member, and for the determination of all questions in adjusting the roll, and in the course of the election, excepting so far as the said roll shall after the choice of preses and clerk be altered by judgment of the freeholders standing on that roll, 16 G. 2. c. 11. s. 12.

49. At every meeting for an election of a commissioner to serve in parliament, if the commissioner last elected, or in his absence the sheriff or steward's clerk, shall in the choice of preses or clerk receive the vote of any person not upon the roll, he shall, for every such offence forfeit 300*l.* sterling to every candidate for the office of preses or clerk, for whom such person shall not have given his vote, to be recovered by him or his executors; or if the commissioner last elected, or the sheriff or steward's clerk, shall in the choice of preses or clerk not call for or refuse the vote of any person whose name is upon the roll, he shall for every such offence forfeit 300*l.* sterling to the person whose name shall not be called for, or whose vote shall be refused, to be recovered by him or his executors; and if the preses in the election of the member to serve in parliament, receive the vote of any person not upon the roll, he shall for every such offence forfeit 200*l.* sterling to every candidate for whom such person shall not have given his vote, to be recovered by him or his executors; or if the preses shall in the election of the member not call for or refuse the vote of any person whose name is upon the roll, he shall for every such offence forfeit 200*l.* sterling to the person whose name shall not be called for, or whose vote shall be refused, to be recovered by him or his executors; and in case of equality of votes in the choice of preses or clerk, the commissioner last elected, and in his absence any freeholder present who last represented the shire or stewartry in any former parliament, and if no such person is present, the freeholder present who presided last at any meeting for any election, and in his absence the freeholder who last presided at any *Michaelmas* meeting, and if none of the said persons be present, the freeholder present who stands first on the roll, shall besides their own votes have the casting vote; and the preses chosen shall in the choice of the commissioner to serve in parliament, and all other questions where the votes are equal, in like manner besides his own vote have the casting vote, *id.* s. 13.

50. The persons chosen to be preses and clerk by the majority of the freeholders present on the said roll, shall be preses and clerk of the meeting for such election; and it shall not be lawful for any number of freeholders to separate from the majority of the persons present upon the roll, and set up any person as preses or clerk other than those chosen by the majority, and it shall not be lawful for any person to act as preses or clerk at any such election, unless they are chosen by the majority of persons on the roll; and every freeholder who shall so separate from the majority, and set up any person as preses or clerk other than those chosen by the majority, shall for every such offence forfeit 50*l.* sterling to the candidate who shall be chosen by the majority, to be recovered by him or his executors; and if any person presume to act as preses or clerk, who is not chosen by the majority of the freeholders present on the roll, he shall for every such offence forfeit 200*l.* sterling to the candidate who shall be chosen by the majority, to be recovered by him or his executors, *id.* s. 14.

51. The commissioner last elected, or in his absence the sheriff or steward's clerk, shall sign the minutes of the election of preses and clerk, and deliver the same to the clerk chosen as aforesaid; and if the commissioner last elected, or the sheriff or steward's clerk, neglect or refuse to sign the said minutes, and deliver the same to the clerk chosen as aforesaid, or sign false minutes, he shall, for every such offence, forfeit 100*l.* sterling, to the preses, to be recovered by him or his executors, *id.* s. 15.

52. The clerk chosen shall return to the sheriff or steward such person as shall be elected by the majority of the freeholders, on the roll made up at the meeting for election; and if he refuse or neglect so to return, or return any other person, he shall, for every such offence, instead of the penalty inflicted by 7 G. 2. c. 16. forfeit 500*l.* sterling to the candidate, chosen by the majority of the freeholders on the roll, to be recovered by him or his executors, *id.* s. 16.

53. Every sheriff or steward in *Scot.*, on producing to him a copy of the roll, last made up by the freeholders at the last *Michaelmas* meeting, or at the last election, extracted and signed by the sheriff or steward's clerk, and the original minutes of the election of preses and clerk, signed by the commissioner last elected, or in his absence by the sheriff or steward's clerk, shall annex to the writ the return made by the clerk chosen by the majority of the freeholders on the roll; and if any sheriff or steward neglect or refuse to annex to the writ such return, or shall annex the return made by any other person pretending to be clerk, he shall, for every such offence, instead of the penalty inflicted by 7 G. 2. c. 16. forfeit 500*l.* sterling, to the person returned by the clerk, and cho-

sen by the majority of the freeholders, to be recovered by him or his executors, 16 G. 2. c. 11. s. 17.

54. Every sheriff or steward in *Scot.* shall hold the *Michaelmas* head court on the day on which it has been most usually held, and every sheriff or steward shall, 14 days before *Michaelmas* next; appoint a day for holding his *Michaelmas* head court in the year 1743; and the days so appointed before *Michaelmas* next, shall be the anniversary for holding the *Michaelmas* head court of the said shire or stewartry, in all times coming, *id.* s. 18.

55. In the shire of *Sutherland* no person shall be elected commissioner for the said shire, or vote at such election, unless he be infeft, and in possession of lands liable to H. M.'s supplies, and other public burthens, at the rate of 200*l.* Scots valued rent, *id.* s. 19.

56. One person only shall be intitled to vote at such elections, or be elected, in respect of the same lands; and where lands are now holden by any baron or freeholder immediately of the king or prince, such baron or freeholder shall be capable to be elected, and shall be intitled to vote for those lands; and no vassal, or sub-vassal, of the said baron or freeholder shall have right to vote, or to be elected in respect thereof; and where lands are now holden, or shall hereafter be holden of the king or prince, by a peer or other person, or body politic, who by law are disabled to be a member of the H. of C., or to vote in such elections, the proprietor of such lands, and not any of his superiors, shall be intitled to vote or be elected, in respect of the same lands; and no alienation of the superiority by such peer, &c. shall deprive the proprietor of his right to vote in the said shire or to be elected, nor intitle the purchaser of the superiority to vote or to be elected; and the property of lands of the valuation aforesaid, holden in part of the king or prince, and in part of a peer, or other person or body politic incapable to elect or to be elected, shall be a qualification to the proprietor to vote, and to be elected for the said shire, *id.* s. 20.

57. The freeholders and proprietors, having right to elect or to be elected for the shire of *Sutherland*, shall meet at the head borough of the said shire, at the *Michaelmas* head court in the year 1745, and shall make up a roll of the electors having right to vote in the terms of this act, and of the other acts touching the election of commissioners for shires in *Scot.*; which roll, so made up, shall be revised yearly at the *Michaelmas* meetings, and at after elections; and the said acts shall extend to the shire of *Sutherland* as well as to the other shires in *Scot.*, except so far as is otherwise provided by this act, *id.* s. 21.

58. At the annual election of magistrates and counsellors in boroughs, and in all the proceedings previous to such election, it shall not be lawful for the minority, either of magistrates, or counsellors, or deacons, or other persons who have votes in the election of magistrates or counsellors, to separate from the majority; nor to make any separate election of magistrates, counsellors, or electors; and if any person, elected by the minority, presume to vote in the election of magistrates or counsellors, or in letting the magistrates or counsellors, or in any other step of the election, he shall forfeit 100*l.* sterling to any one of the majority of such meeting, *id.* s. 22.

59. No person elected magistrate or counsellor by a minority shall act as magistrate or counsellor; and if any person notwithstanding presume to act, he shall, for every such offence, forfeit 100*l.* sterling to the magistrates or counsellors elected by the majority, or to any of them who shall sue for the same, *id.* s. 23.

60. It shall be lawful for any constituent member, at any meeting for election of magistrates or counsellors, or of any meeting previous thereto, who apprehends any wrong to have been done by the majority of such meeting, to apply to the court of session by a summary complaint for rectifying such abuse, or for making void the election by the majority or for ascertaining the election by the minority, so as such complaint be presented within 2 calendar months after the annual election of the magistrates and counsellors; and the said court shall thereupon grant a warrant for summoning the magistrates and counsellors elected by the majority, (upon 15 days' notice, by 14 G. 3. c. 81.) and shall hear and determine the said complaint summarily, without abiding the course of any roll, and shall allow to the party who shall prevail their costs, *id.* s. 24.

61. It shall be lawful to the magistrates and counsellors of royal boroughs in *Scot.* to take and subscribe the oath of allegiance, subscribe the assurance, and take and sign the oath of abjuration before the council of their respective boroughs, *id.* s. 25.

62. At every election of commissioners for choosing burgesses for any district of boroughs in *Scot.* the common clerk of each borough shall make out a commission to the person chosen by the major part of the magistrates and town council; which magistrates and town council shall take the oath of allegiance, and sign the same with the assurance, and shall take all the other oaths appointed to be taken at such election by this or any former act, if required; and the said clerk shall affix the common seal of the borough thereto, and sign such commission, and shall not make out a commission for any person as commissioner, other than him who is chosen by the majority; and if any common clerk of any

borough neglect or refuse to make out such commission, or make out a commission to any other person, he shall, for every such offence, forfeit 500*l.* sterling to the person elected commissioner, to be recovered by him or his executors, and shall suffer imprisonment for 6 calendar months, and be disabled to hold the said office of common clerk of the said borough, 16 *G. 2. c. 11. s. 26.*

63. If any person, who is not the common clerk of the borough, take upon himself to act as such, in any election of a commissioner for choosing a burgess for any district of boroughs in *Scot.* and make out a commission for any other person as commissioner, other than the person chosen by the majority, and sign or affix the common seal of the borough thereto, he shall, for every such offence, forfeit 500*l.* sterling, to the commissioner for the said borough, to be recovered by him or his executors, *id. s. 27.*

64. "Whereas, by an act of parliament in *Scot.* of the 5th of Feb. 1707, it is enacted, that, where the votes of the commissioners for the boroughs met to choose representatives shall be equal, the president of the meeting shall have a casting vote; but no provision is made in case of the absence of the commissioner from the presiding borough or of his refusing to vote," be it ENACTED, that if the commissioner from the presiding borough be absent from the meeting of commissioners for choosing burgesses to serve in parliament or refuse to vote, the commissioner from the borough which was the presiding borough at the last election, and if he also be absent or refuse to vote, the commissioner from the borough which was the presiding borough at the election immediately preceding the last, and in case he be absent or refuse to vote, the commissioner from the borough which was the last presiding but 2, shall have, besides his own vote, the casting vote, *id. s. 28.*

65. It is no objection to any commissioner for choosing a burgess that he is not a residenter within the borough, bearing all portable charges with his neighbours, or that he is no trafficking merchant therein, or that he is not in possession of any burgage, lands, or houses, holding of the borough, and such qualifications need not be engrossed in his commission, *id. s. 29.*

66. At all meetings of commissioners for choosing burgesses to serve in parliament, the common clerk of the presiding borough shall allow the votes of such persons only who produce commissions authenticated by the subscription of the common clerk, and the common seal of the respective boroughs, and shall return to the sheriff or steward the person elected by the major part of such commissioners; and if he neglect or refuse to return such persons, or return any other person, he shall, for every such offence, instead of the penalty inflicted by 7 *G. 2. c. 16.* forfeit 500*l.* sterling to the candidate elected by the majority, to be recovered by him or his executors; and he shall also suffer imprisonment for 6 calendar months, and be disabled to hold his said office of common clerk of the said presiding borough, *id. s. 30.*

67. Every sheriff or steward in *Scot.* shall annex to the writ the return made by the said clerk of the presiding borough; and if any such sheriff or steward neglect or refuse so to do, or if he annex to the writ any return made by any other person, he shall, for every such offence, instead of the penalty inflicted by 7 *G. 2. c. 16.*, forfeit 500*l.* sterling, to the candidate returned by the aforesaid clerk of the presiding borough, to be recovered by him or his executors, *id. s. 31.*

68. If any person, to whom any commission is made as aforesaid, insist that he was duly elected commissioner for any royal borough, he shall be admitted to the meeting of the commissioners for choosing burgesses to serve in parliament, and may there make offer of taking the oaths, and declare for whom he would have voted; which oaths the clerk of the presiding borough shall administer, and shall set down in the minutes of proceedings the declaration of such person, but shall not receive him as a legal voter, or such declaration as a legal vote, *id. s. 32.*

69. The electors of commissioners for any royal borough in *Scot.* for choosing burgesses to parliament, are within the meaning of the 2 *G. 2. c. 24.* to be considered as the electors of the member to serve in parliament, *id. s. 33.*

70. At every election of commissioners for choosing burgesses for the several districts of boroughs in *Scot.*, and at the election of a burgess to serve in parliament for the city of *Edinburgh*, every magistrate, town counsellor, or person having or claiming a right to vote, instead of the oath prescribed by the said act, shall take the following oath, in case the same be demanded by any of the electors; and which any of the magistrates, or, in their absence, any of the town council shall administer:

"I *A. B.* do solemnly swear, that I have not directly or indirectly, by way of loan or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself, or any other, to my use, or benefit, or advantage, or to the use, benefit, or advantage of the city or borough of which I am magistrate, counsellor, or burgess, in order to give my vote at this election. So help me God." *id. s. 34.*

71. In all elections of commissioners for choosing burgesses, and be-

fore they proceed to election, the common clerk of each borough shall take and subscribe the oath following, which any of the magistrates, or in their absence any 2 of the town council shall administer:

"I, *A. B.* do solemnly swear, that I have not directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place, employment, or gratuity or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself, or any other, to my use, or benefit, or advantage, to make out any commission for a commissioner for choosing a burgess; and that I will duly make out a commission to the commissioner who shall be chosen by the majority of the town council assembled, and to no other person. So help me God." 16 *G. 2. c. 11. s. 35.*

72. And at all meetings of the commissioners for choosing burgesses to serve in parliament, before they proceed to the election, the clerk of the presiding borough shall take and subscribe the following oath, which the commissioner for the presiding borough, or in his absence any other of the commissioners shall administer:

"I *A. B.* do solemnly swear, that I have not directly or indirectly by way of loan, or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself, or any other to my use, or benefit, or advantage, to make any return at this election of a member to serve in parliament; and that I will return to the sheriff or steward the person elected by the major part of the commissioners assembled, whose commissions are authenticated by the subscription of the common clerk, and common seal of the respective boroughs of this district. So help me God."

If the clerk of the presiding borough neglect or refuse to take the oath aforesaid, he shall be incapable to act as clerk to the said meeting; and the said commissioners shall choose another clerk, *id. s. 36.*

73. At all elections of a member to serve in parliament for any county or stewartry in *Scot.*, the clerk shall after his election take and subscribe the following oath, which the preses of the meeting shall administer:

"I *A. B.* do solemnly swear, that I have not directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, by myself, or any other to my use, or advantage, to make any return at the present election of a member to serve in parliament; and that I will return to the sheriff or steward the person elected by the majority of the freeholders upon the roll made up at this election, and who shall be present, and vote at this meeting. So help me God." *id. s. 37.*

74. "And whereas by 2 *G. 2. c. 24. s. 3.* it is enacted, that every sheriff, or other returning officer shall, immediately after reading the writ or precept for the election, take and subscribe the oath contained in the said act," so much of the said act as requires the said oath to be taken by any returning officer in *Scot.* shall be repealed, *id. s. 38.*

75. If any person presume wilfully and falsely to swear and subscribe any of the oaths required to be taken by this act, and be convicted, he shall incur the pains and punishments of perjury, and be prosecuted according to the laws of *Scot.*, *id. s. 39.*

76. When any new parliament shall be called, the lord chancellor shall issue writs for election of members to serve in parliament for *Scot.*, with as much expedition as may be; and in that case, or in case of any vacancy during any parliament, the writs shall be delivered to the sheriff or steward to whom the execution thereof belongs; and every such sheriff or steward shall indorse thereon the day he received the same, and shall, within 4 days after the receipt thereof, make out a precept to each borough within his jurisdiction, to elect a commissioner for choosing a burgess to serve in parliament, and shall cause the same to be delivered to the chief magistrate of such borough resident in the borough; and in case such sheriff or steward neglect to indorse on the writ the day he received the same, or to make out his precept, and to deliver the same to the chief magistrate, he shall for every such offence forfeit 100*l.* sterling to any magistrate of the borough to which the precept is not timely delivered, who shall sue for the same, *id. s. 40.*, and 7 *G. 2. c. 16. s. 5.*

77. Such chief magistrate to whom the precept shall be delivered, shall indorse thereon the day he received the same, and within 2 days shall summon the council of the borough together, by giving notice personally, or leaving notice at the dwelling place of every counsellor resident in that borough, which council shall then appoint a peremptory day for the election of a commissioner for choosing a burgess to serve in parliament, 16 *G. 2. c. 11. s. 41.*

78. Two free days shall intervene betwixt the meeting of the council which appoints the day of election of the said commissioner, and the day on which the election of the commissioner is to be made; and in case such chief magistrate neglect to indorse the day he received the precept on the back thereof, or to summon the council within the time above directed, he shall for every such offence, forfeit 100*l.* sterling, to any magistrate or counsellor of the said borough who shall sue for the same, *id. s. 42.*

79. Every penalty or forfeiture by this act imposed in *Scot.*, shall be sued for and recovered by way of summary complaint before the court of session, upon 30 days' notice to the person complained of, without abiding the course of any roll; which complaint the court of session shall determine, and declare the disabilities and incapacities, and direct the imprisonments, as herein provided, 16 G. 2. c. 11. s. 43.

80. No person shall be liable to any incapacity, disability, forfeiture or penalty, by this act imposed in *Scot.*, unless prosecution be commenced within one year after such incapacity, &c. incurred, *id.* s. 44.

81. The court of session shall grant warrants for the service of all complaints, for redress of wrongs committed by enrolling freeholders, or in the annual elections of royal burghs, upon 15 days' notice, 14 G. 3. c. 81. s. 1.

82. In every election of a burghess for a district of boroughs in *Scot.*, when it shall happen that the election of the magistrates and council of the borough, which ought to have been the presiding borough at such election, is reduced and not revived, the next borough intitled to preside in turn shall be the presiding borough, and the election shall be made at that borough; and the commissioner for that borough shall be the president of the meeting of commissioners for the election, and have a casting vote, besides his own as commissioner, where the votes of the commissioners are equal; and the common clerk of that borough shall be clerk to the election; and every matter concerning the election shall be proceeded in as if that borough had been the presiding borough, in the ordinary course of rotation, *id.* s. 2.

83. The borough which would have been the presiding borough at the election, if the election of magistrates and counsellors had not been reduced, shall, when revived by the justice and favour of the crown, have no right to be a presiding borough in the election of a burghess to serve in parliament for the district of boroughs of which it is one, until the other boroughs of the district, each in their turn, have successively provided, and that right devolves upon such borough in the ordinary course of rotation, *id.* s. 3.

84. TO PREVENT UNNECESSARY DELAY IN THE EXECUTION OF writs for election of M. P.s for *Scot.*, 35 G. 3. c. 65.

85. The sheriff or steward depute or substitute of any county or stewartry in *Scot.* shall within 6 free days after receiving such writ, direct the notices required by law to be given as to the time and place of election for an M. P. for such county or stewartry, and the day of election so fixed, shall not be sooner than 6 free days, nor less than 15 days after its publication at the church-doors, *id.* s. 1. [see as to *Orkney*, s. 5. *pl.* 90.]

86. On issuing writs for election of M. P.s in *Scot.*, the same shall be forthwith forwarded to the sheriff, or steward depute, or in their absence to the substitute of each, and the principal sheriff or steward shall not officiate, either in receiving or executing the writ, *id.* s. 2.

87. Every sheriff or steward depute or substitute, wilfully refusing, neglecting, or delaying to perform his duty in the above particulars, shall for every offence forfeit 500*l.* sterling, one half to the party suing, and the other to H. M., to be recovered as in 16 G. 2. c. 11. s. 43. *pl.* 79. *id.* s. 3.

88. Every sheriff, steward, or person other than the sheriff or steward depute or substitute of each, who shall presume in any respect to interfere, or take on himself the execution of writs for election of M. P.s for *Scot.*, shall forfeit for every offence 1000*l.* sterling, recoverable as in last *pl.*, *id.* s. 4.

89. Every action for any offence against this act shall be commenced within 12 months after the commission of the offence, or after the conclusion of any proceedings in the House of Commons touching the election, *id.* s. 4.

90. The writ for election of an M. P. for the stewartry of *Orkney* and *Zetland*, shall be published at *Kirkwall*, and the 12 parish churches in *Pomona*, or the mainland of *Orkney* only, *id.* s. 5.

91. No person (*viz.* revenue officers) RENDERED INCAPABLE OF voting in elections of M. P.s by 22 G. 3. c. 41. PARLIAMENT, *pl.* 202., shall be capable of voting at any election for the choice of a preses, or clerk to the freeholders of any county in *Scot.*, nor relative to the adjustment of the poll of such freeholders, nor at any other meetings of the freeholders soever; and any vote given by such person during his being in office, or in one twelvemonth after his ceasing to hold the same, shall be void, and the offender is liable to 100*l.* penalty, payable in moieties to the informer and to the clerk of the justices, recoverable as in 22 G. 3. c. 41. s. 1, *id.* *pl.* 203. directed with regard to the penalties of that act incurred in *Scot.*, and shall be disabled to hold office under the crown, 37 G. 3. c. 138. s. 1.

92. Any freeholder may put the oath of trust and possession to any person offering to vote in the election of preses and clerk at an election for a M. P. for any county, *id.* s. 2.

93. Prosecutions for penalties incurred under this act, must be commenced in 12 months after incurred, *id.* s. 5.

SCOTLAND (*PENSIONS*).

1. TO LIMIT THE AMOUNT OF PENSIONS TO BE GRANTED out of the civil list of *Scot.*, 50 G. 3. c. 111. [AMD. 1 G. 4. c. 1. s. 9.]

2. No pension exceeding 300*l.* per ann. shall be granted out of the civil list of *Scot.* to or for the use of any one person, and the whole amount granted from such list in any one year shall not exceed 800*l.* a list of which, with the names of the grantees, shall be laid before parliament in 21 days after beginning of each session, till the list is reduced to 2500*l.*, which sum shall not be exceeded in the whole of the grant, nor shall any pension to be granted after such reduction, to or for the use of any one person, exceed 600*l.*, except to one of the royal family, or on address of either house of parliament, 50 G. 3. c. 111. s. 1.

3. All monies remaining after payment of the pensions and charges payable out of the civil list of *Scot.* shall be carried to the [English civil list, *id.* s. 2. altered as follows.] consolidated fund of U. K. during the life of G. 4., 1 G. 4. c. 1. s. 9.

4. Nothing in this act shall prevent H. M. from making grants, (except pensions) for civil purposes in *Scot.* out of the *Scotch* civil list revenues, as heretofore used, 50 G. 3. c. 111. s. 3.

SCOTLAND (*PORTS AND HARBOURS*).

1. H. M. may, from time to time, by commissions of *Scotch* exchequer, assign further ports, members, and creeks in *Scot.* for landing or shipping goods, and to what ancient and head ports such places shall appertain, and the customer, collector, controller, and searcher shall by themselves, their deputies, or servants, reside, for the clearing of ships and goods, and may, by virtue of the said commissions, appoint the extents and limits of every port, haven, or creek in *Scot.*, 6 A. c. 26. s. 18. [rest of this statute relates to SCOTLAND (EXCHEQUER).]

SCOTLAND (*UNION*).

(STATUTES expired and repealed.)

1. FOR AUTHORIZING CERTAIN COMMISSIONERS OF *Eng.* TO TREAT WITH COMMISSIONERS OF *Scot.* for the weal of both kingdoms, 1 J. 1. c. 2. [EXPL. 3 J. 1. c. 3. BOTH EXP.]

2. ANOTHER ACT FOR THE SAME PURPOSE, 22 C. 2. c. 9. [EXP.]

3. FOR ENABLING QUEEN *Anne* to appoint commissioners to treat for an union between the kingdoms of *Eng.* and *Scot.*, 1 A. St. 1. c. 14. [This act and 3 & 4 A. c. 7., though virtually EXP., are inserted shortly on account of the importance of the measure.]

4. Commissions appointed by H. M. may treat with *Scotch* commissioners concerning an union, and shall reduce their proceedings into writings *quadrupartite*: one part to be presented to H. M., two offered to *English*, and one to *Scotch* parliaments, for their consideration thereof, for the weal and common good of both kingdoms, 1 A. St. 1. c. 14. s. 1., and no act of commissioners shall be of any effect till confirmed by parliament of *Eng.*, *id.* s. 2.

5. FOR EFFECTUALLY SECURING *Eng.* FROM THE APPARENT DANGERS that may arise from several acts lately passed in the parliament of *Scot.* 3 & 4 A. c. 7. [virtually EXP. and ss. 4—10. REP. 4 A. c. 3. s. 10.]

6. H. M. shall appoint commissioners to treat of an union, *id.* s. 1.; proceedings to be reduced into writings *quadrupartite*, and the commission shall not commence till an act of *Scotch* parliament be made, empowering H. M. to grant such commission under the *Scotch* great seal, *id.* s. 2. no act of the commissioners valid till confirmed by parliament of *Eng.*, *id.* s. 3. commissioners shall treat of any alteration in the liturgy or church government, *id.* s. 12.

(STATUTES in force.)

1. FOR UTTER ABOLITION OF ALL MEMORY of hostility between *Eng.* and *Scot.* and for repressing occasions of discords, and disorders in time to come, 4 J. 1. c. 1. ss. 1—22. [CON. 13 & 14 C. 2. c. 22. s. 8.]

2. The following statutes are REP.; *viz.* 5 R. 2. St. 1. c. 2. by s. 96., 4 H. 5. c. 7. (s. 3.) by s. 1., 35 H. 8. c. 6. (s. 23.) by s. 2., 7 R. 2. c. 16. by s. 3., 1 H. 6. c. 3. by s. 4., 7 H. 7. c. 7. by s. 5., 23 H. 8. c. 16. and 1 El. c. 7. by s. 6., 2 & 3 P. & M. c. 1. by s. 7., and 25 El. c. 4. by s. 8. but such repeal shall not take place till certain *Scotch* statutes recited in ss. 9—21. are REP. by the *Scotch* parliament, 4 J. 1. c. 1. s. 9—21.

3. FOR THE UNION OF THE TWO KINGDOMS OF *Eng.* and *Scot.*, 5 & 6 A. c. 8. [AMD. 6 A. c. 6. s. 1. 8 A. c. 16. ss. 3—5.]

4. The articles of union approved of by the parliaments of *Eng.* and *Scot.* are:—

Art. 1. "The two kingdoms of *Eng.* and *Scot.* shall, upon May 1707, and for ever after, be united into one kingdom by the name of G. B.; and the ensigns armorial of the U. K. shall be such as H. M. shall appoint, and the crosses of *St. George* and *St. Andrew* shall be conjoined in such manner as H. M. shall think fit."

5 & 6 A. c. 8. Art. 2. "The succession to the monarchy of *G. B.* in default of issue of *H. M.*, shall be to the most excellent princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants; and all papists, and persons marrying papists, shall be excluded from the imperial crown of *G. B.*; and, in every case, the crown shall descend to such person, being a protestant, as should have inherited the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the crown of *Eng.* by 1 *W. & M. S. 2. c. 2.*"

Art. 3. "The *U. K.* shall be represented by one parliament, to be styled "The parliament of *G. B.*;" [altered to "The parliament of the *U. K.* of *G. B.* and *Ire.*" 39 & 40 *G. 3. c. 68. Art. 3.*]"

Art. 4. "All the subjects of the *U. K.* shall have full freedom of trade and navigation to any port within the *U. K.* and the dominions thereunto belonging; and there shall be a communication of all other rights which belong to the subjects of either kingdom, except where it is otherwise agreed in these articles."

Art. 5. "All ships belonging to *H. M.*'s subjects of *Scot.*, at the time of ratifying the treaty of union in the parliament of *Scot.*, though foreign built, shall pass as ships of the built of *G. B.*; the owners, within 12 months after the first of *May* next, making oath, that at the time of ratifying the treaty of union in the parliament of *Scot.*, the same did, in whole or in part, belong to them, or to other subjects of *Scot.*, to be particularly named, with the place of their abodes; and that the same doth at the time of the deposition wholly belong to them; and that no foreigner hath any interest therein; which oath shall be made before the chief officers of the customs in the port next to the abode of the owners; and the oath shall be attested by the officer who administered the same; and being registered, shall be delivered to the master of the ship; and a duplicate thereof shall be transmitted to the chief officers of the customs in the port of *Edinburgh*, and from thence sent to the port of *London*, to be entered in the general register."

Art. 6. "All parts of the *U. K.* shall have the same encouragements and drawbacks, and be under the same regulations of trade, and liable to the same customs; and the allowances, drawbacks, and regulations of trade, and the duties on import and export settled in *Eng.*, shall take place through the whole *U. K.*, excepting the duties upon export and import of such particular commodities, from which any persons are specially exempted by their private rights; and no *Scots* cattle carried into *Eng.* shall be liable to any other duties, than those to which the cattle of *Eng.* are; and when oats shall be sold at 15s. per quarter, or under, there shall be paid 2s. 6d. for every quarter of oatmeal exported, so long as rewards are granted for exportation of other grains, and the bear of *Scot.* shall have the same rewards as barley; and the prohibition by the law of *Scot.* against importation of victuals from *Ire.* or any other place beyond sea into *Scot.*, shall remain, until more effectual ways be provided by the parliament of *G. B.*"

Art. 7. "All parts of the *U. K.* shall be liable to the same excises upon liquors, excepting only that the 34 gallons, *English* barrel of beer or ale, amounting to 12 gallons *Scots* present measure, sold in *Scot.* by the brewer at 9s. 6d. excluding all duties, and retailed, including duties and the retailer's profit, at 2d. the *Scots* pint, be not liable on account of the present excise in *Eng.* to any higher imposition than 2s." [*Price of ale in Scot.* ascertained, 12 *G. 1. c. 4. s. 62.*]

Art. 8. "Foreign salt imported into *Scot.* shall be charged with the same duties as the like salt is now charged with being imported into *Eng.*; but all foreign salt imported into *Scot.* shall be cellared under the custody of the merchants and the officers, and the merchant may have what quantity his occasion may require, not under a weigh at a time, giving security for the duty, payable in 6 months. *Scot.* from the expiration of 7 years, shall be subject to the same duties for salt made in *Scot.* as shall be then payable for salt made in *Eng.*, with this exception, that *Scot.* shall remain exempted from the duty of 2s. 4d. a bushel on home salt, imposed by an act made in *Eng.*, 9 & 10 *W. 3. c. 44.*, and if the parliament of *G. B.* shall substitute any other fund in place of the said 2s. 4d. on the bushel of home salt, *Scot.* shall, after the 7 years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty, [additional salt duties now payable.] And after the 7 years, as long as the said duty of 2s. 4d. a bushel upon salt is continued in *Eng.*, the said 2s. 4d. a bushel shall be payable for all salt made in *Scot.* and imported into *Eng.*; and during the continuance of the 2s. 4d. a bushel, no salt shall be brought from *Scot.* to *Eng.* by land, under the penalty of forfeiting the salt and the cattle and carriages made use of in bringing the same, and 20s. for every bushel, for which the carrier as well as the owner shall be liable, and the persons carrying the same to be imprisoned by any justice of peace 6 months, and until the penalty be paid. [Every person, residing in any county in *Eng.* near the borders of *Scot.* in whose custody any salt brought from *Scot.* shall be found, shall be liable to the same penalties as if he was the carrier or owner thereof; unless he make it appear upon the trial, or hearing of any information, that it came by sea, and that the duties had been paid

or secured, 25 *G. 3. c. 63. s. 4.*] and all flesh exported from *Scot.* to *Eng.* and put on board in *Scot.* to be exported beyond the seas, and provisions for ships in *Scot.* and for foreign voyages, may be salted with *Scots* salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in *Eng.*, and under the same penalties and provisions; and the laws in *Scot.* for pining, curing, and packing of herrings, white fish, and salmon for exportation, with foreign salt only, without any mixture of *British* or *Irish* salt, and for preventing of frauds in curing and packing of fish, shall be continued in *Scot.*, subject to such alterations as shall be made by the parliament of *G. B.* [*Reduced to 1s. 6d. per barrel, 3 G. 2. c. 20. s. 16. REVIVED, 5 G. 2. c. 6. MADE PERF. 26 G. 3. c. 3. REF. 38 G. 3. c. 89.*] and all fish exported from *Scot.* beyond the seas, which shall be cured with foreign salt only, shall have the same premiums and drawbacks as shall be allowed to such as export the like fish from *Eng.*; and there shall be paid to the subjects of *G. B.*, during the present allowances for other fish, 10s. 5d. for every barrel of white herrings exported from *Scot.*; and there shall be allowed 5s. for every barrel of beef or pork salted with foreign salt, without mixture of *British* or *Irish* salt, and exported for sale from *Scot.* to parts beyond the seas, alterable by the parliament of *G. B.*; and if any matters of fraud relating to the said duties on salt shall hereafter appear, the same shall be subject to such further provisions as shall be thought fit by the parliament of *G. B.*"

5 & 6 A. c. 8. Art. 9. "Whenever the sum of 1,997,763*l.* 8s. 4*d.* shall be enacted by the parliament of *G. B.* to be raised in *Eng.* by a land-tax, *Scot.* shall be charged by the same act with a further sum of 48,000*l.* free of all charges, and so proportionably; and such quota for *Scot.* shall be raised in the same manner as the cess now is in *Scot.*, but subject to such regulations in the manner of collecting as shall be made by the parliament of *G. B.*" [see LAND-TAX.]

Articles 10—13. seem EXP.

Art. 14. "*Scot.* shall not be charged with any other duties laid on by the parliament of *Eng.* before the union, except those consented to in this treaty; provided that if the parliament of *Eng.* shall lay any further impositions by way of customs, or such excises with which by this treaty *Scot.* is charged equally with *Eng.*, *Scot.* shall be liable to the same, and have an equivalent to be settled by the parliament of *G. B.*, with this further provision, that any malt to be made and consumed in *Scot.*, shall not be charged with any imposition on malt, during this war. And there shall be no further exemption insisted upon for any part of the *U. K.*"

Art. 15. "*Scot.* shall have an equivalent for what the subjects thereof shall be charged towards payment of the debts of *Eng.*, in the manner following, viz. before the union the sum of 398,085*l.* 10s. shall be granted by the parliament of *Eng.* for the equivalent to *Scot.*, for such parts of the customs and excises with which that kingdom is to be charged, as will be applicable to the payment of the debts of *Eng.*, according to the proportions which the present customs in *Scot.*, being 30,000*l.* per annum, bear to the customs of *Eng.*, computed at 1,541,559*l.* per annum; and which the present excises on liquors in *Scot.*, being 33,500*l.* per annum, bear to the excises of liquors in *Eng.*, computed at 947,602*l.* per annum; which sum of 398,085*l.* 10s. shall be due from the time of the union. And after the union there shall be an account kept of the said duties arising in *Scot.*, to the end it may appear what ought to be answered to *Scot.* as an equivalent for such proportion of the increase as shall be applicable to the payment of the debts of *Eng.* And the whole encroachment of the customs and excises in *Scot.*, over and above the annual produce above stated, shall be applied for 7 years to the use hereafter mentioned; and there shall be answerable to *Scot.* annually from the end of 7 years after the union, an equivalent in proportion to such part of the said increase, as shall be applicable to the debts of *Eng.*, and generally an equivalent shall be answered to *Scot.* for such parts of the *English* debts as *Scot.* may become liable to pay by reason of the union. And as for the uses to which the said sum of 398,085*l.* 10s., and all other monies to be answered to *Scot.* as aforesaid, are to be applied, in the first place, out of the aforesaid sum, what consideration shall be necessary to be had for any losses which private persons may sustain by reducing the coin of *Scot.* to the standard of the coin of *Eng.*, may be made good; in the next place, the capital stock or fund of the *African* and *Indian* company of *Scot.*, with interest of 5 per cent. from the time of the payment thereof, shall be paid, upon which the said company shall be dissolved; and the overplus of the said sum of 398,085*l.* 10s., and also the whole increase of customs and excises during the term of 7 years, together with the equivalent which shall become due upon the improvement thereof in *Scot.* after the said term, and all other sums, which, according to the agreements aforesaid, may become payable to *Scot.* by way of equivalent, for what that kingdom shall become liable towards payment of the debts of *Eng.*; the same shall be applied in manner following; viz. all the public debts of *Scot.*, as shall be adjusted by this present parliament, shall be paid; and 2000*l.* per annum for 7 years shall be applied towards encouraging

the manufacture of coarse wool within those shires which produce the wool; and the first 2000*l.* shall be paid at *Martmas* next; and afterwards the same shall be wholly applied towards encouraging the fisheries, and such other manufactures and improvements in *Scot.* as may most conduce to the general good of the *U. K.* And after H. M. shall be impowered to appoint commissioners, who shall be accountable to the parliament of *G. B.*, for disposing the said sum of 398,085*l.* 10*s.*, and all other monies which shall arise to *Scot.*, upon the agreements aforesaid; and the collectors of the said revenues shall give to the said commissioners authentic abbreviations of the produce of such revenues; and the said commissioners shall have their office within *Scot.*, and shall keep account of the amount of the equivalents, and how the same shall be disposed of, which may be inspected by any of the subjects."

5 & 6 A. c. 8. Art. 16. "The coin shall be of the same standard throughout *U. K.* as now in *Eng.*, and a mint shall be continued in *Scot.*, under the same rules as the mint in *Eng.*, and the present officers of the mint continued, subject to such alterations as H. M. or parliament of *G. B.* shall think fit."

Art. 17. "The same weights and measures shall be used throughout *U. K.* as are now established in *Eng.*; and standards of weights and measures shall be kept by those burghs in *Scot.* to whom the keeping the standards of weights and measures does of special right belong: all which standards shall be sent down to such burghs, from the standards kept in the exchequer at *Westminster*, subject to such regulations as the parliament of *G. B.* shall think fit."

Art. 18. "The laws concerning regulation of trade, customs, and such excises to which *Scot.* is by this treaty to be liable, shall be the same in *Scot.* as in *Eng.*, and all other laws in use within *Scot.* shall, after the union, and notwithstanding thereof, remain in force, (except such as are inconsistent with this treaty,) but alterable by the parliament of *G. B.*; with this difference betwixt the laws concerning public right, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government may be made throughout the whole *U. K.*; but that no alteration be made in laws which concern private right, except for evident utility of the subjects within *Scot.*"

Art. 19. "The court of session, or college of justice, shall, after the union, and notwithstanding thereof, remain in all time coming within *Scot.*, as it is now constituted, and with the same authority; subject nevertheless to such regulations for the better administration of justice as shall be made by the parliament of *G. B.*; and none shall be named by H. M., to be ordinary lords of session, but such who have served in the college of justice as advocates, or principal clerks of session, for 5 years, or as writers to the signet for 10 years; with this provision, that no writer to the signet be capable to be admitted a lord of the session, unless he undergo a private and public trial on the civil law before the faculty of advocates, and be found qualified for the office, 2 years before he be named a lord of the session; yet so as the qualifications for capacitating persons to be named ordinary lords of session may be altered by the parliament of *G. B.* And the court of judiciary shall also after the union, and notwithstanding thereof, remain in all time coming within *Scot.*, as it is now constituted, and with the same authority, subject to such regulations as shall be made by the parliament of *G. B.*, and without prejudice of other rights of judiciary; and all admiralty jurisdictions shall be under the lord high admiral, or commissioners for the admiralty of *G. B.*; and the court of admiralty now established in *Scot.* shall be continued, and all reviews, reductions, or suspensions of the sentences, in maritime cases, competent to the jurisdiction of that court, shall remain in the same manner as now in *Scot.*, until the parliament of *G. B.* shall make such regulations as shall be judged expedient for the whole *U. K.*; so as there be always continued in *Scot.* a court of admiralty, such as in *Eng.*, for determination of all maritime cases relating to private rights in *Scot.*, competent to the jurisdiction of the admiralty court, subject nevertheless to such alterations as shall be made by the parliament of *G. B.*; and the heretable rights of admiralty and vico-admiralties of *Scot.* shall be reserved to the proprietors as rights of property, subject nevertheless, as to the manner of exercising such rights, to such regulations as shall be thought proper by the parliament of *G. B.*; and all other courts now in *Scot.* shall remain, but subject to alterations by the parliament of *G. B.*; and all inferior courts within the said limits shall remain subordinate to the supreme courts of justice within the same; and no causes in *Scot.* shall be cognoscible by the courts of chancery, K. B., or C. P., or other court in *Westminster-hall*; and the said courts, or any other of the like nature, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within *Scot.*, or stop the execution of the same; and there shall be a court of exchequer in *Scot.* for deciding questions concerning the revenues of customs and excises there, having the same power in such cases as the court of exchequer has in *Eng.*, and the said exchequer in *Scot.* shall have power of signatures, gifts, tutories, and in other things, as exchequer at

present in *Scot.* hath; and the exchequer now in *Scot.* shall remain, till a new court of exchequer be settled by the parliament of *G. B.* in *Scot.* [now established, 6 A. c. 26. s. 1.] and H. M. may continue a privy council in *Scot.*, for preserving of public peace and order, until the parliament of *G. B.* shall think fit to establish any other method." [This is now done, 6 A. c. 6. s. 1., PRIVY COUNCIL, pl. 2.]

5 & 6 A. c. 8. Art. 20. "All heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, shall be reserved to the owners thereof, as rights of property."

Art. 21. "The rights and privileges of the royal burghs in *Scot.* shall remain entire after the union, and notwithstanding thereof." [See Articles 22—23, this title, (PARLIAMENT, PEERS), pl. 1—2.; and ss. 6—7. of Art. 25. same tit. COMMONS, pl. 1.]

Art. 24. "There shall be one great seal for the *U. K.* of *G. B.*; and the quartering the arms, and the rank of the *lyon* king of arms of *Scot.* shall be left to H. M.; and the great seal of *U. K.* shall be used for sealing writs to summon the parliament of *G. B.*, and for sealing all treaties with foreign states, and all public acts of state which concern the kingdom, and in other matters relating to *Eng.*, as the great seal of *Eng.* is now used; and a seal in *Scot.* shall be kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of *Scot.*, and which only concern offices, grants, commissions, and private rights, within that kingdom; and the privy seal, signet, casset, signet of the justiciary court, quarter seal, and seals of courts now used in *Scot.*, shall be continued, but adapted to the state of the union, as H. M. shall think fit; and the said seals shall be subject to such regulations as the parliament of *G. B.* shall make; and the crown, sceptre, and the sword of state, the records of parliament, and all other records, rolls, and registers, both public and private, shall continue to be kept, as they are within *Scot.* in all time coming."

Art. 25. "All laws, in either kingdom, so far as they are inconsistent with these articles shall become void, and shall be so declared to be by the respective parliaments."

5. The act for securing the protestant religion and presbyterian church government within *Scot.* is as follows: "H. M., with advice and consent of the estates of parliament, doth establish and confirm the true protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land, in all generations, and more especially the 5th act of the first parliament of king *William* and queen *Mary*, intituled *Act ratifying the confession of faith, and settling presbyterian church government*, with all other acts of parliament relating thereto; and declares, that the foresaid true protestant religion, contained in the confession of faith, with the form and purity of worship in use within this church; and its presbyterian church government and discipline, by kirk-sessions, presbyteries, provinces, synods, and general assemblies, shall remain unalterable, and that the said presbyterian government shall be only government of the church of *Scot.*," *id.* s. 5.

6. "The universities and colleges of *St. Andrews*, *Glasgow*, *Aberdeen*, and *Edinburgh*, as established by law, shall continue for ever; and no professors, principals, regents, masters, or others, bearing office in any university, college, or school, within this kingdom, shall be admitted to their functions, but such as shall acknowledge the civil government in manner prescribed by acts of parliament; as also at their admissions shall profess, and shall subscribe to the aforesaid confession of faith, and that they will conform themselves to the worship in use in this church, and submit themselves to the government and discipline thereof, and never endeavour the prejudice or subversion of the same, and that before the respective presbyteries of their bounds. None of the subjects of this kingdom shall be liable to any oath, test, or subscription, within this kingdom, inconsistent with the foresaid true protestant religion, and presbyterian church government worship and discipline; and after the decease of H. M. the sovereign, succeeding in the royal government of the kingdom of *G. B.*, in all time coming at his accession to the crown, shall swear and subscribe, that they shall inviolably maintain and preserve the aforesaid settlement of the true protestant religion, with the government, worship, discipline, right, and privileges of this church. This act shall be a fundamental and essential condition of union betwixt the 2 kingdoms, and shall be inserted in any act of parliament for concluding the union; nevertheless, the parliament of *Eng.* may provide for the security of the church of *Eng.*, as they think expedient, to take place within the bounds of *Eng.*, and not derogating from the security above provided for the church of *Scot.*; as also the parliament of *Eng.*, may extend the provisions contained in the articles of union in favour of the subjects of *Scot.* to those of *Eng.*; all laws in this kingdom, so far as they are inconsistent with the articles, shall after the union become void." 5 & 6 A. c. 8. ss. 1—6.

7. The act "for securing the church of *Eng.*, as by law established," viz. 5 & 6 A. c. 5., (see SERVICE AND SACRAMENTS) is also inserted, *id.* s. 7—9.

8. The said articles of union, and also the said act of parliament of *Scot.*, for establishing the protestant religion and presbyterian church government within that kingdom, shall be for ever confirmed, *id.* s. 10.

9. The said act for securing the church of *Eng.*, as by law established; and also that of *Scot.*, for securing the protestant religion and presbyterian church government, shall for ever be observed as fundamental and essential conditions of the union, 5 & 6 A. c. 8. s. 11.

SEA MARKS.

1. TOUCHING SEA MARKS, 8 *El.* c. 13. and recital in s. 1. (see s. 5. WATERMEN), [EXTD. to vessels duly appointed to exhibit lights, 59 G. 3. c. 39. s. 67, 68., PILOTAGE, *pl.* 69, 70.]

2. The master, wardens, and assistants of the *Trinity House* at *Deptford Strond*, being a company incorporate, may, by virtue of this act, at their will and costs, erect and set up so many beacons, marks, and signs, for the sea, in such places of the sea shores and uplands near the sea coasts or forelands of the sea only, for sea marks, as to them seem meet, whereby ships may come to their ports without peril, 8 *El.* c. 13. s. 2.

3. Such beacons, marks, and signs, so to be erected, shall be maintained at the costs of such master, &c., *id.* s. 3.

4. No steeples, trees, or other things, now standing as beacons or marks for the sea, whereof notice shall be given to the owner or occupier, before 1st *Mar.* next coming, by H. M.'s letters under her signet, shall be taken down or felled, on pain, that the persons by whose procurement such offence is committed, shall forfeit 100*l.*, to go, one moiety to H. M., and the other to such master, &c.; and if the person so offending has not 100*l.*, he shall be deemed convict of outlawry, *ipso facto*, *id.* s. 4.

CLYDE LIGHTHOUSE.

5. FOR ERECTING, MAINTAINING, AND SUPPORTING A LIGHT-HOUSE on the island of *Little Cumray*, in the county of *Bute*, at the mouth of the river *Clyde*, in *North Britain*; and for rendering the navigation in the frith and river *Clyde* more safe and commodious, 29 G. 2. c. 20., PUBLIC clause, s. 19.

6. Power given to the earl of *Eglintoun*, to grant a free-charter of the land in the island of *Little Cumray*, for erecting a light-house; and the said earl shall not thereby incur any of irritances contained in his strict tailzie, (*id.* s. 1.), a fee-duty to be paid for the same, *id.* s. 2.

7. The lands whereon such light-house is to be erected, shall be vested in the earl of *Eglintoun* and his heirs, in lordship of *Eglintoun*; lord *Cathcart* and his heirs; *John Stewart Shaw* and his heirs; the provost, bailies, dean of *Guild*, and convener of the city of *Glasgow*, for the time being, and their immediate predecessors; the 2 bailies of the town of *Greenock*, and the bailie of the port of *Glasgow* for the time being, who shall be commissioners for executing this act, (s. 3.); and 7 of them shall appoint officers, (s. 4.), and erect the light-house, *id.* ss. 3—5.

8. When such light-house is finished, such commissioners may demand and take of all masters, and owners of every ship or vessel, bound outwards on any foreign voyage, from the frith or river of *Clyde*, and passing such light, one PENNY per ton; and also one PENNY per ton of such vessels as pass inwards from any foreign voyage to the north of such light-house, whether they pass by the middle passage betwixt the islands of *Little Cumray* and *Bute*, or by the east side of *Little Cumray*, or between the islands of *Bute* and *Arran*; and whether such vessels do discharge in any port or harbour in the frith and river *Clyde* or not; and two-pence inwards and outwards per ton, of every foreign vessel, for each time of passing such light-house in such manner; and from the masters and owners of all vessels of 30 tons or upwards, trading to or from any part of *G. B.* or *Ire.*, without proceeding to or coming from any other place or county, ONE HALFPENNY per ton, for each time of so passing such light-house; and from the masters and owners of all small vessels above 15 tons and under 30, that shall pass such light-house, so trading, TWO-PENCE per ton, for each year they pass such light-house, to be reckoned from the 24th *June*; and to be paid for the current year, before the clearing out of any of the harbours, ports, &c. in such frith or river of *Clyde*, *id.* s. 6.

9. Annual rent of 2*l.* shall be paid to the earl of *Eglintoun*, (s. 7.); and in case of non-payment, a fine of 2*l.*, besides the rent, (s. 8.); the commissioners shall keep minutes of their proceedings, and accounts of their receipts and disbursements, (s. 9.); and may borrow money at 5 per cent., not exceeding 500*l.*, by mortgage of such duties, *id.* ss. 7—10.

10. No officer of customs, at any port, harbour, or place, in the frith and river of *Clyde*, shall receive any entry, cocquet, or other discharge or clearance, or take any report outwards, from any vessel foreign or *British*, liable to such duties, until the same be paid; or until the master or owner of such vessel shall produce a receipt for the same, *id.* s. 11.

11. In case such master or owner shall refuse to pay such duties such commissioners, or the collector appointed by them, may seize, preferable to, and notwithstanding of any right of hypothecation, attachment, arrestment, or other right, any goods, gun, tackle, &c. belonging to such vessel, and detain the same, till such duties are paid;

and if they are not paid within 3 days after such seizure, such commissioners or collectors may cause the same to be appraised by 2 persons, and sell the same, and satisfy such duties, and the charges of seizure, &c. as ascertained by the oath of the seizer, rendering the overplus to such master, &c., 29 G. 2. c. 30. s. 12.

12. H. M.'s ships, vessels, and wherries, employed in his service, shall be exempt from such duties, *id.* s. 13.

13. Such light-house and other buildings shall be vested in such commissioners, who shall keep the same in repair and proper light therein during night; how the money arising under this act shall s. 14.

14. All actions for recovery of such duties, may be brought in any court competent to civil actions in *Scot.*; and the same shall be heard and determined in a summary way; and the judges of such courts may immediately issue their decrees thereon, with double costs, *id.* s. 15.

15. In actions against any commissioners or other person for any thing done under this act, the defendants may produce this act, and plead that the same was done under this act; and if it so appear, the defendant shall be absolved from such action, and have double costs, *id.* s. 16.

16. Notice shall be given of the meetings of such commissioners, (s. 17.) and all sheriffs and justices, judges, and magistrates, with their officers, messengers at arms, and other executors of the law, shall assist in the execution of this act, *id.* s. 18.

EDYSTONE LIGHTHOUSE.

17. FOR THE BETTER ENABLING THE MASTERS, WARDENS, AND assistants of the *Trinity House*, to rebuild the light-house on the *Edystone* rock, 4 & 5 A. c. 20.; PUBLIC clause, s. 4. [EXPL. and AMD. 8 A. c. 17.]

18. From the kindling or placing of light in such light-house, there shall be paid to the master warden and assistants of *Trinity House*, *Deptford Strond*, by the masters and owners of all *English* ships, hoys, and barks, which pass such light-house, except coasters, the duty of 1*d.* per ton outward and inward bound, viz. of the merchant, one moiety, and of the owner of the ship the other, and all such stranger or alien ships and vessels as shall pass such light-house or beacon, 2*d.* per ton burden of such vessel, and every coaster passing such light-house shall pay 2*s.* for each time of passing, such duties to be collected by such persons as such master wardens, &c. shall appoint in such port, whence such ship, &c. shall set forth or arrive before they load or unload the goods therein; such duties to be recovered by action of debt, in any court of record at *Westminster*, wherein no essoin, &c. and only one imparlance allowed, 4 & 5 A. c. 20.

19. The duties by 4 & 5 A. c. 20. given, shall be paid for every ship, hoy, or bark, as well those belonging to H. M.'s subjects, as those belonging to strangers, which shall pass such light-house, from or to any port whatever, and shall be collected of the master of such ship, &c. in any port of *G. B.* or *Ire.* and be recovered in any court of record in such kingdoms, 8 A. c. 17. s. 1.

20. No officer of customs within *G. B.* or *Ire.* shall give or make out any cocquet or other discharge, or take any report outwards for any ship, hoy, &c. until such duties are paid, or that such master of such ship, &c. produce an acquittance or light bill, under the hand of the collector, testifying the receipt thereof, *id.* s. 2.

21. Every collector deputed by such master wardens, &c. may go on board any foreign ship, &c. to demand and receive such duties, and for nonpayment thereof may distrain the tackle, &c. of such ship, &c. and detain the same till such duties are paid; and in case they are not paid for 3 days after any distress, he may cause the same to be appraised by two persons, and then sell the same, and therewith satisfy such duties, rendering to the master the overplus, *id.* s. 3.

SKERRIES LIGHTHOUSE.

22. FOR CONFIRMING A PATENT GRANTED BY QUEEN ANNE TO *William Trench*, esq. deceased, for erecting a light-house upon the island or rock called *Skerries*, and for the maintenance of such light-house, and for making the duties granted for maintaining the same perpetual, 3 G. 2. c. 36. PUBLIC clause, *id.* s. 13.

23. Recital of letters patent from *Queen Anne*, granting certain duties to *William Trench*, in consideration of his erecting a light-house on the *Skerries* rock, in *Anglesea*, *id.* s. 1. such letters patent confirmed, and the same to continue for ever, subject nevertheless to the proviso in such letters contained, and to the trusts hereinafter mentioned, and the same shall be fully vested in *Sutton Morgan*, the son-in-law of *Trench*, *id.* s. 2.

24. *Sutton Morgan*, and his heirs and assigns, may demand and take from the masters and owners of every ship, hoy, bark, crayer, catch, vessel or bottom, passing, crossing, or sailing in or through *St. George's Channel*, by *Holyhead*, or *Wicklow*, to or from any foreign port or place, or which shall pass or cross such channel to or from any port, creek, or place in *G. B.* south of *Holyhead*, from or to *Wicklow*, or any port, &c. north thereof in *Ire.*, or that shall pass, cross, or sail from

any port, &c. north of *Holyhead*, either from any foreign or other port, and sail between *Holyhead*, and the *Calf of Man*, or any way in *George's Channel*, to the south of *Dublin*, and likewise from all coasters passing to or from any port, creek, or place in *G. B.* north of *Holyhead*, from or to any other port, &c. south thereof, 1*d.* per ton, coming into or going out of such ports, creeks, places, or harbours in *G. B.* or *Ire.*, and double such sum for any foreign vessel so passing, crossing, or sailing, according to their burdens, 3 *G. 2. c. 36. s. 3.*

25. Vessels laden with coals in *G. B.* north of *Liverpool*, for *Ire.*, or the greatest part of their loading being coals, so passing or crossing from *G. B.* to *Ire.*, shall pay only for one such voyage and back again in each year, notwithstanding they make several such voyages in the coal trade, the same to be paid for the first voyage yearly, after 24th June, 1730, before clearing out at the custom-house; such duties to be levied as by such letters patent, or this act (*s. 6.*) directed, *id. s. 4.*

26. The post-master-general shall pay to *Sutton Morgan*, or his heirs, &c. 50*l.* per ann. without office fees or deduction, for the use of such light-house, by the mail packets, *id. s. 5.*

27. If the owner or master of any vessel charged with such duties shall refuse to pay the same, *Sutton Morgan*, or his heirs, assigns, or deputy, may seize and detain any of the goods, guns, tackle, &c. belonging to any of the masters or owners of such ship, hoy, &c. until such duties be paid, and if they are not paid within 3 days after such seizure, *Sutton Morgan*, or his receiver, may cause the same to be appraised by 2 sworn appraisers, and sell the same, and therewith satisfy such duties, and the charges for such seizure, &c. rendering the over-plus to such master, *id. s. 6.*

28. H. M.'s vessels of war shall not be chargeable with such duties, *id. s. 7.*

29. In case of suits for any thing done under this act, the action shall be laid in the county where the act was done, whether in *G. B.* or *Ire.* and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance hereof; and if it so appear, or if such action is brought in the wrong county, the jury shall find for the defendants, and on such verdict, or if the plaintiff is nonsuited, or discontinues after appearance, or has judgment on demurrer against him, the defendant shall have full costs, with the usual remedy to recover the same, *id. s. 9.*

30. The quit rent reserved by such letters patents, discharged (*id. s. 8.*) *Sutton Morgan*, and his heirs and assigns shall keep such light-house in repair, and lights constantly burning in the same during the night, (*id. s. 10.*) money may be borrowed on the security of such duties, (*id. s. 11.*) *John Robinson's* rights in such rock saved, *id. s. 12.*

THE SMALLS LIGHTHOUSES.

31. TO ENABLE THE CORPORATION OF *Trinity House*, of *Deptford Strond*, to establish and maintain a light-house on the rocks called the *Smalls*, in *St. George's Channel*, 18 *G. 3. c. 42.*

32. After placing a light for the benefit of shipping, in a light-house, on one of the rocks called *The Smalls*, there shall be paid to the master wardens and assistants of *Trinity House*, of *Deptford Strond*, for every *British* or *Irish* ship or other vessel, (except H. M.'s vessels of war) which shall pass to, from, by, or near such rock, or between *Cape Clear*, in *Ire.*, and *Land's End*, in *Cornwall*, and so up the *Bristol Channel*, eastward of the *Isle of Lundy*, or to *Milford Haven*, or *Linney Point*, in *Pembrokeshire*, or such rocks of *The Smalls*, in any direction within 12 leagues of such light, the following duties, viz. for every such *British* or *Irish* vessel, except as before excepted, bound to or from any port or place in *G. B.* or *Ire.* from or to any foreign port or place, (such kingdoms not to be deemed foreign with respect to ships bound only from one to the other) the duty of 1*d.* for each ton burthen of such vessel for every such passage. For every ship or vessel of aliens bound to or from any port or place of such kingdoms, or from one foreign port to another, a duty of 2*d.* for each ton for every such passage. And for every *British* or *Irish* ship or vessel bound coastwise from one port to another in either of such kingdoms, or from any port in one, to any port in another of such kingdoms, and returning without making any foreign voyage, the duty of one half-penny per ton for every such passage; such duties to be paid by the masters of such vessels to such persons as such master, warden, &c. shall appoint in such port of either of such kingdoms, whence such ship shall sail, or where it shall arrive before the loading or unloading thereof; all which tolls may be recovered by action of debt in any court of record in *G. B.* or *Ire.*, wherein no essoin, &c. and only one imparlance allowed, *id. s. 1.*

33. No officer of customs, or clerks at any port, harbour, &c. within such kingdoms, where any vessel so liable shall set sail, or arrive, shall make out any docket, or discharge, or receive, or take any entry, cockpit, &c. or permit any goods or stores to be shipped or unshipped on or from such vessels, or suffer such vessels to pass, until a receipt for such duties, under the hand of the collector, shall be produced, testifying the payment, *id. s. 2.*

34. Nothing herein shall charge any person with such duties any longer than such light shall continue to be exhibited during the night, or any vessel loading in coals or culm in any place lying in *Bride's Bay*, carrying the same to any port in *Wa.*, or carrying lime-stones from one port to another, 18 *G. 3. c. 42. s. 3.*

35. The grant of the rocks under the letters patent, 15 *G. 3.* to *John Phillips* of *Liverpool*, and the power to erect a lighthouse and take certain duties, shall be void, (*id. s. 4.*); and such rocks, called *The Smalls*, shall be vested in such master, wardens, &c., subject to a rent of 5*l.* per ann. to H. M., *id. s. 4, 5.*

36. Actions for any thing done under this act shall be brought within 6 calendar months after the fact committed, and shall be laid in the county or city where the fact arose, and shall not be removable by *certiorari*, or otherwise, and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance hereof; and if it so appear, or if such action is brought after the time hereby limited, or is laid in the wrong county, then the jury shall find for the defendant, or if the plaintiff is nonsuited, or discontinues after appearance, or if a verdict, or judgment on demurrer, or otherwise is given against him, the defendant shall have treble costs, with usual remedy to recover the same, *id. s. 6.*

SPURN POINT LIGHTHOUSE.

37. FOR TAKING DOWN AND REMOVING CERTAIN LIGHTHOUSES now standing near the *Spurn Point* at the mouth of the *Humber*, and for erecting fit and convenient lighthouses instead thereof, 6 *G. 3. c. 51.* PUBLIC clause, *s. 18.* [EXPL. and AMD. 12 *G. 3. c. 29.* PUBLIC clause, *s. 10.* NOTE.—These acts relate to the building, and repairing, and maintaining of 2 new lighthouses near the *Spurn Point*. The duties are to be paid in the usual way under the letters patent of 28 *C. 2.* and 30 *C. 2.*; ONE FARTHING per ton by the first on all vessels passing such lighthouse, and belonging or trading to the ports of *Newcastle* and *Sunderland*, and by the last ONE FARTHING per ton more on all such vessels, and ONE PENNY per ton on all Foreign bottoms.]

SEAMEN.

(STATUTE expired.)

1. TO PREVENT THE DISTURBANCES OF SEAMEN AND OTHERS, and to preserve the stores of H. M.'s navy, 16 *C. 2. c. 5.*, 19 *C. 2. c. 7.*, [which was REV. 22 & 23 *C. 2. c. 23.* 5 & 6 *W. & M. c. 25.* ALL EXP.]

2. FOR THE REGISTRY OF SEAMEN, 7 & 8 *W. 3. c. 21.* [AMD. 8 & 9 *W. 3. c. 23.* REP. 9 *A. c. 21. s. 44.* See GREENWICH HOSPITAL.]

(STATUTES in force.)

1. NO FISHERMAN OR MARINER HAUNTING THE SEAS, shall be compelled to serve as a soldier by land or sea, otherwise than as a mariner, except in service under any captain of a vessel for landing to do some special exploit used to be done by mariners, or under any other person having authority to withstand invasion of enemies, or to subdue any rebellion within the realm, 5 *Ed. c. 5. s. 41.*

2. No fisherman haunting the sea, shall be taken to serve H. M. as a mariner on the sea, but H. M.'s commission shall be first brought by his taker to 2 justices next adjoining the sea coasts, towns, or other places, where such mariners are so to be taken, that they may choose out and cause to be returned such sufficient number of able men as in such commission are contained to serve H. M. as above, *id. s. 43.*

3. FOR PREVENTING THE DESERTION OF SEAMEN ENGAGED in the merchant service, and to secure their return home, [this title is framed from the preamble to these sections, and see the rest of the act, PIRACY, *pl. 11.*] 11 & 12 *W. 3. c. 7. ss. 17—18.* [AMD. 58 *G. 3. c. 38. s. 1.* and see *id. ss. 2—4, infra, pl. 107—109.*]

4. Every seaman, officer, or sailor, who shall desert the ship wherein he is hired to serve for that voyage, shall for such offence forfeit all wages then due to him, 11 & 12 *W. 3. c. 7. s. 17.*

5. Every master of a merchant-ship, who shall during his being abroad force any man on shore, or wilfully leave him behind in any H. M.'s plantations, or elsewhere, or who shall refuse to bring home with him again all such men which he carried out with him, as are in a condition to return [see regulation as to leaving sick seamen in foreign parts, 58 *G. 3. c. 38. ss. 3—4, infra, pl. 108, 109.*] when he is ready to proceed in his homeward bound voyage, shall, on being legally convicted thereof, suffer 3 month's imprisonment, *id. s. 18.* [These offences may be tried according to 28 *H. 1. c. 15. &c.* PIRACY, *pl. 1.* See 4 *G. 1. c. 11. s. 7.*; and may also be prosecuted by indictment or information, at suit of attorney-general in K. B., see 58 *G. 3. c. 38. s. 1.*; and see further, as to bringing seamen home from foreign countries, *pl. 108, 109.*]

6. 'After reciting 11 & 12 *W. 3. c. 7. s. 18.* and that no mode of prosecution is provided by the act for offences committed against it: 'All offences committed against 11 & 12 *W. 3. c. 7.* may be prosecuted by indictment or information at suit of H. M.'s attorney general in K. B. at West-

minster, in which indictment the offence may be alleged to have been committed at *Westminster* in the county of *Middlesex*, and the court may issue commissions for examination of witnesses abroad, and the depositions so taken shall be received in evidence on the trial, 58 G.3. c.38. s.1.

7. FOR ENCOURAGING SHIPS EMPLOYED IN BRINGING COALS TO *London* and other ports, [Framed from the preamble to this section,] 2 & 3 A. c. 6. s.20.

8. There shall be allowed yearly during the present war, free from impressing, to every master of any ship in the coal-trade besides the master, master's mate, and carpenter, one able seaman for every 100 tons burthen, not exceeding 300 tons which such ship contains, to be made appear by a customhouse certificate of her real burden according to the gauges of 5 & 6 W. & M. c.20.; and every officer presuming to impress, or take any men so allowed by this act, shall forfeit to the master 10*l.* for every man so taken, to be recovered with costs by action of debt or information in any H. M.'s courts of record, wherein no essoin, injunction, &c. shall be allowed, *id. ibid.*

9. ALL SUITS FOR SEAMEN'S WAGES IN ADMIRALTY COURT SHALL be commenced within 6 years after cause of action accrued, 4 & 5 A. c.16. s.17.

10. Such 6 years shall be taken after disabilities of infancy, *feme covert*, *non compos*, imprisonment, or absence beyond seas, are expired, *id. s.18.*

11. If persons, against whom any suit for seaman's wages, or other actions shall have accrued, are beyond seas, plaintiff shall bring his action in 6 years after their return, as in last *pl.*, and 21 J.1. c.16. directed, *id. s.19.*, [and see rest of this section, LIMITATIONS.]

12. FOR PREVENTING THE DESERTION OF ANY SEAMAN from H. M.'s ships of war to any trading or privateer vessel, 6 A. c.37. ss.10—13. 20. [See rest of this statute, PRIZE, *pl.1.*; SLAVE.]

13. Every master of a trading or privateer ship shall, before receiving any person to serve on board thereof, endeavour (by all convenient methods) to discover whether he has deserted from any king's ship of war; and every master receiving him on board without such endeavour, or knowing him to have deserted from any such king's ship, shall forfeit to H. M. 20*l.* for every man, to be recovered with costs in any court in H. M.'s dominions, *id. s.10.*

14. Every master of a merchant-ship, and commander of a privateer, shall, before setting sail from any port, deliver to the chief officer of customs a list of all the men belonging to such ship, with their names, ages, and descriptions, on pain to forfeit 10*l.* to H. M. for every man he shall receive, whose name is not in such list, to be recovered with costs as in *s.10.*, *id. s.11.*

15. Such officer of customs shall return to such master an attested copy of such list, and on the death or alteration of any seaman, the list shall be altered and delivered in to the naval officer, or chief officer of customs in any port where such ships shall arrive; all which lists shall be produced to any officers of H. M.'s ships of war, demanding them; and if any man thereto belonging is found on board any merchant-ship, or privateer, whose name is not contained in such list, the master of such vessel shall forfeit to H. M. 20*l.* for every such man, *id. s.12.*

16. The master of every trading ship and packet-bout, outward bound for any port in *America*, shall be obliged (at the desire of any H. M.'s officers thereunto authorized, and at H. M.'s charges) to receive and carry to the port whereto such ship is bound, and deliver to such person to whom they shall be assigned, any number of mariners or other persons entered into H. M.'s sea service and pay, (over and above her usual compliment not exceeding one fifth thereof) on pain of forfeiting 20*l.* for every such seaman that he shall refuse to carry, *id. s.13.*

17. Every foreign mariner or seaman who shall have faithfully served on board any H. M.'s ships of war, or any privateer or merchant-ship belonging to any *British* subject for 2 years, shall be deemed a natural born subject of *G. B.*, and shall enjoy all the privileges, &c. and capacities of such subject, *id. s.20.*

18. FOR ABOLISHING THE SYSTEM OF REGISTERING SEAMEN established by 7 & 8 W.3. c.21. and 8 & 9 W.3. c.23. [Framed from the preamble to this section,] 9 A. c.21. s.64.

19. The 7 & 8 W.3. c.21. and 8 & 9 W.3. c.23. as far as concerns registering seamen, or persons thereby intended or allowed to be registered, for the giving any bounty or advantages [*viz.* 40*s.* per ann. 7 & 8 W.3. c.21. s.6.] are repealed, 9 A. c.21. s.64.

20. TO PREVENT DISTURBANCES BY SEAMEN AND OTHERS, 1 G.1. c.25. ss.1—2. 12—13. [ss.3. 6—7. are REP. see tab. of Stat., and see ss.4—6. 8—16. STORES, PUBLIC. MADE PERP. 9 G.1. c.8. s.3.]

21. Any one or more commissioners of admiralty, (*s.12.*) and the treasurer, comptroller, surveyor, clerk of the act, and commissioners of the navy, or one or more of them, shall have power by warrants to cause all such offenders to be brought before them, and to examine and punish all, whom upon their enquiry and examination of witnesses, or confession of the parties, or on view in his or their presence, he or they shall find to make, or have made any disturbances, fighting, or quarrel-

ling, in any of the yards, stores, offices, and other places of meeting for the navy service at pay-days, or on other occasions relating to naval services as follows: *viz.* they or any one or more of them may punish any of the said offences by fine, imprisonment, or either of them, the fine not exceeding 20*s.*, or imprisonment one week; and commit such persons to the next gaol or the custody of their attendant messengers; which principal officers or commissioners may discharge such fine or imprisonment, if they see fit, and for non-payment of such fine may send the offender to the next house of correction to be kept to hard labour for 2 months, which fines shall be paid to the chest at *Chatham* for use of the maimed seamen, 1 G.1. s.2. c.25. ss.1. 12.

22. The said officers or officer (where greater punishments are needful) may also bind the offenders to their good behaviour, and to answer the offences at the next assizes or quarter sessions; and in default of such security when required, may commit them to the county gaol, in order to their being prosecuted, *id. s.2.*

23. No person punished by virtue of this act, shall be punished by any other law for the same offence, *id. s.13.*

24. TO PROHIBIT THE PAYMENT OF SEAMEN'S WAGES whilst abroad, and to restrain trading by commanders of H. M.'s ships of war. (*This title is framed from the sections mentioned*), 8 G.1. c.24. ss.7—9. [REP. as to part of *s.8.* by 22 G.2. c.33. s.1. and AMD. *id. s.24.*, see the rest of 8 G.1. c.24. PIRACY, *pl.11.*]

25. No master or owner of any merchant-ship or vessel shall pay or advance to any seaman during the time he is beyond the seas, any money or effects, on account of wages, exceeding one moiety of the wages due at the time of such payment, till such ship returns to *G. B.* or *Ire.* or the plantations, or to some other of H. M.'s dominions, whereto they belong, and whence they were first fitted out; on pain of forfeiture of double the money so paid, to be recovered in the high court of admiralty by any person who shall first discover and sue for the same, 8 G.1. c.24. s.7.

26. In case any captain, commander, or other officer of H. M.'s ships or vessels of war, whether such ship, &c. is employed at home or abroad, shall receive on board, or permit to be so received, any goods or merchandize, in order to trade with the same, either on his own or any other persons account, except gold, silver, or jewels, and except the goods of any merchant-ship shipwrecked, either on the high seas or in any port, &c. in H. M.'s dominions, or elsewhere, in order to preserve the same to the owner, and except such goods, &c. as they may be ordered by the admiralty, such captain, &c. on conviction, by a court martial, shall forfeit his command in such ship, &c. and be incapable to serve in H. M.'s navy, and shall forfeit his wages to H. M., *id. s.8.* [REP. as to the punishment to be inflicted by court martial on any captain, &c. of a ship of war of H. M. who shall receive on board, or permit to be received on board, any goods, in order to trade with the same, except as therein excepted, 22 G.2. c.33. s.1. [*but QU. no punishment to be inflicted by a court martial appears in this act, unless the punishment in s.8. may be so considered.*]

27. Such captain, &c. and the owners of the goods so put on board such ship or vessel of war, shall forfeit the value thereof, one moiety to the person first making the discovery, and the other to the use of *Greenwich* hospital, all which forfeitures may be sued for and recovered in the high court of admiralty, 8 G.1. c.24. s.9.

28. Every captain, commander, or other officer of any of H. M.'s ships or vessels, who shall receive, or permit to be received, on board such ship, any goods or merchandizes contrary to *Art. 18.* shall, for every such offence, besides any punishment inflicted by this act, forfeit the value of all such goods so received, and permitted or suffered to be received on board as aforesaid, or the sum of 500*l.* at election of the informer; but only one such penalty shall be recovered against the same person for the same offence, one moiety of which shall go to the informer, and the other to the use of *Greenwich* hospital, to be recovered by action of debt or information in any of H. M.'s courts of record at *Westminster*, or in the high court of admiralty, at election of the informer, or person suing for same; and the court shall award such costs to the parties as is just, and in all cases where judgment or sentence is given against such offender, the court where such sentence is given shall, with all convenient speed, certify the same to the admiralty, 22 G.2. c.33. s.24.

29. FOR BETTER REGULATION AND GOVERNMENT OF SEAMEN in the merchant service, 2 G.2. c.36. [PUBLIC clause, s.11. CON. 23 G.2. c.26. s.6. MADE PERP. 2 G.3. c.31. s.1. AMD. &c. by *id. s.2.*, 31 G.3. c.39., and 45 G.3. c.81.]

30. No master of a ship bound beyond the seas shall carry any mariner, except his apprentices, from the port where he was shipped, to proceed on any voyage beyond the seas, without first coming to an agreement with such mariners for their wages to be made in writing, declaring what wages each seaman is to have for so long time as they shall ship themselves for, and also to express in the agreement the voyage for which he was shipped; and every master carrying out any

mariner, except his apprentice, on any such voyage, without first entering into such agreement, and he and they signing the same, shall forfeit 5*l.* for every such mariner, to the use of *Greenwich* hospital, to be recovered on information on the oath of one witness, before one or more justices, who shall issue his warrant to bring before him such master; and in case he refuses to pay the forfeiture, shall grant his warrant to levy it by distress and sale of goods; and if no distress can be found, shall commit him to the common gaol till he pay the same, 2 *G. 2. c. 36. s. 1.* [See as to coasting trade, 31 *G. 3. c. 39.*]

31. Every seaman shipping himself on board any merchant vessel on an intended voyage for parts beyond the seas, shall be obliged to sign such agreement within 3 days after entering himself, which agreement shall be conclusive to all parties for the time contracted for, *id. s. 2.*

32. If any seamen shall desert, or refuse to proceed on the voyage, or shall desert in parts beyond the seas, after signing such contract, he shall forfeit to the owners of such ship, the wages due to him at the time of his deserting, or refusing to proceed on the voyage, *id. s. 3.*

33. If any such seamen shall desert, or absent himself from such ship, after signing such contract, on application made to any justice, by the master or other person having charge of the ship, such justice may issue his warrant to apprehend such seaman; and if he refuse to proceed on the voyage, and shall not give a sufficient reason for such refusal, to the satisfaction of the justice, may commit him to the house of correction, to be kept to hard labour, not exceeding 30, nor less than 14 days, *id. s. 4.*

34. If any seaman shall absent himself from the vessel to which he belongs, without leave of the master or other chief officer, having charge of such ship he shall, for every day's absence, forfeit 2 days' pay to the use of *Greenwich* hospital, *id. s. 5.*

35. Any seaman, not entering into H. M.'s service, who shall leave the vessel to which he belongs, before having a discharge in writing from the master or other person having the charge of such vessel, shall forfeit one month's pay, *id. s. 6.*

36. On the arrival of any vessel in *G. B.* from parts beyond the seas, the masters shall pay the seamen their wages, if demanded, in 30 days after the vessels being entered at the custom-house (except where a covenant is entered into to the contrary) or at the time the said seamen shall be discharged, which shall first happen, deducting out of the wages the penalties by this act imposed, under penalty of paying to such seaman that shall be unpaid, 20*s.* over and above the wages, to be recovered as the wages may be recovered; which payment of wages shall be good in law, notwithstanding any action, bill of sale, attachment, or incumbrance, soever, *id. s. 7.* [See as to seamen's remedy for wages not exceeding 20*l.* before a justice, 59 *G. 3. c. 58. infra, pl. 137.*]

37. No seaman, by signing such contract, shall be deprived of using any means for the recovery of wages, which he may now lawfully use, and where it is necessary to produce the contract in writing in court, no obligation shall lie on any seaman to produce it, but on the master or owner only; and no seaman shall fail in any action or process for recovery of wages, for want of such contract being produced, *id. s. 8.*

38. The masters or owners of ships may deduct out of the wages of any seaman, all penalties incurred by this act, and enter them in a book, and make oath, if required, to the truth thereof; which book shall be signed by the master and two principal officers belonging to such ship, setting forth, that the penalties contained therein, are the whole penalties stopped from any seaman during the voyage; which penalties (except the forfeitures of wages to the owners, on the desertion of any seaman, or on refusing to proceed on the voyage) shall go to the use of *Greenwich* hospital, to be paid and accounted for by the masters of ships coming from beyond seas, to the same officer at any port, who collects the 6*d.* per month; which officer may administer an oath to every master touching the truth of such penalties, *id. s. 9.*

39. If any masters or owners of ships shall deduct out of the wages of any seaman, any of the penalties by the act directed to the use of *Greenwich* hospital, and shall not pay the money to some officer who collects the 6*d.* per month, in the port where the deduction shall be made, within 3 months after such deduction, they shall forfeit treble the value to the use of the hospital; which, together with the money deducted, shall be recovered by the same means as the penalties for not duly paying the 6*d.* per month, *id. s. 10.*

40. Nothing in this act shall debar any seaman from entering into H. M.'s service, nor shall he for such entry forfeit the wages due to him during his service in such merchant-ship, nor shall such entry be deemed a desertion, *id. s. 13.*

41. The provisions of 2 *G. 2. c. 36.* are extended to all H. M.'s colonies in *America*, and all forfeitures incurred by that act, and directed to be applied to *Greenwich* hospital, shall be paid to the officer appointed by the admiralty to receive same in such colonies, and any masters or owners who shall deduct out of any seaman's wages any of the pen-

alties so to be applied, and shall not pay the same to such officer, shall forfeit treble value thereof to such hospital, which, with the money so deducted, may be recovered as other penalties under that act, 2 *G. 3. c. 31. s. 2.*

42. FOR BETTER REGULATION AND GOVERNMENT OF SEAMEN employed in the coasting trade of this kingdom, 31 *G. 3. c. 39.*

43. No master or other person having or taking charge or command of any vessel trading from and to any port or place in *G. B.* shall carry out to sea any seaman or mariner (except apprentices) from any port, &c. in *G. B.* to proceed on any voyage to any other port, &c. in *G. B.* without having before entered into an agreement, in writing, with such seaman, &c. to be signed, as well by such master, &c. as by such seaman, &c., for the wages which the latter is to have during the voyage, or time for which he contracts himself; such agreement being in force at proceeding to sea on such voyage, and every such master, &c. who shall carry out to open sea any seaman, &c. (except as above) on any such voyage by open sea, without having first entered into such agreement, so signed, and then being in full force, shall forfeit 5*l.* for every seaman, &c. so carried out, to *Greenwich* hospital, to be recovered on information, on oath of one or more witnesses, before a justice of any county or place in *G. B.* where such vessel shall depart from, or come to, in such voyage, who shall issue warrant to bring such master, &c. before him, and in case of refusal to pay the forfeiture, shall grant warrant to levy same by distress and sale of his goods; and if no distress is found, shall commit the offender to the gaol of the city, county, or place, till he pay the same, *id. s. 1.*

44. Every seaman or mariner entering on board any such coasting vessel for any intended voyage, or time stipulated in agreement, shall subscribe his signature or mark to the same at time of his entering himself, which agreement so subscribed, and being also signed by the master, &c. shall be conclusive, *id. s. 2.*

45. If any seaman, &c. who, after entering into such agreement, shall neglect or refuse to proceed on the intended voyage for which he entered, or on which such coasting vessel is destined, [he shall forfeit to the owner all the wages due to him at the time of his neglect or refusal so to proceed, *id. s. 3. only, and omitted in 45 G. 3. c. 81. s. 1.*] and on complaint by the master, &c. (as in *s. 1. pl. 43.*) or owner of such vessel, any justice shall issue his warrant to apprehend such seaman, and if he refuse to proceed as above, within the time contracted for, without giving sufficient reason for his refusal, to the justice's satisfaction, he shall commit him to the house of correction, for not less than 14, nor more than 30 days' hard labour, *id. s. 3. and 45 G. 3. c. 81. s. 1. s. r. except as above.*

46. Every seaman, &c. who, after having entered into such agreement shall wilfully absent himself from his ship before the voyage agreed on, or on which she has proceeded, is completed, and her cargo delivered, or before his engagement is expired, shall, for every day of absence, forfeit 2 days' pay to *Greenwich* hospital, to be recovered and applied as in *ss. 7—8. pl. 49.*; and every seaman, not entering into H. M.'s service, who shall totally quit his vessel before the voyage agreed on, or before expiration of his engagement, or before having a discharge in writing from the master, &c. (as in *s. 1.*) shall forfeit a month's wages, to be recovered and applied as in *ss. 7—8. pl. 49., id. s. 4.*

47. The master, &c. (as in *s. 1. pl. 43.*) contracting with any seaman, &c. to perform such voyage, shall pay him his wages, if demanded, within 5 days after entry at the custom house, or cargo delivered, or seaman discharged, which shall first happen, unless an agreement has been made to the contrary, and then according to the terms thereof; after deducting out of such wages any penalties incurred under this act, on pain of forfeiting 20*s.* to each seaman, &c. above the wages due to him, and recoverable as such wages; which payment shall be good in law, notwithstanding any action, bill of sale, attachment, or incumbrance, *id. s. 5.*

48. No seaman, &c. by entering into or signing such agreement, shall be deprived of any method for recovery of wages against any ship, its masters or owners which he may now use, and where necessary to produce such agreement in any court or elsewhere, the obligation so to do shall be on such master, &c. or owner, and not on such seaman, who shall not fail in any action for wages, for non-production of such agreement, *id. s. 6.*

49. Commanders or owners of such ships may deduct from the wages of seamen incurring the penalties of this act, whenever incurred, and enter them in a book, and shall make oath to the truth thereof if required, which book shall be signed by such commander, setting forth that therein contained are the whole forfeitures stopped from any seamen, &c. by him, which forfeitures (except that of wages to the owners, under *s. 3. pl. 45.*) shall go to the use of *Greenwich* hospital, and shall be accounted for by the commanders having charge of such vessels, to the collector of the 6*d.* per month duty, for the port where such stoppage is made, who shall administer an oath to every commander, touching the truth of such forfeitures, *id. s. 7.*

50. Every commander or owner of any such ships deducting from any

seamen's wages any of the above forfeitures, and not paying the same to the proper officer as in s. 7. shall forfeit treble value thereof to such hospital, to be recovered with the money so deducted by any of the means provided for recovering the *6d.* duty, 31 G. 3. c. 39. s. 8.

51. Where the seamen of such coasting vessel have agreed for wages by the voyage and not by the month, the penalties incurred by this act shall be thus ascertained: if the whole time spent in the voyage agreed or proceeded on, exceed one lunar month, the forfeiture of a month's pay shall be deemed a forfeiture of a sum bearing the same proportion to the whole wages, as a lunar month shall bear to the whole time spent in such voyage, and in like manner of 2 days' pay; but if the whole time spent in such voyage exceeds one lunar month, the forfeiture of one month's pay shall be deemed that of the whole wages contracted for; and if such time shall not exceed 2 days, the forfeiture of 2 days' pay shall be deemed like that of the whole wages, *id.* s. 9.

52. No agreement made under this act shall be liable to stamp duties; and nothing herein shall extend to any coasting vessel, or to any master, seamen, or mariners thereof, unless she be of 100 tons burden or upwards, and shall go to open sea, or to debar any seaman belonging to any such vessel from entering a king's ship, nor shall he, for such entry, forfeit the wages due to him during his term of service in such vessel, nor shall such entry be deemed a desertion, *id.* s. 10.

53. FOR BETTER SUPPLY OF SEAMEN to serve on board H.M.'s ships, merchant and other trading ships, and privateers, 13 G. 2. c. 3. ss. 2—4. [Royal proclamations made under s. 4. of this act are not restrained by 11 G. 3. c. 3. s. 2. 16 G. 3. c. 20. s. 2. 17 G. 3. c. 34. s. 2. 18 G. 3. c. 6. s. 2. 19 G. 3. c. 14. s. 2. 20 G. 3. c. 2. s. 2. 21 G. 3. c. 11. s. 2. 22 G. 3. c. 16. s. 2. 33 G. 3. c. 26. s. 2. 43 G. 3. c. 64. s. 2.]

54. Any merchant or other trading vessel or privateer may be navigated by any foreigners, not natives of G. B. or the colonies thereof, or natural or naturalized subjects, not exceeding 3-4ths of the mariners employed to navigate the ship, [during the then war;] and 1-4th of the crew shall always be natives or naturalized subjects of G. B., sudden death or casualties of war and seas excepted, the 12 C. 2. c. 18. notwithstanding, 13 G. 2. c. 3. s. 1. [See s. 4. *pl.* 57.]

55. Every foreign seaman who shall have faithfully served, during the time of war, on board any of H.M.'s ships, or any trading ship or privateer (belonging at the time of such service to subjects of G. B.) for 2 years, shall be deemed a natural-born subject of G. B., *id.* s. 2.

56. No person naturalized by this act shall thereby be enabled to be of the privy council, or a member of parliament, or to take any office civil or military, or to have any grant of lands or hereditaments from the crown, *id.* s. 3.

57. H. M., at all times, when it is necessary to declare war against any foreign power, may publish a proclamation to permit all trading vessels and privateers to be manned with foreign seamen during such war, in manner by this act provided; and on publishing such proclamation, this act shall be deemed to be in full force, and continue during such war, and no longer; except in respect to such trading ships and privateers which shall be on their voyage before the determination of such war, who shall be allowed to return home navigated in the manner before provided, *id.* s. 4.

58. FOR INCREASE OF SEAMEN to navigate merchant ships and other trading vessels, 13 G. 2. c. 17. [SUSPENDED, 19 G. 3. c. 75. s. 1., 38 G. 3. c. 46. s. 1. for 5 months each time, and for one month for coal trade, by 19 G. 3. c. 75. s. 2. BOTH EXP.]

59. Every person of the age of 55 years or upwards, or under the age of 18 years, and every foreigner who shall serve in any merchant ship or privateer belonging to the subjects of G. B., shall be exempted from being impressed into H.M.'s service, 13 G. 2. c. 17. s. 1.

60. Every person of what age soever, who shall use the sea, shall be exempted from being impressed for 2 years from his first going to sea; and every person who, not having before used the sea, shall bind himself apprentice to sea, shall be exempted from being impressed for 3 years, from his binding himself apprentice, *id.* s. 2.

61. The commissioners of the admiralty, or 3 of them, shall, on due proof of the respective ages and circumstances of the persons before mentioned, grant a protection to every such person to secure him from being impressed, without fee, *id.* s. 3.

62. FOR RELIEF AND SUPPORT OF MAIMED AND DISABLED SEAMEN, and the widows and children of such as shall be killed, slain, or drowned in the merchants' service, 20 G. 2. c. 38.

63. "After reciting 7 & 8 W. 3. c. 21. s. 7., 10 A. c. 17. s. 20., 8 G. 1. c. 24. s. 5. and 8 G. 2. c. 29. s. 10. and that, though merchant seamen, maimed or disabled in fight, were entitled to the benefit of Greenwich hospital under those acts, yet that, from deficiency in its funds to provide for the wounded seamen of the royal navy, merchant seamen have seldom or never been admitted;" it is therefore ENACTED, that Alexander Hume and others shall be incorporated by the name of "The president and governors for the relief and support of sick, maimed, and disabled sea-

men, and of the widows and children of such as shall be killed, slain, or drowned in the merchants' service," with perpetual succession and a common seal; and they and their successors shall be capable to hold in trust, for the purposes of this act, all sums of money granted and received by virtue of this act, or contributed or bequeathed by any persons, and may purchase lands for the site of an hospital, 20 G. 2. c. 38. s. 1.

65. Such president and governors shall provide in such hospital for reception of seamen disabled by sickness, wounds, or other misfortunes, or by age; or shall allow them pensions; and shall relieve the widows and children of seamen killed or drowned in the said service; provided such children are not of the age of 14 years, or incapable of getting a livelihood by reason of infirmities; and shall make allowances to those who are hurt or maimed in doing their duty, so far as the revenues will extend, according to rules established by this act, *id.* s. 2.

66. No seaman in the said service shall be entitled to the benefit of this act, unless he produce a certificate of the hurt he hath received from the master, mate, boatswain, and surgeon, or so many of them as were in the ship at the time of his receiving such hurt; or of the master and 2 seamen, if there is no other officer; or if the master die, of the person who takes upon him the care of the ship, and 2 seamen; signifying how he received such hurt, where and when he entered, and how long he had served; and the parties signing and sealing such certificate shall make oath of the truth thereof before some justice of peace, or the chief officer of the customs of the port where there is no justice of peace, or before the British consul or resident in any foreign country, who are to administer the same without fee; and in case of sickness, a certificate signifying that he was healthy when he entered, and that such sickness was contracted in doing his duty, and expressing the time and place he entered, and how long he had served; and no widow or child of any seaman killed or drowned in the said service, shall be relieved, unless they, or some person on their behalf, produce a certificate signifying how such seaman lost his life, the time and place he entered, and how long he had served; and another certificate under the hands and seals of the minister and churchwardens and overseers of the poor of the parish or place, or 2 of them, or of the minister and overseers, or 2 of them, where there are no churchwardens; and if such widow or child are quakers, then by 2 reputable persons of that persuasion, of the parish or place where such widow or child have a legal settlement or inhabit; to be attested by 2 witnesses, that such widow was the wife and real widow, and that such child was the lawful child of such seaman killed or drowned, and and is under the age of 14 years, or if of that age not capable of getting a livelihood by reason of infirmities; and no seaman shall have a pension as worn out, unless he has served in the merchants' service for 5 years, and paid *6d.* per-month out of his wages for that time, for the purposes of this act, *id.* s. 3.

67. If any person forge or alter, or procure to be forged or altered, or unfairly obtain any certificate to entitle him to any benefit of this act, and produce, or cause it to be produced, such certificate shall be void; and such person so applying shall be incapable of receiving any benefit of this act, and shall be punished as an incorrigible rogue, *id.* s. 4.

68. There shall be a president and 21 assistants of the said corporation, *id.* s. 5.

69. Every year, within 5 days before or after the 24th of June, 10 days' notice being given in the *London Gazette*, a new choice of a president and 21 assistants shall be made by the president and governors, or the greater part of them then present, for the year next following, *id.* s. 6.

70. At all general courts of the president and governors, and at the several courts of assistants, the president shall have a voice, and in case of an equality of votes shall have a casting vote, *id.* s. 7.

71. There shall be 4 general courts every year, *viz.* on the 24th June, 29th Sept., 25th Dec., and 25th March, or within 5 days before or after either of the said days, of which 10 days' notice shall be given in the *London Gazette*; and the president and assistants shall have power to call a general court at any other time; and are to call a general court at the request of any 13 members under their hands, provided 10 days' notice be given in the *London Gazette*, *id.* s. 8.

72. The president with any 5 of the assistants shall make a court of assistants, or committees; and shall meet on *Wednesdays* weekly, in *London*, or at such time and place as they think fit; and shall have power to apply the monies received by virtue of this act; and in case there be any surplus, or any sum be contributed, to lay out the same in parliamentary securities, or in the purchase of such lands as are hereby allowed, and under their common seal to enter into contracts, and to appoint and remove officers, except such officers as are to be appointed at a general court, and to appoint salaries, and to transact all other matters necessary and convenient, *id.* s. 9.

73. The management and accounts of the said president and assistants shall be subject to such audit and control as by any by-laws of the same corporation shall be appointed, *id.* s. 10.

74. There shall be a receiver chosen by the said president and governors in a general court, who shall be allowed a proper salary, and be at their pleasure displaced, 20 G. 2. c. 38. s. 11.

75. If there be any vacancy of any person chosen at a general court, such vacancy shall be filled up at a general court after 10 days' notice in the *London Gazette* of such election, *id.* s. 12.

76. The president and governors, or the greater part of them (so that not less than 13 governors be present) may choose other persons members or governors in the room of such as die or refuse to be members or governors, *id.* s. 13.

77. The president and governors in a general court (so that not less than 13 governors be present) may make by-laws, and revoke the same, *id.* s. 14.

78. In case the president shall not attend the assistants at a court of assistants, the governors at a general court may depute any other member or governor to preside and vote as president, *id.* s. 15.

79. If any person pay into the hands of the receiver 50*l.* for the purposes of this act, he shall be a governor, *id.* s. 16.

80. Every person who shall serve in any ship belonging to any subjects in *Eng.*, and every master or owner navigating his own ship (other than such apprentices under the age of 18 as are exempted from payment of 6*d.* per month to *Greenwich Hospital* by 2 A. c. 6., and persons employed in boats upon the coast of *Eng.* in taking fish brought fresh on shore, and persons employed in vessels that trade only within any river in *Eng.* or in any open boats upon the coasts, and pilots employed on board any ship, shall pay 6*d.* per month, and proportionably for a lesser time, during their employment, for the purposes aforesaid, *id.* s. 17.

81. The master of every such ship shall deduct and detain out of the wages or profits payable to such person employed in his ship, the said 6*d.* per month (other than for persons excepted) and shall pay the same to the officer appointed by the president and governors, or the trustees at any out-ports, *id.* s. 18.

82. The president and governors, at a court of assistants, may appoint a receiver or receivers of the said duty at *London*, and also depute the collectors or officers of the customs in the out-ports of *Eng.*, or other persons, to receive the same (except where separate trustees are appointed by this act) which receivers are to collect and pay over the said duty, according to instructions sent by the president and governors; and the president and governors, at a court of assistants, may make them an allowance, *id.* s. 19.

83. Every master of any merchant or private ship shall keep a muster-roll, in which shall be entered his own name, and the names of all the persons employed in such ship, with the usual place of their abode on shore, and the time when, and the place where, they entered, and in what ship he performed his last voyage; a duplicate whereof shall be signed by the said master, and delivered before the departure of such ship to the receiver of the said duties, at the port to which such ship belongs; and such master shall keep such muster-roll during the whole voyage, and shall enter therein when and where any person is discharged, or deserts; and any other man shipped, describing them as before described, and when and where any of them received any hurt, or were killed or drowned; a duplicate of which continuation of the muster-roll shall be signed by the said master, and delivered at the return of such ship to the receiver of the said duties at the port to which such ship belongs; and copies shall be made by such receiver, and kept by him; and the original duplicates shall be transmitted to the president and governors aforesaid, to be kept; and if such master neglect to keep such muster-roll, or to deliver such duplicates, or such receiver to make and keep such copies, or to transmit the duplicates as aforesaid, they shall respectively forfeit for every such offence 20*l.*, *id.* s. 20.

84. Receivers may, by warrant under their hands, summon all such masters, or in their absence the owners, to appear at their office (so as they be not obliged to travel above 10 miles) and examine them upon oath as to the truth of the copy of such muster-roll, and as to the number and times of service of all persons employed in such ship liable to the said 6*d.* per month; and if they neglect when so summoned to appear, or refuse to make discovery, every offender shall forfeit 20*l.*, *id.* s. 21.

85. The secretaries or chief clerks of the navy, victualling, ordnance, customs, post-office, or other public offices of the crown, usually employing ships in the service of H. M., shall deliver a duplicate of the list of the ships, &c. (required by 2 G. 2. c. 7. s. 6., to be delivered to the receivers of *Greenwich Hospital*) to the receiver of the duty of 6*d.* per month at *London*, or any of the out-ports: and the said secretaries, chief clerk, and other officers of the said offices, and the masters, &c. of ships employed by them, are to do every thing for the payment of the said 6*d.* per month hereby granted, as is directed to be done for the payment of the 6*d.* per month to *Greenwich Hospital* by 2 G. 2. c. 7., and they shall be subject to like penalties for defaults, *id.* s. 22.

86. The masters and owners of all private ships liable to the said duty of 6*d.* per month, shall pay such monies as be due from them to

the collectors and receivers at the ports only to which such ships belong, and before any such ships be cleared inwards in any ports of *Eng.*; and no officer of the customs shall clear inwards any private ship liable to the said duty, or grant any warrant, or cockets, transires, returns, or discharges, for any such ship, or shall suffer any such ship to go out of port, until the master or owner produce an acquittance signed by the receiver of the said duties, whereby it shall appear that such master, &c. is not more than 3 months in arrear, or is exempted from the said duty by the exemptions herein contained; and every master and owner neglecting to pay the said duty in the manner, and within the time before mentioned, and every officer of the customs making default in the premises, shall, for every such default, forfeit 20*l.*, 20 G. 2. c. 38. s. 23.

87. If the master, &c. produce not such acquittance to the tide-surveyor when he comes on board to clear such ship, the tide-waiters on board shall be continued until such acquittance is produced, at the expence of such owner or master, *id.* s. 24.

88. Where by this act an oath is required, the affirmation of quakers shall be accepted; and any quaker refusing to make such affirmation, shall be subject to the like penalties as any other person refusing to take an oath; and if he affirm any matter which is false, or if any person before any person hereby authorized to administer oaths, wilfully make a false oath, each shall, on conviction, suffer the punishment of wilful and corrupt perjury, *id.* s. 25.

89. The charges of obtaining this act shall be paid out of the first monies raised at *London*, *id.* s. 26.

90. The owners and masters of ships belonging to persons residing at any of the out-ports, may assemble at any time and place within the limits of the said out-ports by any 5 of them appointed, giving 10 days' previous notice, to be fixed at some public place at such out-port; and may appoint under their hands and seals 15 trustees for such out-port, for receiving and applying the said 6*d.* per month: and within 10 days after 26th Dec. yearly, 15 trustees shall be chosen for the year ensuing, as aforesaid; and the instrument appointing them shall be sent to the president and assistants, who are to confirm the same under the common seal of the corporation, without fee, within 10 days after receipt thereof; which trustees, so confirmed, whereof 5 shall be a quorum, shall have the same powers as the president and governors aforesaid; and the officers appointed by such trustees shall have the same powers as the other officers appointed in pursuance of this act, and shall be subject to the same penalties, *id.* s. 27.

91. The master, wardens, assistants, and treasurer of the incorporated society of 'The Merchant Adventurers of *Bristol*,' [18th Dec. 6 E. 6.] shall be trustees, and have the like powers as the president and governors aforesaid; and the officers appointed by them shall have the same powers as the other officers appointed by virtue of this act, and shall be subject to the like penalties; and the said master, wardens, assistants, and treasurer, shall have power to take any land, as the said president and governors, *id.* s. 28.

92. The guild or brotherhood of masters and pilots, seamen of the *Trinity House* of the town and port of *Kington-upon-Hull*, shall be trustees, and have the like powers as the president and governors aforesaid; and the officers appointed by them shall have the same powers as the other officers appointed in pursuance of this act, and be subject to the like penalties, *id.* s. 29.

93. Nothing herein contained shall oblige the receivers or collectors of the said duty appointed by the trustees of any of the said out-ports, to send the duplicates of the muster-rolls to the president and assistants or committees; but such duplicates shall be delivered after making copies thereof to the said trustees to be kept, *id.* s. 30.

94. No person employed on board any private ship shall be entitled to any benefit by this act at *London*, or any out-port, but those who pay the said duty of 6*d.* per month, *id.* s. 31.

95. Those seamen who have been longest in the service, and contributed most towards the duty, shall be first provided for as worn out, *id.* s. 32.

96. In case any person employed on board any ship, in doing his duty on shore or on board, be hurt or maimed, so that immediate care is necessary, the president and governors at *London*, and the respective trustees for the out-ports, shall provide relief for him until he be so well recovered as to be removed to the port to which such ship belongs; and the expence of removing him not exceeding 2*d.* per mile shall be paid by the president and governors at *London*, or by the trustees for the out-port to which he is removed, *id.* s. 33.

97. In case any person serve 5 years or more on board private ships belonging to different ports, and have paid the 6*d.* per month for that time, and be worn out, and adjudged a proper object of relief, he shall be provided for at the port where he paid the greatest part of the said duty for the last 5 years of his service, *id.* s. 34.

98. The president and governors, and the respective trustees, may relieve seamen employed in the merchants' service within the limits of this act, who may be shipwrecked, or taken by the enemies, and on their

return from imprisonment be travelling with passes to the place of their abodes, 8 G. 2. c. 55. s. 35.

99. Where the certificates directed to be produced by this act cannot be obtained, other certificates satisfactory to the president and governors, or trustees respectively, shall be allowed, *id.* s. 36.

100. The *East India Company* having established a fund for providing for seamen disabled in their service, and for the widows and children of such as are killed or drowned, no master, officer, seaman, servant, or apprentice employed in the service of that Co., during the time they are so employed, shall be liable to the payment of 6d. per month, *id.* s. 37.

101. No master, &c., as in s. 37. *pl.* 100., employed in the service of that Co., shall be entitled to any benefit by this act, in respect of any incapacity by sickness, wounds, or misfortune, during the time of their being employed in the Co.'s service; nor shall the widows or children of seamen killed or drowned in their service, be entitled to any benefit by this act, by reason of any such seaman being killed or drowned in such service, *id.* s. 38.

102. All penalties incurred by this act shall be recovered in any court of record in *Eng.*, wherein no *essoins*, &c. or more than one *imparlance* shall be allowed; and if a verdict pass for the plaintiff, he shall have double costs; and one moiety of the said penalties shall go to the uses of this act, and the other moiety to such person as shall sue for the same, *id.* s. 39.

103. Any action in relation to the premises shall be brought within 3 months next after, in the county where the fact was done; and the defendant may plead the general issue; and if plaintiff be nonsuited, discontinue, or have verdict against him, &c., defendant shall have double costs, *id.* s. 40.

104. TO PROVIDE FOR BRITISH SEAMEN IN FOREIGN PARTS, (*Framed to precede this class of regulations.*) 31 G. 2. c. 10. ss. 26—27. [*Amended generally by 58 G. 3. c. 38. ss. 3—4. and as to s. 27. in particular by id. s. 2.*]

105. H. M.'s governors, ministers, and consuls in foreign parts, and resident there, or (where none such are resident) any 2 *British* merchants there residing, shall send and provide for all seafaring men and boys, subjects of *G. B.*, who by shipwreck, capture, or other unavoidable accident, shall be driven or cast away to, or discharged as unseaworthy from any of H. M.'s ships, at such foreign place, where such governors, &c. reside, and shall subsist them at 6d. per diem each, and send bills of their disbursements therein, with vouchers to the navy board, who shall cause immediate payment to be made, and shall send the said men, or boys, on board the first of H. M.'s ships that arrive at such place, or at other places, within a convenient distance; or in case of none of H. M.'s ships so situated, shall send them on board such merchant-ships as are bound for any port of *G. B.*, and are in want of men; but if neither case happens within a convenient time, they shall provide them a passage homeward in the first merchant-ship bound for *G. B.*, and every master of a merchant ship who arrives in such foreign parts, and is homeward bound, to any port in *G. B.*, shall take on board such and so many of them as such governors, &c. direct, not exceeding 4 for each 100 tons of which his ship consists, 31 G. 2. c. 10. s. 26.

106. Every such master of a ship producing a certificate under the hands of any such governors, &c. as in s. 26. certifying the number and names of the men and boys taken on board by their direction, and the time of taking them on board, and making an affidavit at his return, setting forth the time during which he subsisted them, and that he did not during that time want of his own compliment of men, or how many he did want thereof, and for what time, shall receive, and the navy board shall pay to such master 6d. per diem for the passage and provisions of each man and boy, from the day of embarkation homewards, to that of their arrival in *G. B.*, or of being put into some of H. M.'s ships: 6d. per diem only being deducted for such time, and so many persons as such master wanted of his compliment during the voyage, *id.* s. 27.

107. Every master or person having charge of any *British* merchant-ship, which shall be or shall arrive in any such foreign parts, and is bound from thence to any port in the *U. K.*, and is required in writing under the hands of such governor, minister, consul, or merchants, to take on board any such seafaring men or boys, being subjects of the *U. K.*, not exceeding the number mentioned in 31 G. 2. c. 10. s. 26. *pl.* 105. for the purpose of carrying them to the said port in *U. K.*, shall forfeit 100*l.* for each man or boy whom he shall so refuse, &c. to take on board, or carry accordingly, to be recovered by information of attorney-general, in *K. B.*, or exchequer, at *Westminster*, in which information the offence shall be alleged to have been committed at *Westminster*, in the county of *Middlesex*, and the court in which such information is brought, shall issue a commission for examination of witnesses abroad, and whose depositions so taken shall be received in evidence on the trial, 58 G. 3. c. 38. s. 2.

108. Every such master, &c. as in s. 2. who shall leave any seafaring

man or boy on shore at any foreign place, on account of sickness, or other inability to proceed, shall deliver to the governor, minister, or consul, if any such be there, or if not, than to any 2 respectable merchants there, a true account of the wages due to him, and pay the amount either in money, or by bill on the owners to such governor, &c., and in default of so doing, or in case of the owner not accepting and paying such bill when due, such owner shall be liable to an action for the amount, with interest, at 5 per cent., to be brought in any H. M.'s courts of record at *Westminster*, or *Dublin*, or exchequer in *Scot.*, at suit of the holder of such bill, as for money had and received, but in case of payment of such wages being duly made under this act, the same when received by such governor, &c. shall be applied by the latter towards payment of any hospital expences of such seafaring man or boy, (except the charge for his subsistence) and also towards those of clothing, bedding, or other necessities supplied to him, the remainder, if any, being paid to him, 58 G. 3. c. 38. s. 3.

109. Every such master, &c. (as in s. 2.) leaving such seafaring man or boy on shore, and who shall not deliver a true account in writing, of the wages due to him, and pay the amount in money, or by such bill, or shall deliver a false account, less than the true wages due, shall forfeit 20*l.*, recoverable with costs by any person suing for the same by action of debt, or information in any court at *Westminster*, without *essoins*, or more than one *imparlance* allowed: and it shall be sufficient to allege that the offence was committed at *Westminster*, in the county of *Middlesex*, and the court shall, if necessary, issue a commission for examination of witnesses abroad, and depositions so taken shall be evidence on the trial, *id.* s. 4.

110. TO PREVENT UNJUST ARRESTS OF SEAMEN actually belonging to any H. M.'s ships, (*Framed from the preamble to these sections.*) 31 G. 2. c. 10. ss. 28—31.

111. No person who shall enlist as a seaman on board any H. M.'s ships, shall be liable to be taken out of the service by any process or execution in *G. B.*, *Ire.*, or any H. M.'s dominions, other than for some criminal matters, unless such process or execution be for a real debt or other just cause of action, and unless before taking out of such process, &c. plaintiff, or some person on his behalf, makes affidavit before a judge of the court out of which such process issues, or before some person authorized to take affidavits therein, that to his knowledge the sum owing to plaintiff from defendant in the action, or cause thereof on which such process issues, or the debt, or damage and costs, for which such execution issues, amounts to 20*l.*; a memorandum of which oaths shall be marked on back of the writ, and no fee shall be taken for it; and if any person be arrested contrary to this act, a judge of such court, on complaint by the party, or by any of his superior officers, may examine into the same by oath of the parties, or otherwise, and by warrant under his hand and seal may discharge such seamen without paying the fee, on proof that the seamen so arrested were belonging to a king's ship, and arrested contrary to this act, and also may award reasonable costs to plaintiff: for recovery of which he shall have like remedy as if judgment had been given for him with costs against defendant in the said action, *id.* s. 28.

112. Any plaintiff, on notice first given in writing of the cause of action to such seamen belonging to the royal navy, or left at his last place of residence before his entering the service, may file a common appearance in any action for any debt, so as to entitle such plaintiff to proceed to judgment and outlawry, and to have an execution thereon, other than against the body of such seaman so actually belonging to any H. M.'s ships, *id.* s. 29. [*ss.* 28—29. of this act were previously enacted by 1 G. 2. s. 2. c. 14. s. 3. but which was *Rev.* by s. 32. of this act.]

113. No person employed in receiving any wages, prize money, or other monies due, on account of the service of any officer, seaman, or other person in the royal navy, shall be entitled to take more than 6d. in the pound, for receiving and paying the same to his employer, or according to his direction, and for all his trouble and attendance: and every person so employed who shall directly or indirectly demand, take, or retain, or procure, or willingly suffer to be demanded, or taken any allowance, or valuable consideration exceeding in the whole 6d. in the pound, for the monies so received, shall, for every such offence, forfeit 50*l.*, with costs to any person who will sue in any court of record at *Westminster*, by action of debt or information, in which no protection, &c. nor more than one *imparlance* shall be allowed, and if any such offender be a clerk, officer, or servant, in any office belonging to the navy, he shall, on conviction, besides the above penalty, forfeit his place, and be for ever thereafter incapable of holding place of profit in any such office, *id.* s. 30.

114. Every clerk, officer, or servant, relating to the navy, who shall directly or indirectly demand, take, or retain, or procure, or willingly suffer to be demanded, &c. any fee or valuable consideration, (not being authorized by this act so to do) from any person under pretence of doing any thing hereby directed, or in execution hereof, shall be subject to the same forfeitures, costs, and incapacities, as in s. 30. *pl.* 113.

provided for taking more than 6d. in the pound, for receiving seamen's wages, 31 G. 2. c. 10. s. 31.

115. FOR INCORPORATING THE MEMBERS OF A SOCIETY commonly called *The Marine Society*, and their successors, to be elected as is therein mentioned, and for better enabling them to carry on their charitable and useful designs, 12 G. 3. c. 67. [This statute appears of too personal a nature for insertion here.]

116. FOR PREVENTING DESERTION OF SEAMEN FROM *British* merchant ships trading to H. M.'s colonies and plantations in the *West Indies*, 37 G. 3. c. 73. [PUBLIC clause, s. 12.]

117. Every seaman, mariner, or other person, who shall desert at any time during the voyage, either out or home, from any *British* merchant ship trading to or from the *British West Indies*, shall (besides the punishment to which he is by law subject) forfeit all wages due to him during that voyage, *id.* s. 1.

118. Every master of a *British* merchant-ship engaging to serve on board his ship any seaman, &c. who shall to his knowledge have deserted from any other vessel, shall forfeit 100*l.*, to be recovered and applied as in s. 9. *pl.* 125., *id.* s. 2.

119. No master of any merchant-ship which shall sail from any port in *G. B.*, shall hire, or cause, &c. to be hired any seaman, &c., at any place within the *British West Indies*, to serve on board thereof, for greater wages than at double monthly wages, contracted for with the seamen, &c. engaged to serve on board such vessel at her last departure from *G. B.*, in the same stations: unless the governor, chief magistrate, collector, or comptroller of such place in *West Indies*, think that greater wages should be given to such seamen, &c. and direct same to be given by writing under his hand: in which case the master may pay, and seamen receive the same: and all contracts and other securities entered into contrary to this act, shall be void, and the master or other person who shall enter into the same, or cause, &c. or who shall engage, or cause, &c. any seaman, &c. to enter on board any vessel contrary to this act, or who shall pay, or cause, &c. any greater wages, gratuity, or advantage, for any seaman, &c. so engaged at such port in the *West Indies*, than are hereby allowed, shall forfeit 100*l.*, to be recovered and applied as in s. 9., *id.* s. 3.

120. Every master of any merchant-ship trading to the *British West Indies* shall have on board his ship at clearing out from *G. B.*, one apprentice, under 17 years old, duly indentured for 3 years, for every 100 tons, and so in proportion for every 100 tons registered admeasurement; and the indentures shall be duly enrolled at the custom-house, with the collector, or controller, within one month after date of execution, which apprentices are exempt from serving in the navy for such 3 years; and every owner or master neglecting so to enrol them, shall forfeit 10*l.* payable one moiety by the owner, and the other by the master, to be recovered and applied as in s. 9. *pl.* 125., *id.* s. 4.

121. Every master of such ship shall in 10 days after arrival at any *British West India* port, or at any port in *G. B.*, deliver on oath, to be made before the port collector, or comptroller, respectively, an exact list of the crew on board at their clearance from *G. B.*, and of that on board on such arrival, and with an exact list and description of every seaman, &c. who has deserted or died during the voyage; also a true account of the wages due to the latter at his death: or on neglect shall forfeit 30*l.*, for which list, &c. so delivered, the collector, &c. may demand 2*s.* 6*d.* only, and all persons may inspect such list from time to time, paying 1*s.* to such collector, &c., *id.* s. 5.

122. No seaman, &c. who shall at any *British West India* port, engage to serve, or who shall in the said colonies enter on board any merchant ship sailing from *G. B.*, shall be entitled to, nor shall sue for, recover or receive any greater wages or other gratuity soever for his service, than the wages by s. 1. *pl.* 117. and s. 3. *pl.* 119. regulated, *id.* s. 6.

123. Every sum of money due for wages to any seaman, &c. engaged on board any *British* merchant ship for any voyage, from any port in *G. B.*, to any port in the said colonies, and who has died during the voyage, shall within 3 calendar months after her arrival in *G. B.*, be paid to the receiver of the 6*d.* duty for *Greenwich* hospital, to the use of his executors or administrators, by the master of such ship, on penalty of 50*l.* and double the amount of the wages due to such seaman, *id.* s. 7.

124. Every such sum not lawfully demanded of such receiver, within 3 years after payment thereof to him, as in s. 7. shall be forfeited, and paid to the use of the seamen's hospital of the port to which such ship belongs, but if there is no such hospital, then to the use of the old and disabled seamen thereof, and their families, to be distributed at discretion of any 2 or more of the county magistrates, *id.* s. 8.

125. The penalties and forfeitures given by this act shall be recovered by bill, plaint, or information in any court of record at *Westminster*: or if not exceeding 30*l.*, on information on oath of one witness before any justice in any part of *G. B.*, not residing more than 10 miles from the abode of the offender, who shall issue his warrant to bring the latter before him: and in case of nonpayment, shall issue his warrant to levy same by distress and sale of offender's goods: and if no distress,

shall commit him for 3 calendar months to the common gaol within their jurisdiction: the above penalties shall be applied thus; 1-3*d.* to *Greenwich* hospital: 1-3*d.* to the support of the seamen's hospital in the port to which the vessel belongs, (or if there is no such hospital at the port, to the old and disabled seamen thereof, and their families, to be distributed at discretion of the directors of the merchants' seamen's fund at such port, and if no such establishment be there, by the magistrates and overseers of the poor of such port,) and the other 1-3*d.* to him who shall inform and sue for same, 37 G. 3. c. 73. s. 9.

126. Nothing herein shall extend to any agreement made with any seaman, &c. hired to serve on board any merchant ship at any port within the *British West Indies*, who at time of such hiring shall produce to the master a certificate under the hand of the master of the ship on board which of he last served, signed before one or more witnesses, stating their usual places of abode, thereby certifying his due discharge from such vessel: which certificate such master shall grant in 3 days after application made by such seaman before a witness, or in default, shall forfeit 20*l.* to be recovered and applied as in s. 9. *pl.* 125.; nor to any agreement to be made with any seamen, &c. hired to serve on board any merchant ship, who, on account of necessity, hazardous service, or extraordinary duty, require such agreement to be made, and more wages to be given, and of which necessity, &c. proof on oath shall be made before the chief magistrate or principal officer of any port, or justice of the said colonies; provided such seaman, &c. has not deserted his last ship, and that no greater wages be given by any commander, or received by any seaman, &c. except in cases of such necessity, &c. than after the rate of double the monthly wages, or wages to be settled as in s. 3. *pl.* 119., *id.* s. 10.

127. The articles to be entered into by and between the masters, seamen, and mariners of such merchant ship, shall be agreeable to those in schedule A., *id.* s. 11.

128. TO PREVENT THE DESERTION AND ESCAPE OF petty officers, seamen, and others, from H. M.'s service, by means or under colour of any civil or criminal process, 44 G. 3. c. 13.

129. Whenever any petty officer or seaman, belonging to H. M.'s navy, or any person who shall have voluntarily entered into or been impressed to serve in H. M.'s navy, shall be arrested or taken in execution by any sheriff or other officer, either by mesne or other process soever, or by warrant for alleged criminal offence, and shall be thereby taken from H. M.'s sea service, or from any ship appointed for receiving volunteers and impressed men, to serve in H. M.'s navy, or out of the custody of any officer of the impress, or other officer in the sea-service, with whom he shall have voluntarily agreed to enter into, or by whom he shall have been impressed, to serve in H. M.'s navy, or who shall have charge of him, the sheriff, gaoler, or other officer who shall have arrested any such petty officer, seaman, or other person, or in whose custody the latter shall happen to be, by way of detainer on any such process or charge, by virtue of the sentence of any court, shall not discharge any such petty officer, &c., or by consent of the person, at whose suit, or on whose behalf any such seaman, &c., has been arrested or detained, or on giving bail, or any other security, or any undertaking, either to appear to or to satisfy any such debt, action, or accusation; or in case of conviction for any criminal offence, after expiration of any term for which such seaman, &c., may have been sentenced to be imprisoned; but shall detain and keep every such seaman, &c., in his custody, and shall thereupon forthwith, and as soon as he would be entitled to be discharged out of custody with respect to any such process or warrant, or to any such debt, cause of action, charge, judgment, or sentence, with all convenient speed, safely deliver him over either to some commander-in-chief of a king's ship, or to some commissioned navy officer authorized to raise seamen for H. M.'s service, or to some principal officer employed in regulating the raising men for the fleet, which ever shall be nearest, in order that he may be kept to serve therein; which commander, &c. shall deliver to such sheriff, &c. a certificate directed to the navy treasurer, specifying the receipt of such seaman, &c., and the places from or to which such seamen, &c. shall have been conveyed; and such sheriff shall, on the delivery of such certificate, be entitled to receive of the navy treasurer the sum of 2*s.* per mile only for conveying and delivering such seaman, &c. *id.* s. 1.

130. In case any such petty officer, seaman, &c., as in s. 1. *pl.* 129. shall be removed out of the custody of any sheriff, &c., as in s. 1. by whom he has been arrested, as in s. 1., or in whose custody he is, into that of any other sheriff, &c., by *habeas corpus* or otherwise, the sheriff, &c. so having arrested such seaman, &c. or in whose custody the latter is, shall certify in writing to the sheriff, &c. into whose custody such seaman, &c. shall be removed, on the back of the process of removal, that such person so removed is a petty officer, seaman, &c. and liable to be detained for H. M.'s service; and so *toties quoties* on every such removal, *id.* s. 2.

131. If any sheriff, &c. as in s. 1. *pl.* 129. shall not convey, for the said purpose, any such petty officer, seaman, or other person, to not exceed-

ing 80 miles for 2 days, or 120 miles for 3 days, and so to any greater distance at 40 miles per day, after the time that he ought to be conducted according to this act, but shall wilfully detain him for more than that time, then such sheriff, &c. shall be subject to an action on the case at suit of the seaman, &c. so detained, 44 G. 3. c. 13. s. 3.

133. Every sheriff, &c. as in s. 1. *pl.* 129. who shall not safely convey and deliver any such petty officer, seaman, &c. as in s. 1. but shall suffer him to escape and go at large, shall forfeit 100*l.*, to be recovered in any court of record at Westminster, for offences committed in Eng.; in exchequer at Edinburgh, for those committed in Scot.; and in any court of record in Dublin, for those in Ire., by action of debt, &c. or information without essoin, &c. or more than one imparlance granted, one moiety thereof to go to H. M., and the other to him that will sue, with costs, *id.* s. 4.

134. Any action brought for any thing done in pursuance of this act, shall be commenced within 3 calendar months next after the fact committed, and shall be laid in the county or place where the complaint arose; defendant may plead general issue, giving this act and the special matter in evidence; and if the jury find for him, or if plaintiff discontinue after appearance, is nonsuited, or has judgment against him on demurrer, defendant shall have treble costs, *id.* s. 5.

135. IN ORDER TO BRING INTO ONE ACT THE SEVERAL provisions made for prevention and punishment of the crimes of personation and forgery, for the purpose of obtaining seamen's wages and prize-money, into one enactment, it is ENACTED, that if any person shall, willingly or knowingly, personate or falsely assume the name or character of any officer or seaman, officer of marines, or marine, or any other person entitled, or supposed to be entitled to any wages, pay, prize, bounty, or pension money, or other allowances thereof, due or supposed to be due, for services performed, or supposed to be performed, on board any king's ship, or shall cause or procure any person so to do; or if any person shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, &c. or willingly act or assist in the false making, &c. any letter of attorney, order, bill, ticket, certificate of service, or other certificate soever, assignment, last will, or other power or authority soever, in order to receive, or enable any other person to receive any such wages, pay, prize, bounty, or pension money, or other allowance of money, for naval services, with intention to defraud any person or persons body politic, [or corporate soever, first provided for by 49 G. 3. c. 72. s. 21., and again, by 54 G. 3. c. 93. s. 89.] or if any person shall utter or publish as true, or shall aid or assist in uttering or publishing as true, any such false, forged, counterfeited, or altered letter of attorney, &c. in order to receive any such wages, &c. with intention to defraud any person, &c. soever, knowing the same to be false, forged, counterfeited, or altered; or if any person shall, willingly or knowingly, take a false oath to obtain probate of any will, or to obtain letters of administration, in order to receive, or to enable any person to receive any such wages, &c. or shall demand or receive any such wages, &c. upon, or by virtue of any probate of any will, or letters of administration, knowing the will to be false, &c. or knowing the probate to have been obtained by means of any such false oath, with intention to defraud any person, body politic or corporate, he shall suffer death as a felon, without benefit of clergy, 57 G. 3. c. 127. s. 4. [Consolidating 31 G. 2. c. 10. s. 24., 9 G. 3. c. 30. s. 6., 45 G. 3. c. 72. and 54 G. 3. c. 93. s. 89.]

136. The treasurer, comptroller, clerk of the acts, or commissioner of the navy, for the time being, may from time to time, in all places, exercise and execute the office of a justice or justices of peace, to all intents and purposes, in causing any person who shall at any time be charged with forging or counterfeiting, or procuring to be forged, &c. any letter of attorney, bill, ticket, certificate, assignment, last will, or other power, or with uttering or publishing the same as true, in order to receive any wages, pay, or other allowance, due to any officer, seaman, or other person, in the service of H. M., or with taking, or procuring false oaths to be taken, for any of the above purposes, or to obtain probate of any will or letters of administration, in order to receive such wages, pay, or other allowance, or with stealing or embezzling any naval stores, H. M.'s property, to be apprehended, committed, and prosecuted for the same; and all constables, gaolers, and peace officers shall, from time to time, diligently execute and obey all warrants directed or given to them, by any one or more of the above persons, touching any of the above matters, 9 G. 3. c. 30. s. 5.

137. FOR FACILITATING THE RECOVERY OF THE WAGES of seamen, in the merchant service, 59 G. 3. c. 58. [not to extend to Scot., *id.* s. 5. Public clause, *id.* s. 6.; for 7 years, s. 7.]

138. After the 1st Aug. 1819, every seaman, mariner, or other person, (except masters or apprentices,) who has served on board any vessel trading from any port or place in Eng., to any parts beyond the seas, or to any place in G. B., in pursuance of any contract by deed or parol, (in case the master or other person having the charge of the vessel, after expiration of two days from the time of entry of such vessel at the custom-

house, or upon delivery of her cargo, or from the time when such seaman, &c. is discharged, which shall first happen, unless an agreement has been made to the contrary, and then after expiration of the time so stipulated for payment of such wages, shall neglect or refuse to pay to such seaman, &c. his wages, or part thereof, may complain to any justice or justices resident in or near the place where such vessel hath ended her voyage, or been cleared at the custom-house, or delivered her cargo, or to any justice or justices resident near the place where such master, &c. (or if no such master) where any owner of such vessel shall happen to be, which justice, on such complaint made on oath or affirmation, shall issue a summons to such master, &c. or owner, to appear before him at a time and place specified, and whether he appear or not, shall examine on oath such seaman, &c. or any other witnesses, touching such complaint or dispute respecting such wages, and may make such order for payment of so much wages not exceeding 20*l.* as are claimed to be due to any one seaman, &c. as seems just; and in case of refusal to pay, or of non-payment of any sum of money so ordered for two days next after such order, may issue warrant, to levy same by distress and sale of goods, with all costs of summonses, informations, complaints, hearings, warrants, distresses, keeping, appraisement, or sale thereof; and if no sufficient distress found and paid, within two days, shall, by warrant, levy the wages so ordered to be paid, with the above costs on the vessel, for service on board which such wages are ordered to be paid, or any of her tackle, &c. which decision shall be final as well on such seaman, &c. as on such master, &c. and owner, except either party shall interpose, on appeal to the admiralty court, within 7 days after such justice's order, 59 G. 3. c. 58. s. 1.

139. Either party, or their agents respectively, being dissatisfied with the justice's decision touching such wages, may, within 48 hours after making such order, (as in s. 1. *pl.* 138.) give notice, in writing, to the justice making the same, of his desire of obtaining the judgment of the high court of admiralty respecting the said wages; and the order so made thereon, by delivering the same to such justice, or leaving the same at their last or most usual abode; and the party so resisting such claim or order shall proceed, within 30 days from its date, by taking out monition against the adverse party; and shall, on service of such notice, give good bail in double the amount of wages so ordered to be paid, to be taken by a commissioner for taking examinations in prize causes, (if one is in the port or place where, &c.) or if not, then the above or any other justice shall take the same; and which commissioner or justice, &c. shall certify, as in the schedule, and transmit the same without delay to the said court of admiralty, and also a copy of the order, on unstamped paper, certified as above, to be admitted as evidence in the cause, *id.* s. 2.

140. No seaman, &c. (as in s. 1. *pl.* 138.) by entering into or signing any agreement as required by the several statutes in force, or into any stipulation to be comprised therein which shall have or is intended to have the effect of depriving him of the remedies by this act given for recovery of wages so due, shall be deprived of using any means for recovery of wages against any ship or the masters or owners thereof, which before this act passed he might, and which, after 1st Aug. 1819, he may make use of; and in all cases where it is necessary in using this act for recovery of wages that such agreement in writing should be produced, no obligation so to do shall lie on such seaman, but on the master or owner, (as in s. 1. *pl.* 138.) and no seaman, &c. shall fail before such justice for want of its production, but may proceed as if it had not been made *id.* s. 3.

141. Nothing herein shall deprive any seaman, &c. of any remedy which may now be resorted to against any ship or its master, &c. or owner for recovery of wages, *id.* s. 4.

SEDITION. (See LIBEL.)

(STATUTES repealed and expired.)

1. AGAINST SLANDEROUS BILLS, 37 H. 8. c. 10. [REF. by the general words of 1 E. 6. c. 12. s. 4.]

2. AGAINST SEDITIONARY WORDS AND RUMOURS, 1 & 2 P. & M. c. 3. [EXPL. 1 EL. c. 6. BOTH EXP.]

3. FOR PREVENTING THE FREQUENT ABUSES IN printing seditious, treasonable and unlicensed books and pamphlets, and for regulating of printing presses, 13 & 14 C. 2. c. 33. [CON. 16 C. 2. c. 8., 16 & 17 C. 2. c. 7., 17 C. 2. c. 4., 1 J. 2. c. 17. s. 15. ALL EXP.]

(STATUTES in force.)

1. IF ANY PERSON SHALL, by open preaching or express words, affirm or set forth that the king is not or ought not to be supreme head of the church of Eng. and Ire. under God, or that the bishop of Rome or any other person is or ought to be supreme head of such churches, or that the king is not or ought not to be king of Eng. France and Ire., or do compass and imagine, by open preaching or express words, to depose or deprive him from his royal estate and titles, or do

1350 SEDUCING H. M.'s FORCES, &c.

by open preaching or express words say any other person ought to be king, such offenders, on conviction or attainr according to law, and his aiders, &c. shall forfeit to the king all his goods, and be imprisoned at the king's pleasure, and if he a second time commit any such offences, other than those expressed in 25 E.3. St.5. c.2., he shall, on such conviction and attainr, forfeit to the king all the issues of his lands, &c. and spiritual promotions, and all his goods, and be perpetually imprisoned; third offence high treason, 1 E.6. c.12. s.6. [REF. as to the treason, 1 M. S.1. c.1. s.3.]

2. Peers of the realm indicted for any of the offences limited by this act shall be tried by their peers as in cases of high treason, *id.* s.15.

3. This act shall not charge any body for calling the *French* king the king of *France*, *id.* s.21.

4. And no indictment lies for such offences without two witnesses, *id.* s.22.

5. FOR PUNISHMENT OF DIVERS TREASONS, 5 & 6 E.6. c.11. and recited in s.1.

6. If any person, by open preaching or express words, do affirm that H. M. is an heretick, tyrant, infidel or usuper, then such person and his abettors, &c. on conviction according to law, shall forfeit to H. M. all his goods for the first offence, and be imprisoned at H. M.'s pleasure, and for the second offence shall forfeit to H. M. the profits of his lands, benefices, prebends, and other spiritual promotions during life, and all his goods, and shall also suffer perpetual imprisonment, *id.* s.2.

7. Such spiritual promotions as are charged with cure shall be always furnished by H. M. with curates; third offence, high treason, [REF. as to the treason, 1 M. S.1. c.1. s.3.] *id.* s.3.

8. Declaring by writing, as in s.1., by words, (*id.* s.4.) and withholding H. M.'s castles, ships, &c. is high treason, *id.* s.5. [REF. 1 M. S.1. c.1. s.3.]

9. No person shall be impeached for any the above offences committed by their preaching, &c. unless accused within [30 days if the accusers are within the realm, and 6 months if not, 1 E.6. c.12. s.19.] 3 months after, and such accusation shall be had and declared to one of the king's council, or to a justice of assize, or two justices of the peace within the shire where the offence was done, *id.* s.10.

10. No person shall be indicted or attainred for such offences unless accused by two accusers, who, at the time of arraignment, shall be brought in person before the accused, and avow what they have to say against him, and prove him guilty, unless he will confess the same, *id.* s.12.

SEDUCING H. M.'s FORCES, &c.

1. FOR MORE EFFECTUAL AND EXEMPLARY PUNISHMENT of such persons as shall seduce soldiers to desert, or who, being papists, shall enlist themselves in H. M.'s service in *G. B.* or *Ire.*, *Jersey* or *Guernsey*, 1 G.1. St.2. c.47. [AMD. 3 G.1. c.2. s.50., 4 G.3. c.3. s.63., 41 G.3. (U.K.) c.11. ss. 83. 85.]

2. All persons (other than enlisted soldiers) who shall, in *G. B.* or *Ire.*, *Jersey* or *Guernsey*, by words or other means, persuade and procure, or endeavour to procure, any soldier in H. M.'s service to desert, shall forfeit 40*l.* to H. M., or to any other person who will sue for same; and if such offender, being convicted, hath not lands or goods to satisfy the same, or if from the circumstance of the crime it is thought proper, the court before whom the conviction is shall award him to prison for not exceeding 6 months and to stand in the pillory for one hour in the market town in which, or near to the place in which, it was committed, in open market, [but pillory abolished, except in certain cases, 56 G.3. c.158. s.1.], 1 G.1. St.2. c.47. s.1.

3. The penalties for offences committed against 1 G.1. St.2. c.47. s.1. within *Eng.* shall be recoverable in any court of record at *Westminster*; for those committed in *Scot.*, in exchequer in *Scot.*; for those in *Ire.*, in any of the 4 courts at *Dublin*; for those in *Guernsey*, *Alderney* and *Sark*, and the islands thereto belonging in the royal court of *Guernsey*; and for those in *Jersey*, in the royal court thereof, 3 G.1. c.2. s.50., 4 G.3. c.3. s.63., 41 G.3. (U.K.) c.11. s.83.

5. For those in the isle of *Man*, in any of the courts of record in that island, or in any court of record at *Westminster*, 41 G.3. (U.K.) c.11. s.85.

6. No action shall be brought or prosecution carried on under this act but within 6 months after the offence, 1 G.1. St.2. c.47. s.2.

7. Any person having professed the popish religion who shall not at the time of enlistment declare to the officer or soldier enlisting him that he hath been or is of the popish religion, shall be liable to such corporal punishment, not extending to life, as a court martial shall inflict, *id.* s.3.

8. FOR BETTER PREVENTION AND PUNISHMENT of attempts to seduce persons serving in H. M.'s forces by sea or land from their duty or allegiance, or to incite them to mutiny and disobedience, 37 G.3. c.70. [COM. 38 G.3. c.6., 47 G.3. (S.1.) c.15., 54 G.3. c.158., 55 G.3. c.171. MADE PERP., 57 G.3. c.7.]

9. Every person who shall maliciously and advisedly endeavour to

SERJEANT AT ARMS.

seduce any person serving in H. M.'s forces, by sea or land, from his duty and allegiance, or to stir up such person to commit any act mutiny, or to make or endeavour to make any mutinous assembly, or commit any traitorous or mutinous practice shall be guilty of felony, and shall suffer death without clergy, 37 G.3. c.70. s.1.

10. Offences against this act, whether committed on the high seas or within *Eng.*, may be tried before any court of *oyer and terminer* or gaol delivery for any county in *Eng.*, *id.* s.2.

11. No person tried and acquitted, or convicted of any such offence, shall be liable to prosecution for the same offence as high treason or or misprision of treason; and persons guilty of, but not tried for offences against this act, may be tried for the same as high treason or misprision thereof as before this act passed, *id.* s.3.

SERJEANT AT ARMS.

1. FOR REGULATING THE NUMBER AND AUTHORITY OF serjeants at arms, 13 R.2. St.1. c.6.

2. The number of serjeants at arms shall be 30 and no more, and they shall not meddle of any thing that toucheth not their office, and shall do no extortion or oppression to the people on pain to lose the office, and make fine and ransom at H. M.'s pleasure, with full satisfaction to the party, *id.* *ibid.*

SERVICE AND SACRAMENTS.

(STATUTES repealed and expired.)

1. CONCERNING TRUE OPINIONS AND DECLARATIONS OF *Christ's* religion, 32 H.8. c.26. [REF. by the general words of 1 E.6. c.12. s.3.]

2. FOR RELIEF OF PERSONS DISABLED BY SICKNESS or other impediment from subscribing the declaration in [13 & 14 C.2. c.4. ss.6—8.] the act of uniformity, 15 C.2. c.6., [all but ss.5—7. EXP.]

3. FOR PRESERVING THE PROTESTANT RELIGION by better securing the church of *Eng.* as by law established, 10 A. c.2. ss.1—6. [REF. 5 G.1. c.4. s.1. See rest of this statute, NONCONFORMIST.]

4. TO PREVENT THE GROWTH OF SCHISM, and for further security of the churches of *Eng.* and *Ire.*, as by law established, 12 A. St.2. c.7. [REF. 5 G.1. c.4. s.1.]

(STATUTES in force.)

1. AGAINST PERSONS UNREVERENTLY SPEAKING against the sacrament of the body and blood of *Christ*, and for the receiving thereof, 1 E.6. c.1. [REF. 1 M. S.2. c.2. REV. 1 E.1. c.1. s.14.]

2. Any person contemning the blessed sacrament of the altar, by contemptuous words, &c., or advisedly reviling the same, shall be imprisoned with fine and ransom at H. M.'s will; and the justices of peace, or any 3 of them, one being of the quorum, may take information of 2 persons on oath; and on indictment of the offender thereon, inquire into the truth of the information by a jury, at their quarter sessions, 1 E.6. c.1. s.1.

3. The justices before whom such presentment is made, shall examine the accusers, what other witnesses were present at the offence, and shall bind the accusers and any other such witnesses by recognizances in 5*l.* to H. M., to appear before the justices before whom they are to be tried, *id.* s.2.

4. The justices, or 3 of them (as in s.1. pl.2.) shall make process against every person so indicted, by 2 *capias*, and one *exigent*, and by *capias ulagatum*, as well within the limits of their commission, as into all other H. M.'s dominions; and on offender's appearance, may determine the contempts and offences in s.1. pl.2., and may admit the person so indicted to bail, *id.* s.3.

5. The said justices, where any offender shall be indicted of any offence, as in s.1. pl.2., shall award one writ to the bishop of the diocese, wherein the offence committed, in this form:

The king to the bishop of *London*, greeting: We command you, that you, your chancellor, or other deputy sufficiently learned, be with our justices assigned to keep the peace in our county of *B.* at *D.*, such a day at our session, then and there to be held, to give counsel and advice to the same our justices of peace, on the arraignment and delivery of offenders against the form of the statute concerning the holy sacrament of the altar," *id.* s.4.

6. No person shall be indicted of any of the offences aforesaid, but within 3 months after they are committed, *id.* s.5.

7. Such offenders may prove their innocence by as many witnesses, and of as good credence as those who deposed against them, *id.* s.6.

8. The said most blessed sacrament shall be commonly ministered unto the people within the church of *Eng.* and *Ire.*, and other H. M.'s dominions, under both the kinds of bread and wine, except necessity otherwise requires; and the priest shall at least one day before, exhort all persons present, to prepare themselves to receive the same; and when that day cometh, after a godly exhortation by the minister made, (wherein shall be further expressed the benefit to those which worthily receive the said holy sacrament, and the indignation of God

threatened to those who presume to receive it unworthily) he shall not, without lawful cause, deny the same to any person that will devoutly and humbly desire it, (not condemning hereby the usage of any church out of H. M.'s dominions,) 1 E. 6. c. 1. s. 7.

9. EVERY STATUTE CONCERNING DOCTRINE OR MATTERS OF religion, and every article, sentence, and forfeiture, declared in any of the same statutes shall henceforth be repealed, 1 E. 6. c. 12. s. 4.

10. FOR UNIFORMITY OF SERVICE AND ADMINISTRATION OF THE sacraments throughout the realm, 2 & 3 E. 6. c. 1., 5 & 6 E. 6. c. 1., [and recital in s. 1.], 1 E. c. 2., and recital in s. 1. [The first act is CONF. by 5 & 6 E. 6. c. 1. s. 5.; the second and third by 8 E. c. 1. s. 2.; and the whole three are MADE PERF. as to the establishment of the church of Eng. by 5 & 6 A. c. 5. s. 1.; the 2 first were REP. 1 M. S. 2. c. 2.; which is REP. 1 E. c. 2., and 1 J. 1. c. 28. s. 48.]

11. The book of common prayer, authorized by 5 E. 6. c. 1., with the alterations by this statute, viz. s. 3. pl. 13. shall be in force, 1 E. c. 2. s. 2.

12. "The book of common prayer," with addition of the form of consecrating of archbishops, bishops, priests, and deacons, shall be of like force, and used in like manner, as provided by 2 & 3 E. 6. c. 1., 5 & 6 E. 6. c. 1. s. 5.

13. All ministers, in any cathedral or parish church within H. M.'s dominions, shall use the mattins, evening song, celebration of Lord's supper, and administration of each of the sacraments, and all their common and open prayer, in such form [and order 1 E. c. 2. ss. 3—4.], as is contained in the book of common prayer, 2 & 3 E. 6. c. 1. s. 1., 1 E. c. 2. s. 3.

14. The mattins, &c., as in last pl., viz. of 2 & 3 E. 6. c. 1., shall be used in the order mentioned in the common prayer-book, with one alteration, or addition of certain lessons to be used on every Sunday in the year; and the form of the litany corrected, and 2 sentences added in the delivery of the sacraments to the communicants, 1 E. c. 2. s. 3.

15. Every minister refusing to do as in pl. 11., or wilfully using any other rites, or preaching or speaking in derogation of that book, or any thing therein, and being convicted thereof, by verdict of 12 men, or by confession, or notorious evidence of the fact, shall forfeit to H. M. one year's whole profits of [such one as H. M. shall assign of, 1 E. c. 2. s. 4.] all his spiritual benefices, with 6 months' imprisonment, 2 & 3 E. 6. c. 1. s. 1., as AMD. by 1 E. c. 2. s. 4. On conviction for a 2d offence, shall suffer a year's imprisonment and deprivation of spiritual benefices, id. s. 1., 1 E. c. 2. s. 5. s. p.; on conviction for 3d offence, [like deprivation, 1 E. c. 2. s. 4.], and imprisonment for life, 2 & 3 E. 6. c. 1. s. 1.; 1 E. c. 2. s. 6. s. p.; and if unbeneficed, shall be imprisoned 6 months for the first, 2 & 3 E. 6. c. 1. s. 1., and 1 E. c. 2. s. 7. s. p.; and for life for the 2d offence, id. s. 1., and id. s. 8. s. p.

16. If any person shall, in any interludes, plays, songs, rhimes, or by other open words, speak, or declare any thing in derogation, depraving, or despising of the said book, or of any thing therein; or shall by open fact or threatenings, cause or maintain any person or minister to sing or say any common prayer, or minister any sacrament, otherwise than is therein mentioned; or by the said means, shall unlawfully interrupt any person or minister to sing or say common prayer, or minister the sacraments in manner therein mentioned, every person thereof convicted, as in s. 1. pl. 15., shall forfeit to H. M., for the first offence 10*l.*, [100 marks are also given, 1 E. c. 2. s. 9.]; and for a 2d offence 20*l.*, [400 marks also given, 1 E. c. 2. s. 10.]; for a 3d offence, shall forfeit to H. M. all his goods, and shall suffer imprisonment during his life, 2 & 3 E. 6. c. 1. s. 2. [as AMD. by 1 E. c. 2. ss. 9—10.]

17. And if any person convicted of a first offence do not pay the sum within 6 weeks after conviction, he shall, instead of the 10*l.* be imprisoned 3 months, [or instead of the 100 marks, (viz. 66*l.* 13*s.* 4*d.*), 6 months, 1 E. c. 2. s. 12.], or for a second, unpaid as above, instead of the 20*l.*, shall be imprisoned 6 months, 2 & 3 E. 6. c. 1. s. 2., [or instead of the 400 marks, (viz. 266*l.* 13*s.* 4*d.*), 12 months, 1 E. c. 2. s. 13.]

18. All justices of *oyer and terminer*, or of assize, shall have power to inquire, hear, and determine all offences against this act; and may make process for execution thereof, as they may do against persons indicted of trespass, 2 & 3 E. 6. c. 1. s. 3., 1 E. c. 2. s. 17.

19. Every archbishop and bishop may at pleasure associate himself to the said justices of *oyer and terminer*, or of assize, within his diocese, for hearing and determining the said offences, 2 & 3 E. 6. c. 1. s. 4.

20. Any man may say his prayers privately in any foreign tongue, *Latin, Greek, Hebrew, &c.*, id. s. 5.

21. And the universities of *Oxford* and *Cambridge* may celebrate divine service in their chapels, not being parish churches, (except the holy communion,) in *Greek, Latin, or Hebrew*, id. s. 6.

22. All men may use any psalms or prayers taken out of the bible, at due time, not omitting the service in the said book, id. s. 7.

23. All persons inhabiting within H. M.'s dominions, shall diligently, having no reasonable excuse, endeavour to resort to their parish church or chapel, accustomed, or upon reasonable let thereof, to some usual place where common prayer shall be used, on every Sunday and holy-

day, and there abide orderly during the time of the common prayer, preachings, or other service of God, on pain of punishment by ecclesiastical censures; [and also on penalty of 12*d.*, to be levied by the churchwardens of the parish, to the use of the poor, by way of distress, 1 E. c. 2. s. 14. only], 5 & 6 E. 6. c. 1. s. 2., and 1 E. c. 2. s. 14.

24. All archbishops, bishops, and other ordinaries, shall endeavour that one execution hereof be had, as they will answer before God, id. s. 3. and id. s. 15.; and they and their officers exercising ecclesiastical jurisdiction, as well in place exempt as not exempt, shall have power to reform and punish by church censures, all persons offending within their dioceses against this act, 5 & 6 E. 6. c. 1. s. 4. and 1 E. c. 2. s. 16.

25. If any person shall wilfully be present at any other form of common prayer, administration of the sacraments, mocking of ministers in the church, or any other rights contained in the book hereto annexed, (see s. 5. pl. 20.), than is set forth therein, or that is contrary to the provisions in 2 & 3 E. 6. c. 1., and shall be convicted before the justices of assize, of *oyer and terminer*, or of peace, in their sessions, by verdict or confession, or otherwise, he shall for the first offence suffer imprisonment for 6 months; for the 2d for one year; and for the 3d for life; and every curate shall once a-year read this act in the church, at the same time declaring, by authority of scripture, how the mercy and goodness of God hath in all ages been shewed to his people in their necessities, by means of hearty prayer to him, especially where people be gathered together, with one faith and mind, to offer up their hearts by prayers, as the best sacrifices that Christian men can yield, 5 & 6 E. 6. c. 1. s. 6.

26. No man shall be molested for any of the above offences, except he be indicted at the next general sessions of *oyer and terminer*, or of assize held next after any offence committed, id. s. 9. and 1 E. c. 2. s. 20.

27. Lords of parliament shall be tried for such offences by their peers, 2 & 3 E. 6. c. 1. s. 10.; for the 3d offence only, 1 E. c. 2. s. 21.

28. The mayor of *London*, and all chief officers of cities and towns corporate, within *Eng.* and *Wa.*, to which justices of assize do not commonly repair, may inquire, hear and determine the above offences yearly, in 15 days after the feast of *Easter*, and *St. Michael*, 2 & 3 E. 6. c. 1. s. 11., and 1 E. c. 2. s. 23.

29. All archbishops, bishops, and their chancellors, commissioners, archdeacons, and other ordinaries, having peculiar ecclesiastical jurisdiction, may enquire at their visitations and synods, and elsewhere within their jurisdiction, as well as take informations of such offences committed therein, and punish them by admonition, excommunication, sequestration, deprivation, and other ecclesiastical censures, id. s. 12. and id. s. 23.

30. But whatever offender shall for the first offence receive punishment from the ordinary, having a testimonial thereof, under his seal, shall not be punished for the same offence before the justices; and the converse, id. s. 13. and id. s. 24.

31. Such ornaments of the church, and the ministers thereof, shall be retained, as was in this church of *Eng.* by authority of parliament in 2 E. 6., till other order be therein taken, by authority of H. M., with advice of his commissioners, for causes ecclesiastical or of the metropolitan, 1 E. c. 2. s. 25.

32. If any contempt or irreverence be used in the ceremonies of the church, by misusing the orders appointed in this book, H. M. may, by like advice of the commissioners or metropolitan, publish such further ceremonies as may be most for advancement of God's glory, the edifying his church and due reverence of *Christ's* holy mysteries and sacraments, id. s. 26.

33. All laws, whereby any other service or common prayer are established within H. M.'s dominions, are void, id. s. 27.

34. AGAINST OFFENDERS OF PREACHERS AND OTHER MINISTERS in the church, 1 M. S. 2. c. 3.

35. If any persons, of their own authority, shall, of purpose, by open word or deed, maliciously or contemptuously disturb, or by any other unlawful ways, disquiet or misuse any preacher, licensed or authorized to preach by H. M., or by any archbishop or bishop of this realm, or by any other lawful ordinary, or by any of the universities, or lawfully authorized, by reason of his cure or spiritual promotion, in his open sermon, preaching or collation, in any church, chapel, church-yard, or other place, used or appointed to be preached in; or if any persons shall maliciously disturb, any person or curate, or any lawful priest, celebrating divine service, sacraments or sacramentals, authorized by H. M.; or if any persons shall unlawfully abuse the holy sacrament, or unlawfully deface any altar, crucifix or cross, in any church, chapel or church-yard: every such offender, his aiders, procurers or abettors, shall be apprehended by any constable, churchwarden or other officer, or by any other person present at the time of the offence, and carried to any justice of peace; and the justice, on due accusations thereupon, shall commit the persons apprehended to custody; and, within 6 days after, the said justice, with one other justice, shall examine the offences; and, if they find the said persons guilty of the above offences, and that by 2 witnesses or

their own confession, they shall commit them to gaol for 5 months, and to the next quarter sessions at which they on repentance, before the justices, shall be discharged on surety of good behaviour for one year; and if they will not be reconciled and repent, they shall be further committed to gaol till they be reconciled, and be penitent for the offences, 1 M. S. 2. c. 8. ss. 2—6.

36. If any persons of their own authority rescue any offender so apprehended, or will hinder the said offenders to be apprehended, the said rescuers or disturbers, shall suffer like imprisonment, and further forfeit *5l.*, *id.* s. 7.

37. If any of the said offenders be not taken immediately, but escape, the same shall be presented at the next quarter sessions, and the inhabitants of the parish where the escape was suffered shall forfeit to H. M. *5l.*, to be levied as other amercements have been levied on any hundred or town, for escape of any murderer or other felon, for not making pursuit upon hue and cry, *id.* s. 8.

38. Justices of peace, of assize, of *oyer* and *terminer*, and all mayors and justices of peace, with any city or town corporate, may enquire of the above offences, and hear and determine the same, *id.* s. 9.

39. This act shall not take away the jurisdiction of the ecclesiastical laws, *id.* s. 10.; but whatever person shall for any of the above offences receive punishment of the ordinary, having testimonial thereof, under his seal, shall not for the same offence be convicted before the justices and the converse, *id.* s. 11.

40. TO REFORM CERTAIN DISORDERS touching ministers of the church, and that they be of sound religion, 13 *El.* c. 12. [AMD. 13 & 14 C. 2. c. 4., 15 C. 2. c. 6. ss. 3, 5, 7. MADE PERP. as so amended 5 & 6 A. c. 5. s. 1., and again CONF. 5 & 6 A. c. 8. Art. 25. s. 7. AMD. 23 G. 2. c. 28.]

41. If any person ecclesiastical, or having ecclesiastical living, shall advisedly maintain or affirm any doctrine repugnant to the "Articles whereupon it was agreed by the archbishop and bishops of both provinces, and the whole clergy, in the convocation holden at London, A. D. 1562, according to the computation of the church of Eng., for avoiding diversities of opinions, and for establishing of consent touching true religion, put forth by H. M.'s authority;" (see s. 1.) and being convicted before the bishop or ordinary, shall not revoke his error, or after revocation affirm such untrue doctrine, such maintaining and persisting shall be just cause to deprive him of his ecclesiastical promotions, and the bishop or ordinary may deprive such person, 13 *El.* c. 12. s. 2.

42. No person shall be admitted to any benefice with cure except he be 23 years old at least, and a deacon, and had first subscribed to the articles, in presence of the ordinary, and publicly read them in the parish church of that benefice, with declaration of unfeigned assent to the same, *id.* s. 3. [The rest of the section seems REP. by 23 G. 2. c. 28. s. 2. *infra*, pl. 51.]

43. None shall be made minister, admitted to preach, or minister the sacraments, under the age of 24 years, nor unless he first bring to the bishop of that diocese from men known to the latter to be of sound religion, a testimonial of his honest life, and of his professing the doctrine in the articles; nor unless he be able to render to the ordinary an account of his faith in *Latin*, according to the articles, or have special gift or ability to be a preacher; nor shall be admitted to the order of deacon or ministry, unless he first subscribe to the articles, *id.* s. 5.

44. None shall be admitted to any benefice with cure of the value of 30*l.* yearly in H. M.'s books, unless he be a bachelor of divinity, or a preacher allowed by some bishop within the realm, or by one of the *English* universities, *id.* s. 6.

45. All admissions to benefices, institutions, and inductions, of any person contrary to this act, and all dispensations to the contrary, shall be void, s. 7.

46. Provided that no title to confer by lapse shall accrue upon any deprivation *ipso facto*, but in 6 months after notice of such deprivation given by the ordinary to the patron, *id.* s. 8.

47. FOR THE UNIFORMITY OF PUBLIC PRAYERS and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the church of Eng., 13 & 14 C. 2. c. 4. [AMD., &c. 15 C. 2. c. 6., 1 W. & M. S. 1. c. 8. s. 11., 5 A. c. 5., 2 G. 2. c. 31. s. 8. (EXP.), 23 G. 2. c. 28.]

48. Recital of 1 *El.* c. 2. and of H. M.'s declaration and commission for revising the book of common prayer, with the additions and alterations propounded therein, to be used in all churches in Eng., Wa., and Ber., 13 & 14 C. 2. c. 4. s. 1.

49. All ministers in any church or chapel, or other place of public worship within Eng., Wa., and Ber., shall use the morning and evening prayer, celebration and administration of both the sacraments, and all other the public and common prayer, in order as mentioned in the book annexed to this act, intitled "The Book of Common Prayer, &c." and the morning and evening prayers therein shall on every Lord's day, and on all other occasions, and at the times therein appointed, be openly and solemnly read by every minister or curate in every church or chapel, or other place of public worship within this realm, 13 & 14 C. 2. c. 4. s. 2.

50. Every person put into any benefice shall in the church, &c. belonging to it, within 2 months after being in possession thereof on some Lord's day publicly read the morning and evening prayer according to the said book, and after such reading shall before the congregation declare his unfeigned assent thereto, except by leave of the ordinary for any lawful impediment, *viz.*

'I A. B. do here declare my unfeigned assent and consent to all and every thing contained and prescribed in and by the book intitled 'The Book of Common Prayer,' and administration of the sacraments, and other rites and ceremonies of the church, according to the use of the church of Eng. together with the psalter or psalms of David, pointed as they are to be sung or said in churches, and the form or manner of making, ordaining, and consecrating of bishops, priests, and deacons,' on pain of deprivation, *id.* s. 6. [which seems REP. 23 G. 2. c. 28. s. 2. *next pl.*]

51. Every ecclesiastical person admitted to a benefice with cure, who shall read the articles mentioned in 13 *El.* c. 12. s. 1. *pl.* 41., or shall make the declaration therein, at the same time that he shall read the morning and evening prayer, and declare his unfeigned assent to the use of all things therein contained, according to the form in 13 & 14 C. 2. c. 4. s. 6. (*last pl.*) shall be adjudged to have complied with 13 *El.* c. 12. (s. 3. *comm. semb.*), and shall not be deprived, &c. though the same may not be read within 2 months after his induction, as in s. 2. of that act (*pl.* 41.) enacted, 23 G. 2. c. 28. s. 2. [This seems to REP. the enactment in 13 *El.* c. 12. s. 3., and 14 C. 2. c. 4. s. 6.]

52. Where the proper incumbent of any benefice with cure resides and keeps a curate, the former (not having lawful impediment allowed by the ordinary,) shall once at least monthly, publicly read the common prayers and service, and (if there be occasion) administer each of the sacraments, and other rites of the church, in the parish church or chapel, as in the said book appointed, on pain to forfeit *5l.* to the use of the poor of the parish, on conviction by confession or proof of 2 witnesses on oath before 2 justices of peace; and in default of payment within 10 days, to be levied by distress and sale of goods, by their warrant, by the churchwardens and overseers of the poor, 13 & 14 C. 2. c. 4. s. 7. [As to what is a lawful impediment, see s. 11. *post. pl.* 56. and 23 G. 2. c. 28. s. 1. *next pl.*]

53. Every allowance of any lawful impediment given under 13 & 14 C. 2. c. 4. s. 6. by any ordinary to any person for not reading in the church, &c. belonging to his benefice, in 2 months after his possession thereof, on some Lord's day, publicly the morning and evening prayers, and for not declaring his assent, &c. shall extend for a like time to the not reading the certificate and declaration in ss. 8—9. and s. 11. though the latter be not mentioned in the allowance, 23 G. 2. c. 28. s. 1., [but seems EXP. since the provision in s. 2. *ante*, *pl.* 51.]

54. Every dean, canon, and prebendary, of every cathedral or collegiate church, and all masters, and heads, fellows, chaplains, and tutors, in any college, hall, &c. or hospital, and every public professor and reader in either university, and in every college elsewhere, and every other person in holy orders, and every school-master, and person teaching youth in any house or private family, as a tutor or school-master, shall at or before his admission to possession, subscribe the declaration or acknowledgement following, *id.* s. 8.

'I A. B. do declare, that I will conform to the liturgy of the church of Eng., as it is now by law established.' *id.* s. 9.

[This part is not REP. by 13 & 14 C. 2. c. 4. s. 19., or 1 W. & M. S. 1. c. 8. s. 11. and now in force, and see the *expired* regulation in 2 G. 2. c. 31. s. 8. as to restoring persons who have forfeited their benefices by neglect to subscribe.]

55. Which declaration shall be subscribed by every such master, and head, &c., as in last *pl.* before the vice-chancellor, or his deputy; and shall be subscribed before the archbishop, bishop, or ordinary of the diocese, by every other person hereby enjoined the same, on pain of forfeiture of such deanry, &c. and deprivation thereof, and such deanry, &c. ecclesiastical promotion, curate's place, lecture, and school, shall be void, 13 & 14 C. 2. c. 4. s. 10.

56. If any school-master, or other person instructing youth in any private family as a tutor or school-master, shall instruct any youth as such, before licence obtained from his archbishop, bishop, or ordinary of the diocese, according to the laws of this realm, (paying the fee of 12*d.* only) and before such subscription made, he shall for the first offence be three months imprisoned, and for every other such offence shall suffer a like imprisonment, and forfeit to H. M. *5l.* And after subscription made, every such parson, &c. shall procure a certificate under the hand and seal of the archbishop, &c. and shall publicly read the same, with such declaration, upon some Lord's day, in 3 months next following, in his parish church, in presence of the congregation, in time of divine service, on pain of losing such benefice or place, and being *ipso facto* deprived of the same, *id.* s. 11.

57. No person shall be capable to be admitted to any ecclesiastical benefice or dignity, nor shall consecrate or administer the sacrament of the Lord's supper, before being ordained priest, according to the form

in the said book prescribed, unless made priest by episcopal ordination; upon pain to forfeit 100*l.*, one moiety to H. M., the other to be divided between the poor of the parish and the informer suing for the same in any of H. M.'s courts of record, and be disabled from taking the order of priest for one year, 13 & 14 C. 2. c. 4. s. 14.

58. The penalties in this act shall not extend to the foreigners of the foreign reformed churches allowed by H. M. in *Eng.*, *id.* s. 15.

59. No title to confer or present by lapse shall accrue by any avoidance or deprivation *ipso facto* by this statute, but after 6 months from notice of avoidance given by the ordinary to the patron, or sentence of deprivation publicly read in the parish church, *id.* s. 16.

60. No form of common prayer, administration of sacraments, rites or ceremonies, shall be openly used in any church, &c. in any college or hall in the universities, the colleges of *Westminster*, *Winchester*, or *Eton*, other than is appointed by the said book; and every governor or head thereof, within one month next after his election or collation [and admission, shall publicly in the church, chapel, or other public place of the same college, &c. in presence of the fellows and scholars, &c. subscribe to the nine and thirty articles of religion, mentioned in 13 *El.* c. 12. and to the said book, and declare his unfeigned assent to and approbation of the articles and book, and to the use of all the prayers and forms in the said book contained. And all such governors, &c. or any of them, being in holy orders, shall once at least in every quarter (not having a lawful impediment) publicly read the morning prayer and service by the said book appointed in the church, chapel, &c. of the same college or hall, upon pain to be suspended from all the benefits of the same government, &c. 6 months by the visitor. And if any governor, &c. of any college, &c. so suspended for not subscribing, or for not reading of the morning prayer and service as aforesaid, shall not at or before 6 months after such suspension subscribe to the said articles and book, and declare his consent thereto as aforesaid, or read the morning prayer and service, such headships shall be *ipso facto* void, *id.* s. 17. [See 23 G. 2. c. 28. s. 1. above.]

61. It shall be lawful to use the morning and evening prayer, and all other service prescribed in the said book, in the colleges, &c. in the universities, in the colleges of *Westminster*, *Winchester*, and *Eton*, and in the convocations of the clergy, in *Latin*, *id.* s. 18.

62. No person shall be a lecturer, or allowed to preach or read any sermon or lecture in any church, &c. unless first licenced by the archbishop of the province, or bishop of the diocese, or by the guardian of the spiritualities, under seal, and shall in their presence read the thirty-nine articles, with declaration of his unfeigned assent to them. And every person licensed as a lecturer in any church, &c. the first time he preacheth (before his sermon) shall publicly read the common prayers appointed for that time, and then publicly declare his assent unto, and approbation of, the said book, and to the use of all the prayers, &c. therein contained, according to the form in s. 6. *pl.* 50. appointed; and shall on the first lecture day of every month, before his sermon, publicly read the common prayers and service appointed, and shall before the congregation declare his unfeigned assent unto, and approbation of the said book, &c. and on neglect so to do, shall be disabled to preach any lecture or sermon in any church, chapel, or place of public worship, until he shall publicly read the common prayers and service appointed by the said book, and conform in all points to the things therein appointed, *id.* s. 19.

63. Every subscription made before any vicar-general or chancellor, to any archbishop or bishop, or commissary to the chancellor of *Canterbury*, or any other bishop, is effectual, 15 C. 2. c. 6. s. 5.

64. If the sermon or lecture is to be preached or read in any cathedral or collegiate church or chapel, the lecturer may openly at the time aforesaid, declare his assent to all things contained in the said book as in s. 6, 13 & 14 C. 2. c. 4. s. 20.

65. If any person, by this act disabled to preach any sermon or lecture, shall, during the time he is disabled, preach any sermon or lecture, he shall be 3 months imprisoned in the common gaol; and any 2 justices of any county, and the mayor, &c. of any city or town corporate, on certificate from the ordinary, of the offence, shall commit him, *id.* s. 21.

66. The penalties of 13 & 14 C. 2. c. 4. s. 21. shall be also inflicted on every person so offending, who is prohibited by the act to preach, 15 C. 2. c. 6. s. 7.

67. The common prayers and service shall be publicly read by some priest or deacon in the church, &c. before any such sermon or lecture be preached, and the lecturer shall be present at the reading thereof, 13 & 14 C. 2. c. 4. s. 22.

68. This act shall not extend to the university churches, when any sermon or lecture is preached or read as the public university sermon or lecture, *id.* s. 23.

69. The several laws now in force for the uniformity of prayer and administration of the sacraments, shall stand in force for the confirming the said book, and no other, *id.* s. 24.

70. In those prayers, litanies and collects, which relate to the king,

queen, or royal progeny, the names be altered to the present occasion, according to the direction of lawful authority, 13 & 14 C. 2. c. 4. s. 25.

71. A true printed copy of the said book shall at the costs of the parishioners of every parish church, &c. be gotten, on pain of forfeiture of 3*l.* by the month, for so long as they shall be unprovided thereof, *id.* s. 26.

72. The bishops of *Hereford*, *St. David's*, *Asaph*, *Bangor*, and *Llandaff*, shall take order among themselves, that the book be translated into and printed in the *Welsh* tongue, so that one of them so translated may be had for every cathedral, collegiate and parish church and chapel of ease in *Wa.*, and the whole divine service shall be used by the ministers throughout *Wa.*, where the *Welsh* tongue is commonly used, in the *Welsh* tongue; and one other such book in the *English* tongue, shall be in every church throughout *Wa.*, and remain in such convenient places within them, for resort to read the same, *id.* s. 27.

73. The deans and chapters of every cathedral or collegiate church, shall obtain under great seal, a printed copy of this act, and of the said book annexed hereunto, to be by their chapters preserved for ever, and produced in any court of record when lawfully required. And copies of this act, and of the same book shall be delivered into the courts at *Westminster*, and into the tower of *London*, to be kept among the records for production as need shall require, as records, *id.* s. 28.

74. This act shall not be prejudicial to H. M.'s professor of the law in *Oxford*, concerning the prebend of *Shipton*, within the cathedral church of *Sarum*, annexed to his place, *id.* s. 29.

75. All subscriptions to the articles shall be applied (touching the 36th article) unto the book of ordaining and consecrating of bishops, priests, and deacons, in this act mentioned, *id.* ss. 30—31.

76. FOR SECURING THE CHURCH OF *Eng.* AS BY LAW ESTABLISHED, 5 & 6 A. c. 5. [Inserted in the act of union with *Scot.*, 5 & 6 A. c. 8. Art. 25. s. 7. and Amd. *id.* ss. 8—9.]

77. The 13 *El.* c. 12. and 13 C. 2. c. 4. for uniformity of public prayers, &c. other than such clauses as have been repealed or altered by subsequent acts of parliament, and all other acts of parliament now in force for the establishment and preservation of the church of *Eng.*, and the doctrine, worship, discipline, and government thereof, as by law established in *Eng.*, *Ire.*, *Wa.*, and *Ber.*, and the territories thereunto belonging, shall remain in force for ever, 5 & 6 A. c. 5. s. 2.

78. This act shall for ever be a fundamental and essential part of any treaty of union concluded between the 2 kingdoms of *Eng.* and *Scot.*, and shall be inserted in express terms in any statute for settling and ratifying the same, and shall be therein declared to be an essential and fundamental part thereof, *id.* s. 3. and 5 & 6 A. c. 8. Art. 25. s. 9. s. p.

79. Every king or queen coming to the royal government of the kingdom of *G. B.*, shall at the coronation, in presence of all persons present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of *Eng.*, its doctrine, worship, discipline, and government, as by law established within *Eng.*, *Ire.*, *Wa.*, and *Ber.*, and the territories thereunto belonging, 5 & 6 A. c. 8. Art. 25. s. 8.

SERVICES, PUBLIC.

1. TO DIRECT ACCOUNTS OF INCREASE AND DIMINUTION OF public salaries, pensions, and allowances to be annually laid before parliament, and to regulate and control the grant and payment thereof, 50 G. 3. c. 117. [Amd. 51 G. 3. c. 21. ExPL. 53 G. 3. c. 86.]

2. An annual account up to 1 *Jan.* preceding, of any increase and diminution in the number of persons employed in public offices or departments, or in the salaries and expences paid or incurred in respect of them, specifying the amount and nature thereof, and distinguishing therein every increase and diminution in the amount of all superannuations to persons having held office in any such public offices, or employed in any public services under the same, specifying the length and nature of their services, the amount of salary received by them immediately before superannuation, and also the grounds of any such increase or diminution, in the establishment of any such public offices, or of any such salaries or allowances, shall be annually laid before parliament between 1st *Feb.* and 25th *March*, 50 G. 3. c. 117. [Ext. to the office of the Commissioners for affairs of *India*, 51 G. 3. c. 75. s. 2. and 55 G. 3. c. 155. s. 91.]

3. Nothing in 50 G. 3. c. 117. s. 1. which subjects the accounts of increase and diminution of public salaries, pensions, and allowances, to annual revision by parliament, shall extend to prevent H. M. in council from granting naval compensations and pensions, (s. 1.) as used before that act, which pensions shall then be placed on the ordinary navy estimate, and laid annually before parliament, 55 G. 3. c. 86. ss. 1—2.

4. No compensation for abolition of office or special allowance to person holding civil employment in a public office for good services, and no compensation to him in nature of a superannuation or retired allowance, shall be granted without concurrence of the treasury, 55 G. 3. c. 86. s. 3.

rified by warrant, or their secretary's letter to the head of any department, or by their signature to the grant thereof, except by order of H. M. in council, 50 G. 3. c. 117. s. 2.

5. This shall not extend to any half-pay, or allowances in lieu thereof, or military or naval allowances, or pensions granted under order of H. M. in council, in offices of the secretary at war, of the master-general of ordnance, or of the admiralty, *id.* s. 3.

6. Accounts of army, ordnance, navy, or marines' half-pay, and all military and naval allowances and pensions granted in the said offices under order in council, shall be laid before the house of commons in separate estimates, with those of army, ordnance, and navy, respectively, distinct from accounts of any allowances, &c. in civil departments of such offices, *id.* s. 4. [See 53 G. 3. c. 86. *pl.* 5.]

7. Accounts of allowances, &c. on superannuation or retirement from office in any civil department of such offices, shall annually be laid before the house of commons, as in s. 4. *pl.* 6., but distinct from the estimates of such departments respectively, 50 G. 3. c. 117. s. 5.

8. An account of the annual produce of sale of old hard stores, shall be annually laid before parliament, and credited in the navy estimates, and shall not be charged with payment of any pension or allowance received, *id.* s. 6.

9. Exception as to pensions, &c. now charged thereon, till included in navy estimates for 1811, from which they shall be in future paid, *id.* s. 7.

10. In every office and public department in which the establishment of the office is paid by any fund of fees received therein, all allowances paid in the nature of superannuations or rewards to any person for any public services, shall be first charged on, and paid from such fee fund, and where it proves deficient, an estimate of the deficiency shall be submitted annually to the house of commons, and shall be supplied by a vote of parliament, *id.* s. 8.

11. Such deficiency in the fee funds of the offices of the principal secretary of state, privy council, and treasury, shall be made good out of [the civil list, altered by 56 G. 3. c. 46. s. 6. as follows,] any funds granted by parliament to discharge such expences of a civil nature, as do not form a part of the ordinary charges of civil list; and all allowances for public services made, as in 50 G. 3. c. 117. s. 8., in any department, the establishment of which is wholly charged on the civil list, shall also be charged on that fund, 50 G. 3. c. 117. s. 9. as AMD. 56 G. 3. c. 46. s. 6.

12. In every public office where there is no such fee fund for payment of the establishment thereof, such offices not being in receipt of revenue, or wholly charged on the civil list, the whole of such allowances for public services shall annually be laid before the commons by estimate, and voted and charged on such funds as parliament shall direct, 50 G. 3. c. 117. s. 10.

13. Future allowances as pensions or superannuations shall be paid without deduction for any duties imposed by parliament, except property-tax under 46 G. 3. c. 65. [which is *Exp.*] *id.* s. 11.

14. Where the officer is under 60 years old, no allowance, &c. shall be granted, unless on certificate of the heads of his department, that he is incapable of the duties of his office from mental or bodily infirmity; when if he has served 10 years, an annual sum not exceeding 1-3d of the salary and emoluments of his office may be granted him as a superannuation; if having served 10 and less than 20 years, a sum not exceeding one-half thereof; if above 20 years, a sum not exceeding 2-3ds thereof; if above 60 years old and having served 15 years, a sum not exceeding 2-3ds thereof, without such certificate; if 65 years old and having served 40 years, a sum not exceeding 3-4ths thereof; if 65 years old and having served 50 years, a sum not exceeding the whole thereof, *id.* s. 12.

15. No pension shall be granted for service in foreign courts, in less than 10 years from the date of his first appointment, or for less than 3 years' service; and shall not exceed 2000*l.* *per ann.*, with entire abatement on appointment to any office of greater, and proportionate if of lesser amount, *id.* s. 13.

16. Such grantee must be 35 years old; and the secretary of state for foreign affairs must certify to treasury, that he has not within such 10 years declined to serve in any equal or superior rank than his last station before such pension shall be granted, *id.* s. 14.

17. The provisions in 50 G. 3. c. 117. ss. 13—14. do not apply to persons, who previously to passing that act had served the crown in foreign courts, nor to 22 G. 3. c. 82. so far as respects the grant of allowances by H. M. to persons who previous to passing that act had so served the crown, 51 G. 5. c. 21.

SET OFF.

1. TO ALLOW MUTUAL DEBTS TO BE SET AGAINST EACH OTHER, 2 G. 2. c. 23. c. 13. [MADE PERP. and AMD. 8 G. 2. c. 24. ss. 4—5. This title is framed from the purport of these sections; the rest of these acts relate to insolvents, and are expired.]

SEWERS.

2. When there are mutual debts between the plaintiff and defendant, or if either party sue as executor or administrator where there are mutual debts between the testator or intestate, and either party, one debt may be set against another; and such matter may be given in evidence upon the general issue, or pleaded in bar, as the case requires, so as at time of pleading the general issue, where such debt of the plaintiff, his testator or intestate, is intended to be insisted on in evidence, notice shall be given of the sum or debt so intended to be insisted on, and upon what account it became due, otherwise such matter shall not be allowed on evidence upon such general issue, 2 G. 2. c. 22. s. 13.

3. Mutual debts may be set against each other in manner in 2 G. 2. c. 22. s. 13. mentioned, notwithstanding such debts are deemed in law of a different nature, unless in cases where either of such debts accrue by reason of a penalty in any bond or specialty; and in all cases where either the debt for which action brought, or the debt intended to be set against the same, hath accrued by reason of such penalty, the debt intended to be set off shall be pleaded in bar, in which plea shall be shewn how much is justly due on either side; and in case the plaintiff shall recover in any such action, judgment shall be entered for no more than what is justly due, when one debt is set against the other, 8 G. 2. c. 24. s. 5.

SEWERS.

(STATUTE expired and repealed.)

FOR GRANTING COMMISSIONERS OF SEWERS, 18 H. 6. c. 10., 12 E. 4. c. 6., 23 H. 6. c. 8., 4 & 5 H. 7. c. 1., 12 C. 2. c. 6. [*Exp.* and *Rep.* 23 H. 8. c. 5. s. 6.]

(STATUTES in force.)

1. FOR GRANTING COMMISSIONS OF SEWERS, 6 H. 6. c. 5. [MADE PERP. 6 H. 8. c. 10.]

2. During 10 years, commissions of sewers shall be made by the chancellor, to be sent into all parts of the realm, where shall be needful, according to the form in this act, 6 H. 6. c. 5. [Another form is appointed by 23 H. 8. c. 5. which includes all the powers mentioned in that appointed in this act; except that by this commission power is given to the commissioners, if need be, to stop up the trenches of fresh water descending to the sea; which power is not granted in express words by 23 H. 8. c. 5.]

3. COMMISSIONERS OF SEWERS SHALL HAVE POWER TO ORDAIN AND EXECUTE the ordinances and other affairs, to be made according to the purport of the commissions, 8 H. 6. c. 3.

4. THE 6 H. 6. c. 5. AND ALL OTHER AUTHORITIES CONCERNING COMMISSIONS OF sewers, shall endure for ever; and the chancellor shall have power to grant commissions of sewers to persons named by the chancellor, 6 H. 8. c. 10. s. 1. [*semble*, *Rev.* and *MADE PERP.* by 22 H. 8. c. 5. s. 6.]

5. The chancellor shall make no commission to any person for the execution of this act, except he have lands of freehold to the yearly value of 20*l.* or be justice of *quorum* learned, within the shires, 6 H. 8. c. 10. s. 3.

6. If such commission be directed to any person not having lands, &c. or not being justice of the *quorum*; such commission, and all presentments before such commissioners, shall be void, *id.* s. 3.

7. A GENERAL ACT CONCERNING COMMISSIONS OF SEWERS to be directed in all parts within this realm, 23 H. 8. c. 5. [MADE PERP. 3 & 4 E. 6. c. 8. s. 1. AMD. 25 H. 8. c. 10., 13 E. 1. c. 9. *Ext.* to sea sands in *Glamorganshire*, 1 M. St. 3. c. 11., to all water-courses falling into *Thames* within 2½ miles from *London*, 3 J. 3. c. 14., to copyhold lands, 7 A. c. 10.]

8. Commissioners of sewers shall be directed in all parts within this realm, where need shall require, according to the form ensuing, to such substantial persons as shall be named by the lord chancellor and lord treasurer, and the two chief justices, or by 3 of them, whereof the lord chancellor to be one, 23 H. 8. c. 5. s. 1.

'Henry the eighth, &c. Know ye, that forasmuch as the walls, ditches, banks, gutters, sewers, gotes, calcies, bridges, streams, and other defences, by the coasts of the sea, and marsh ground, being and lying within the limits of A. B. or C. in the county or counties of — or in the borders or confines of the same, by rage of the sea flowing and reflowing, and by mean of the trenches of fresh waters descending and having course by divers ways to the sea, be so disrupt, lacerate, and broken; and also the common passages of ships, balengers, and boats, in the rivers, streams, and other floods, within the limits of A. &c. in the county or counties of —, or in the borders or confines of the same, by mean of setting up, erecting, and making, of streams, mills, bridges, ponds, fish-garths, mill-dams, locks, hebbing wears, hecks, flood-gates, or other like lets, impediments or annoyances, be letted or interrupted, so that great and inestimable damage for default of reparation of the said walls, ditches, banks, fences, sewers, gotes, gutters, calcies, bridges and streams; and also by mean of setting up, erecting, making, and enlarging of

the said fish-garths, &c and other like annoyances in times past hath happened, and yet it is to be feared, that far greater hurt, loss, and damage, is like to ensue, unless that speedy remedy be provided in that behalf, 23 H. 8. c. 5. s. 2.

We therefore, for that by reason of our dignity and prerogative royal, we be bound to provide for the safety and preservation of our realm of Eng. willing that speedy remedy be had in the premises, have assigned you, and 6 of you, of the which we will that A. B., and C. shall be 3, to be our justices to survey the said walls, streams, ditches, banks, gutters, sewers, gotes, calcies, bridges, trenches, mills, mill-dams, flood-gates, ponds, locks, hebbing-wears, and other impediments, lets, and annoyances, and the same cause to be made, corrected, repaired, amended, put down, or reformed after your wisdoms and discretions: and therein as well to ordain and do, after the form, tenor, and effect, of all and singular the statutes and ordinances made before the 1st day of March in the 23d year of our reign, touching the premises, or any of them, as also to inquire by the oaths of the honest and lawful men of the shire or shires, place or places, where such defaults or annoyances be, as well within the liberties as without (by whom the truth may the rather be known) through whose default the hurts and damages have happened, and who hath or holdeth any lands or tenements, or common pasture, or profit of fishing, or hath or may have any hurt or disadvantage by any manner of means in the said places, as well near to the dangers, lets, and impediments, as inhabiting or dwelling thereabouts, by the walls, ditches, banks, gutters, gotes, sewers, trenches, and other impediments, and all those persons, and every of them, to tax, assess, charge, distrain, and punish, as well within the metes, limits, and bounds, of old time accustomed, or elsewhere within our realm of Eng., after the quantity of their lands, tenements, and rents, by the number of acres and perches, after the rate of every person's portion, tenure, or profit, or after the quantity of their common of pasture, or profit of fishing, or other commodities there, by such ways and means, and in such manner and form, as to you, or 6 of you, whereof A., B., and C. to be 3, shall seem most convenient to be ordained and done, for redress and reformation to be had in the premises; and to reform, repair, and amend the walls, ditches, banks, gutters, sewers, gotes, calcies, bridges, streams, and other the premises, in all places needful; as often, and where need shall be, to make new; and to cleanse and purge the trenches, sewers and ditches, in all places necessary; and further, to reform, amend, prostrate, and overthrow all mills, streams, ponds, locks, fish-garths, hebbing-wears, and other impediments and annoyances aforesaid, and to distrain for the arrears of every such collection, tax, and assess, as often as expedient, or otherwise punish the debtors and detainers of the same by fines, amerciaments, pains or other like means after your good directions: and also to arrest and take as many carts, horses, oxen, beasts, and other instruments necessary, and as many workmen and labourers as suffice of the said works and reparations, paying for the same competent wages in that behalf; and also take as many trees, woods, underwoods, and timber, and other necessities as for the works and reparations shall be sufficient, at a reasonable price by you or 6 of you, of the which we will that A., B., and C. shall be 3, to be assessed or limited, as well within the limits and bounds aforesaid, as in any other place within the county or counties near unto the said places; and to make and ordain statutes, ordinances, and provisions, from time to time as the case shall require, for the safeguard, conservation, redress, correction reformation of the premises, and of every of them, and the parts lying to the to the same necessary and behoofful, after the laws and customs of *Romney-marsh* in the county of *Kent*, or by any ways or means, after your own wisdoms and discretions; and to hear and determine all and singular the premises, as well at our suit, as of any other whatsoever complaining before you, or 6 of you, whereof A., B., and C. shall be 3, after the laws and customs aforesaid, or by any other ways and means after your discretions; and to make and direct all writs, precepts, warrants, or other commandments, by virtue of these presents, to all sheriffs, bailiffs, and all other ministers, officers, and other persons, as well within liberties as without, before you, or 6 of you, whereof A., B., and C. to be 3, at certain days, terms, and places to be prefixed, to be returned and received; and further to continue the process of the same, and finally to do all and every thing and things as shall be requisite for the due execution of the premises, by all ways and means after your discretions; and therefore we command you, that at certain days and places, when and where ye, or 6 of you, whereof A., B., and C. to be 3, shall think expedient, ye do survey the walls, fences, ditches, banks, gutters, gotes, sewers, calcies, ponds, bridges, rivers, streams, water-courses, mills, locks, trenches, fish-garths, flood-gates, and other lets, impediments, and annoyances, and accomplish, fulfil, hear, and determine, all and singular the premises, in due form, and to the effect aforesaid, after your good discretions; and all such as ye shall find negligent, gainsaying, or rebellious in the works, reparations, or reformations of the premises, or negligent in the due execution of this our commission, that ye do compel them by distress, fines, and amerciaments, or by other punishments, ways, or means, which to you, or 6 of you, whereof A., B., and C. shall be 3, shall seem most expedient for the speedy remedy, redress, and reformation, of the pre-

mises, and due execution of the same; and all such things as by you shall be made and ordained in this behalf, as well within liberties as without, that ye do cause the same firmly to be observed, doing therein as to our justice appertaineth, after the laws and statutes of this our realm, and according to your wisdoms and discretions, 23 H. 8. c. 5. s. 3.

'Saved always to us such fines and amerciaments, as to us thereof shall belong; and we also command our sheriff or sheriffs of our said county or counties of — that they shall cause to come before you, or 6 of you, of the which A., B., and C. shall be 3, at such days and places, as ye shall appoint to them, such and as many honest men, of his or their bailiwick, as well within the liberties as without, by whom the truth may best be known, to inquire of the premises; commanding all other ministers and officers, as well within liberties as without, that they and every of them shall be attendant to you in and about the due execution of this our commission. In witness whereof we have caused these our letters patent to be made. Witness ourself, at Westminster, the — day of — in the — year of our reign,' *id.* s. 4.

9. Every such commissioner, after he hath knowledge thereof, shall put his diligence about the execution of the said commission. And before taking on him such execution, he shall take this oath before the lord chancellor, or such to whom the latter shall direct the writ of *dedimus potestatem*, or before the justices in quarter sessions.

'Ye shall swear, that you to your cunning, wit, and power, shall truly and indifferently execute the authority to you given by this commission of sewers, without any favour, affection, corruption, dread, or malice to be borne to any manner of person or persons; and as the case shall require, ye shall consent and endeavour yourself, for your part, to the best of your knowledge and power, to the making of such wholesome, just, equal, and indifferent laws and ordinances as shall be made and devised by the most discreet and indifferent number of your fellows being in commission with you for the due redress, reformation, and amendment of all and every such things as are contained and specified in the said commission; and the same laws and ordinances to your cunning, wit, and power cause to be put in due execution, without favour, meed, dread, malice, or affection; as God you help,' *id.* s. 5.

10. Every statute heretofore made concerning the premises, not being contrary to this act, nor heretofore repealed, shall stand for ever, *id.* s. 6.

11. The commissioners named in the said commission, have power to make laws and decrees, and to do every thing mentioned in the commission; and the same laws to reform and make new, *id.* s. 7.

12. If any persons assessed for any lands within the limits of any commission, do not pay according to the ordinance of the commissioners, by reason whereof the latter, for lack of payment, shall decree the lands from the owners thereof, and their heirs, to any person for term of years, or of life, in fee-simple, or in tail, for payment of such lot; every such decree, ingrossed in parchment, shall bind all persons that at the making thereof had any interest in such lands; and not to be reformed, unless by authority of parliament, *id.* s. 8. [Ext. to copy-holds, 7 A. c. 10. s. 1. pl. 33.]

13. The same laws and decrees shall bind as well the lands of H. M. as all other persons, *id.* s. 9.

14. If any person take upon him to sit by virtue of the said commissions, not being sworn in form aforesaid; or if any person sits as aforesaid, not having lands for term of life to the yearly value of 40 marks, except he be resiant and free of any city, borough, or town corporate, and have moveable substance of the value of 100l. or else be learned in the laws, viz. admitted in one of the 4 inns of court for an utter barrister, he shall forfeit 40l. for every time, the one-half to H. M. and other half to the use of him that will sue, *id.* s. 10. [See pl. 30.]

15. If any action is attempted for taking any distress, or other act doing, by authority of the commission, defendant may make avowry, conusance, or justification, alleging that such distress or other act whereof the plaintiff complaineth was done by authority of the commission of sewers for lot or tax assessed by that commission, or for such other act or cause as defendant did, by authority of the commission, and according to the tenor, purport, and effect of this act, without expressing any other circumstance; whereupon the plaintiff shall be admitted to reply, that defendant did take the said distress, or did any other act supposed in his declaration, of his own wrong, without any such cause alleged by defendant; whereupon the issue shall be joined to be tried by verdict, *id.* s. 11.

16. After such issue tried for the defendant, or nonsuit of the plaintiff after appearance, defendant shall recover treble damages, by reason of his wrongful vexation, with his costs; to be assessed by the same jury, or writ to inquire, as the cause shall require, *id.* s. 12.

17. Every commissioner shall have 4s. for every day that he shall take pain in execution of this commission, and one clerk by them to be assigned, 2s. for every day, of the rates assessed by authority of the said commission; and the said commissioners, or 6 of them, shall have power to limit of the same rates, reasonable sums to the clerk, for writing of books and process, and to the collectors, expeditors, and others, *id.* s. 13.

18. When such commission is made for amendment of the premises within the duchy of Lancaster, such commissioner shall be appointed

by the lord-chancellor and lord-treasurer, and the two chief justices, and the chancellor of the duchy, or 3 of them, whereof the lord-chancellor, and the chancellor of the duchy to be 2; and 2 commissions shall be awarded, one under the great seal, and the other under seal of the duchy, 23 H. 8. c. 5. s. 14.

19. The said commissions shall be had without charge; unless to H. M. 2s. 6d. for the seal; and for the writing and enrolling of any commission 5s., *id.* s. 15.

20. After any commission made, H. M. shall at his pleasure, by *superseas* out of chancery, discharge as well every such commission, as every commissioner named by authority of this act, *id.* s. 16.

21. When such commission shall be made for amendment of the premises within the principality of Wa., the county palatine of Chester, or any other place where there is jurisdiction of county palatine; 2 commissions shall be made, one under the great seal, and the other under that of the county palatine, as in s. 14. *pl.* 18., *id.* s. 18. H. M.'s assent shall be certified into chancery, *id.* s. 17—19. [*but see pl.* 27.]

22. The chancellors, and such other as shall have the custody of the seals of the principality of Wa., or the county palatine of Chester, or of any other place where there is liberty of county palatine, except in Lancaster, on reasonable request, and on sight of the commission under the great seal, shall make out another commission under seal of the county palatine, according to the tenor of that under the great seal, *id.* s. 20.

23. No person shall be compelled to be sworn, or to sit in execution of any commission of sewers, unless he be dwelling within the county whereof he shall be assigned commissioner, 25 H. 8. c. 10. s. 1.

24. Any person assigned commissioner of sewers, being required by such as have authority to receive the oath and refusing to take the same, and that refusal returned into chancery, shall forfeit for the contempt 5 marks, and so from time to time, unless he in the chancery, shew, in the term wherein such return shall be made against him, sufficient cause to be allowed by the chancellor for his excuse, *id.* s. 2.

25. All scots, lots, and sums of money, to be rated by virtue of such commission of sewers, on any of the lands of H. M., shall be levied by distress or otherwise, in like manner as in the lands of any other person; and all bills of acquittance of such receiver as shall have the collection thereof shall be a sufficient discharge to the tenants; as also a sufficient warrant to all receivers, auditors, and other officers of H. M., for the allowance to such tenant for the same; moreover, such fees, and none other, shall be paid for any commission or *dedimus potestatem*, under the seal of the duchy, as mentioned in the former act [*see pl.* 19.] to be paid in the chancery, 3 & 4 E. 6. c. 8. s. 2.

26. The act of sewers, 23 H. 8. c. 5. shall give authority, that the commissioners for the county of Glamorgan, shall have power to make such laws and decrees, for saving the grounds from hurt by sands arising out of the sea and driven to land by winds, as they may for the withstanding of the rage of the sea or other waters, 1 M. S. 3. c. 11. ss. 1—2.

27. Every commission of sewers shall continue for 10 years next ensuing the date, unless repealed or determined by any new commission, or by *superseas*, (as in 23 H. 8. c. 5. s. 16. *pl.* 20.) And all laws made by force of any such commission, written in parchment, indented, and under the seals of the commissioners, or 6 of them, (whereof the one part shall remain with the clerk, and the other part in such place as the commissioners shall appoint,) shall, without any certificate made into chancery, and without the royal assent, (as in 23 H. 8. c. 5. s. 17. *pl.* 21.) required, continue in force, notwithstanding any determination of such commission by *superseas*, until such time as the same laws shall be altered or repealed by the commissioners, 15 E. 1. c. 9. s. 1.

28. After the expiration of 10 years next ensuing the date of the *teste* of any commission of sewers, all such laws as were made by virtue thereof, and written in parchment, &c. shall continue in force for one year then next ensuing; and the justices of peace, or 6 of them, being of the *quorum*, shall have power to execute the same, *id.* s. 2.

29. But if any new commission of sewers shall be made within the said year, the above power of the justices shall cease, *id.* s. 3.

30. No farmer for years, of any lands within the limits of any such commission, which may be chargeable by any laws to be made by virtue of such commission, wherein he shall be named commissioner, not having estate of freehold within Eng., of lands or tenements of the yearly value of 40*l.*, shall have power to sit or intermeddle with the execution of such commission, during the time he continues farmer of any such lands, *id.* s. 4. [*See pl.* 14.] But he may sit and have his voice concerning all lands within precinct of such commission, other than lands held by him as farmer: as he might have done before this statute, *id.* s. 7.

31. The commissioners shall not be compelled to make any certificate or return of the said commissions, or of any their laws or doings by authority thereof; nor shall have any fine or amercement set upon them, or be molested for that cause, *id.* s. 5.

32. The clerks appointed for such commission of sewers shall yearly

estreat all the issues, fines, penalties, and amerciements due to H. M., into the exchequer, at such time as justices of peace ought to do; on pain to forfeit to H. M. for every default 5*l.*, 13 E. 1. c. 9. s. 6.

33. The commissioners of sewers, for non-payment of any lot or charge assessed on any copyhold or customary lands within the limits of their commission, may decree the said copyholds from the owners to any person, for such estate therein, as the owners thereof, or any claiming in remainder under them at the time of such decree made, had in the same, 7 A. c. 10. s. 1.

34. All persons to whom such sale of copyhold lands shall be made shall, before they enter or take any profit, agree with the lords of the manors for the usual fines, and on such agreement the lords at the next court shall not only grant to such vendees, upon request, the same copyholds, by copy of court-roll for such estate as to them shall be decreed, reserving the ancient rents, customs, and services, but also shall in the same court admit them tenants, *id.* s. 2.

35. The commissioners of sewers, by warrant, may give authority to levy the money by them assessed upon the lands chargeable, by distress and sale of the goods of persons that shall not pay, *id.* s. 3.

SHEEP.

1. CONCERNING FARMS AND SHEEP, 25 H. 8. c. 13.

2. No person shall keep or have in his own proper lands, [*but see s.* 7.] or in the lands of another occupied by him in farm or otherwise in his possession, above 2000 [2,400, *see s.* 12. *pl.* 15.] sheep at one time within the realm, on pain to forfeit for every sheep above the number 3s. 4d.; the one half to H. M. and the other to such as will sue by original writ of debt or by information in any court of record, in which suit no wager of law, essoin, &c. shall be allowed, *id.* s. 1.

3. Lambs under one whole year old [and as much as shall be from their falling till the feast of St. John Baptist, s. 13.] shall not be accounted of the above number, *id.* ss. 2—13.

4. If any person, having sheep of his own, be made executor or administrator to any person which had sheep at his death, or if he happen to be married to any person having sheep, the person so advanced shall not be liable to any penalty for having above the number by such means so that within one year next after he reduce them to such number, *id.* s. 3.

5. If any person by will gives to any child within age any number of sheep, and appoints them to be kept unto such time as such child shall come to a certain age, such sheep being in possession of any person to the use of such infant, shall not be accounted of the said number of sheep prohibited by this act, *id.* s. 4.

6. The justices of peace may enquire of the offenders, as well by the oaths of 12 men as by information, and make such process on every presentment or information concerning this act as on presentments of trespass; and no person convict by this act shall be put to less fine than in s. 1. *pl.* 2. limited, *id.* s. 5.

7. No person shall be put to answer suits as in s. 1. *pl.* 2. unless suit is commenced within one year, nor at H. M.'s suit except the presentment, &c. be made within 3 years after such offence, *id.* s. 6.

8. All persons seized of inheritance, or having jointure, or being tenants in dower, or by the courtesy of any lands, pastures, feedings or liberty of foldage, may have on their own demesne lands, and other their pastures, feedings and fold-courses, as many their own sheep and lambs as before this act, *id.* s. 7.

9. In case any such persons keep 2000 sheep on their possessions, they shall not keep any sheep besides them on any lands or foldings which they have otherwise; and in case such demesnes, &c. suffice not for keeping 2000 sheep, every such person shall feed on his said demesnes and on his farmholds 2000 sheep, and not more, under the penalty in s. 1. *pl.* 2., *id.* s. 8.

10. Every person keeping a household may have such convenient number of sheep above those in s. 1. *pl.* 2. as are necessary for his one year's household expenses, to be kept on his own or other lands, *id.* s. 9.

11. No person being owner or farmer of any liberty or fold courses within Norfolk and Suffolk, shall take in farm any quilllets of lands or pastures, viz. any number of acres appertaining to any other person lying within the limit of the liberty of fold-courses, but they shall permit the owners or lessees of the quilllets to manure and pasture them, and also suffer their sheep after the rate of the quilllets to go with the flock of the owner or occupier of the liberty of fold-course, paying the customary charges for keeping and feeding the same, on pain of forfeiture for every time that any person having such quillet is disturbed of feeding his sheep after the rate of his quillet, for every sheep, 3s. 4d., *id.* s. 10.

12. This act shall not entitle any owner or occupier of such quilllets to claim pasture of feeding sheep in such fold courses, but where usual in respect of such quilllets, and where unusual, the owners, &c. of the fold-courses may take the quilllets lying within their fold-courses in farm, agreeing with the owners, &c. thereof for them, *id.* s. 11.

13. The number of 2000 sheep limited by s. 1. *pl. 2.* shall be accounted ten hundred for every 1000 after the great, and not after the less hundred, so that every 1000 shall contain 1200 after the less number of the hundred, 25 *H. 8. c. 13. s. 12.*

14. No person shall take to farm for term of life, years or at will, by indenture, copy of court roll, or otherwise, any more houses and tenements of husbandry whereunto lands are belonging, in town, village, hamlet or tithing, above two such holds, nor that, unless he be dwelling in the parishes where they are, on penalty of 3s. 4d. for each week, one moiety to H. M., the other to the party suing for the same in H. M.'s courts within one year after offence committed, *id. s. 14.*

15. All spiritual persons may keep as many sheep on their own lands as they might before this act, *id. s. 16.*

SHERIFF.

(STATUTES repealed and expired.)

1. ARTICLES SENT TO THE SEVERAL SHERIFFS for preserving the peace of the kingdom till the meeting of the next parliament annexed to 10 *E. 3. St. 2.* [Exp.; but which was not to be taken for a statute. See the memorandum at the end of the Articles, Statutes at Large.]

2. CONCERNING THE APPOINTMENT of sheriffs and escheators, 9 *H. 5. S. 1. c. 5.* [Exp.]

3. CONCERNING THE DUE RETURN OF WRITS by sheriffs, 4 *H. 6. c. 1.* [Exp.]

4. FOR RESTRAINING EXTORTIONS BY SHERIFF OF COUNTY OF Hereford, 9 *H. 6. c. 7.* CON. 11 *H. 6. c. 7.* [Exp.]

5. H. M.'s PARDON TO SHERIFFS, UNDER-SHERIFFS AND THEIR clerks for holding their offices above one year, in the 27th of his reign, 28 *H. 6. c. 3.* [Exp. and see 12 *E. 4. c. 1. infra, pl. 24.*]

6. INDEMNITY TO PERSONS HAVING OCCUPIED sheriffwicks above one year, *annis 1—3 E. 4., 8 E. 4. c. 4.* [Exp.]

7. FOR SHERIFFS TO BE DISCHARGED ON THEIR ACCOUNT, and to have allowances for their reasonable expences in the court of exchequer, 34 & 35 *H. 8. c. 16.* [Exp. and REP. 2 & 3 *E. 6. c. 4. s. 2. except comm. semb. as to s. 1. and s. 3. which follow, infra, pl. 44, 45.*]

(STATUTES in force.)

1. OF NEGLECT IN RETURNS and of false returns by sheriffs, 13 *E. 1. West. Sec. c. 39.* [CONF. and AMD. 2 *E. 3. c. 5.*]

2. Such as fear the malice of sheriffs shall deliver their writs in the full county court, or in the reere county court where the collection of H. M.'s money is [see 2 *Inst. 452.*], and may take of the sheriff or under-sheriff a bill wherein the names of the demandants and tenants shall be contained, and at the request of him that delivered the writ, the seal of the sheriff shall be put to the bill [*gratis*, 2 *E. 3. c. 5.*], and mention made of the day of the delivery of the writ; and if he will not put his seal to the bill, the witness of knights, and other credible persons in presence, shall be taken that put their seals to such bill; and if the sheriff will not return writs delivered, and complaint is made to the justices, a writ judicial shall go to the justices of assize to enquire, by those present at delivery of the writ, if they knew of the deliverance, and an inquest shall be returned, and if it be found that the writ was delivered to him, damages shall be awarded to the plaintiff or demandant [CONF. 2 *E. 3. c. 5.*]; and by this means there shall be remedy when the sheriff returns, that the writ came so late that he could not execute H. M.'s command, 13 *E. 1. (West. Sec.) c. 39. s. 1. and 2 Ed. 3. c. 5.*

3. The treasurer and barons of exchequer shall deliver to the justices in a roll, all the liberties in all shires that have return of writs; and if the sheriff answer, that he hath made return to a bailiff of another liberty than that contained in the roll, he shall be punished as a disheritor of the crown; and if he return, that he hath delivered the writ to a bailiff of some liberty that hath return, he shall be commanded that he do not spare for the aforesaid liberty, but shall execute H. M.'s precept; and that he do the bailiffs to wit, [*scire faciat*], to whom he returned the writ, that they be ready at a day to answer why they did not execute the precept; and if they come at the day, and acquit themselves, that no return was made to them, the sheriff shall be condemned to the lord of the liberty, and to the party grieved, to render damages; and if the bailiffs come not at the day, or do come and do not acquit themselves in manner aforesaid, in every judicial writ, so long as the plea pends, the sheriff shall be commanded that he omit not for the liberty, &c. *id. s. 2.*

4. Touching the article *quod de exitibus*, &c. if the plaintiff demand hearing of the sheriff's return, it shall be granted him; and if he offer to aver, that the sheriff might have returned greater issues, he shall have a writ judicial unto the justices assigned to take assizes, that they inquire in presence of the sheriff, (if he will be there,) of how great issues the sheriff might have made return, from the day of the writ pur-

chased unto the day contained in the writ; and when the inquest is returned, if he have not afore answered for the whole, he shall be charged with the overplus by estreats of the justices, and shall be grievously amerced; and rents, corn in the grange, and all moveables (except horse, harness, and household stuff) are contained within the name of issues; and the sheriffs shall be punished by the justices for such false returns, and if they offend the third time, none shall have to do therewith but H. M., 13 *E. 1. (West. Sec.) c. 39. s. 3.*

5. Also false answers by sheriffs, that they could not execute H. M.'s precept for resistance of some great men, redounding much to the dishonour of H. M.; and as soon as the bailiffs testify that they found such resistance, forthwith all things set apart (taking the power of the shire) the sheriff shall go in person to do execution; and if he find his under-bailiffs false, shall punish them by imprisonment; if true, shall punish the resisters by imprisonment, from whence they shall not be delivered without H. M.'s special command; and if the sheriff find resistance, he shall certify to the court the names of the resisters, aiders, consenters, commanders, and favourers, who, by a writ judicial, shall be attached by their bodies to appear at H. M.'s court, and if convict of such resistance shall be punished at his pleasure; neither shall any H. M.'s officer meddle in assigning the punishment, for H. M. hath reserved it specially to himself, as against disturbers of his peace and realm, *id. s. 4.*

6. OF SHERIFFS AND THEIR ACCOUNTS, 27 *E. 1. S. 1. c. 2.*

7. Sheriffs shall not be charged of any issues, nor levy any before they pass out of exchequer by estreats of the justices, there to be delivered, in which every head shall be charged for issues forfeited like as of ameracements; and if any sheriff will answer for the issues of any recognisor, pledge, or mainpinner by him returned, who is not able to pay such issues or ameracements, he shall be charged in exchequer; and let the sheriffs, on pain of great forfeiture, make tallies of all such money as they or their officers have received; and not return the names of any mainpinner, sureties, jurors, or other, except they are impannelled according to the tenor of the writs, nor the names of any freemen as pledges, without they consent; and every year one baron and one clerk of exchequer shall be sent throughout every shire of Eng. to enrol the names of all such as have paid that year debts exacted of them by green-wax, and shall view all such tallies and enrol them, and shall hear and determine complaints made against sheriffs and their clerks and bailiffs, that have done contrary to the premises, and the offenders shall be grievously punished, 27 *E. 1. S. 1. c. 2.*

8. THE PEOPLE SHALL HAVE ELECTION of their sheriff in every shire where the shrievalty is not of fee, if they list, 28 *E. 1. c. 8. Art. sup. Chart.* [but see *pl. 13.*]

9. THE COMMONS SHALL CHOOSE SHERIFFS as will not charge them, and as will not put any officer in authority for rewards or bribes, and as will not lodge too oft in one place, nor with poor persons, or men of religion, 28 *E. 1. c. 13. Art. sup. Chart.*

10. OF THE FARMING OF BAILIWICKS and hundreds, 28 *E. 1. c. 14.*

11. The bailiwicks and hundreds of H. M., nor of other great lords of the land, shall not be let to farm at over great sums, whereby the people may be grieved by making contribution thereto, *id. ibid.*

12. THE STATUTE OF SHERIFFS 9 *E. 2. S. 2. Stat. Lincoln. Stat. at Large. 1 vol. 8vo. ed. 539.* [AMD. and CONF. 2 *E. 3. c. 4., 4 E. 3. c. 8., 5 E. 3. c. 4.*]

13. Sheriffs shall be assigned by the chancellor, treasurer, barons of exchequer and justices, [*semb. superseding 28 E. 1. c. 8., see 1 Bla. Comm. 340.*]; and in absence of chancellor, by the treasurer, barons, and justices, [*and see 14 E. 3. S. 1. c. 7. &c. infra, pl. 18. s. p.*] and none shall be sheriff [sheriff-bailiff of hundred, wapentake or franchise, or under-escheator, 4 *Ed. 3. c. 9. 5 E. 3. c. 4. s. p.*] except he have sufficient land within the shire to answer H. M. and his people, [*see 13 & 14 C. 2. c. 21. s. 7. infra, pl. 77. s. p.*] and no steward or bailiff to a great lord shall be made sheriff. Hundreds, whether they belong to H. M. or other, shall be kept by able persons having sufficient lands within the shire where the hundred is, and such hundreds shall be leased to persons sufficient, who need not use extortion upon the people, and no sheriff or hundredor shall lease his office in farm, and execution of writs shall be done by hundredors, sworn and known, if it be not their open default, in which case execution shall be done by more convenient persons being sworn, saving the returns of writs, 2 *E. 2. S. 2. 4 E. 3. c. 9. 5 E. 3. c. 4.*

14. HUNDREDS AND WAPENTAKES let to farm, and anciently annexed to the farms of the counties where the sheriffs are charged, shall be joined to them again, and not henceforth severed from them, 2 *E. 3. c. 12.* [See *pl. 27.*]

15. SHERIFFS SHALL LET THE HUNDREDS and wapentakes in their bailiwicks at the old farm, and not above, and the justices assigned shall have power to enquire on and punish the sheriffs who do contrary, 4 *E. 3. c. 15., and 14 E. 3. c. 9. infra, pl. 27.* [but *semb. REP. 23 H. 6. c. 9. s. 1.* which forbids sheriffs from letting the county or hundreds, &c. to farm.]

16. OF SHERIFFS AND OTHER MINISTERS who levy the debts of H. M., and make tallies and other acquittances to the debtors, yet do not acquit them in exchequer, and being hereof impleaded in exchequer, are by favour admitted to little issues, which they will rather lose than come to answer, so that the plaintiffs are always charged to their great damage. THE SHERIFF, &c. when he is hereof impleaded in exchequer, and the great distress returned against him, and he comes not to answer another writ of distress, shall go forth commanding proclamation to be made in full county, that defendant come at such a day, and acquit the debtor of the sum for which he made the tally or acquittance, at which day, if defendant come not, and the writ is returned, and proclamation certified, he shall be holden for convict, and the debt levied of him, and damages awarded to plaintiff at discretion of the barons. This statute shall extend as well to those who have been sheriffs and other ministers, that let or have left their bailiwicks, as to sheriffs, &c. while they hold them: but no man shall be thereby forbidden from complaining of sheriffs, &c. when found in exchequer, and that they shall answer there as hath been used, 14 E. 2. (*West. 4.*) c. 1. s. 2.

17. HOW LONG SHERIFFS SHALL TARRY IN OFFICE, and how they shall be appointed, 14 E. 3. S. 1. c. 7. [CONF. AND AMD. by 28 E. 3. c. 7., 42 E. 3. c. 9., 1 R. 2. c. 11., 23 H. 6. c. 7., 12 E. 4. c. 1., 17 E. 4. c. 7., 6 H. 8. c. 18.; and ALT. as to time of appointment of sheriffs, 24 G. 2. c. 48. s. 12.]

18. No sheriff shall tarry in his bailiwick more than one year, when another shall be ordained in his place, who has land sufficient in his bailiwick, by the chancellor, treasurer, and chief baron of exchequer, taking to them the chief justices, if they be present, on [the morrow of All Souls, ALT. by 24 G. 2. c. 48. s. 12. to the morrow of *St. Martin*,] in the exchequer, 14 E. 3. S. 1. c. 7. [See *pl. 8—15.*]

19. Sheriffs shall be removed every year, so that no sheriff that hath been in office a year, shall abide in it, or have commission made or renewed to him for the next year, 28 E. 3. c. 7.

20. No sheriff, under-sheriff, or sheriff's clerk, shall abide in office above one year, 42 E. 3. c. 9.

21. None that hath been sheriff of any county a year, shall be within 3 years next ensuing, chosen again, or replaced in his office, if there be other sufficient persons within the county, 1 R. 2. c. 11. [See as to bailiffs of sheriffs, 1 H. 5. c. 4. *infra*, *pl. 31.*]

22. The statutes 14 E. 3. c. 7., 42 E. 3. c. 9., and 1 R. 2. c. 11. shall be observed in every county, except by the under-sheriffs, and other officers of sheriffs, within the city of *London*, [or *Bristol*, 6 H. 8. c. 18.] and also except in those counties in which divers persons are inheritable to the office of sheriff, and have estate of freehold therein, and except their patents of the office of sheriffs, and their under-sheriffs and clerks, 23 H. 6. c. 7. s. 1., 6 H. 8. c. 18.

23. Any sheriff, under-sheriff, or sheriff's clerk, occupying the office contrary to the statutes in s. 1. shall forfeit 200*l.* yearly, as long as he occupies contrary thereto, and every pardon for such offence shall be void; all patents of the offices for term of years, life or fee, shall be void; and whosoever shall occupy the office of sheriff by virtue of such patents, shall be disabled to bear the office by that authority, and any liege man who will, may sue for the penalty, to go in moieties to H. M. and such plaintiff, 23 H. 6. c. 7. s. 2.

24. Old sheriffs may execute or return any writ or warrant within *Michaelmas* term, after 6th Nov. and before any writ of discharge delivered to them without being damnified by 23 H. 6. c. 7. *pl. 22, 23.*, though they have occupied the office before these days of return, viz. on the morrow, or in 8 or 15 days after *St. Martin*, [i. e. for more than a year,] 12 E. 4. c. 1.

25. Every old sheriff shall have power as well to execute every writ or warrant, as to execute every other thing pertaining to his office, during *Michaelmas* and *Hilary* terms, unless lawfully discharged, 17 E. 4. c. 7.

26. HOW SHERIFFS, BAILIFFS OF HUNDREDS, &c. shall hold or farm their bailiwicks, 14 E. 3. S. 1. c. 9. [but see 23 H. 6. c. 9. s. 1. *infra*, *pl. 33.*]

27. All the wapentakes and hundreds, severed from the counties, shall be rejoined thereto, [see *pl. 14.*]; and the sheriffs shall hold the same in their own hands, putting in such bailiffs and hundredors having lands within the bailiwicks and hundred, for whom they will answer; and if they will let any hundreds, bailiwicks, or wapentakes, to farm, they shall let the same at the ancient farm, [see 4 E. 3. c. 15. *pl. 15.*] ousting for ever the outriders and other which have notoriously destroyed the people. And no bailiff errant shall be put in the counties, unless where such bailiffs have been in times past; and no more than one bailiff errant in one county. And all others who have been bailiffs of hundreds in fee, if they will hold the same in their own hands, shall put in bailiffs for whom they will answer; and if they will let the same to farm, they shall let the same at the ancient farm. And the justices of both benches, the barons of exchequer, and justices assigned, may inquire of all that offend against this ordinance, when they come into the

country; and if the sheriffs or their farmers are found in default, and thereof attainted, the hundreds and wapentakes where such defaults are found, shall be taken into H. M.'s hands, and let to other by the justices, and the offenders commanded to prison till they have made fine and ransom to H. M.; and nevertheless they shall answer to H. M. of the whole farm: and lords which hold hundreds or wapentakes in fee, shall set such bailiffs which be sufficient to answer H. M. and his people; and if their bailiffs do against this ordinance, they shall answer; and if attainted, shall have such punishment as the law requires, and shall be out of their bailiwicks for ever, and other sufficient put in their places by the same lords, 14 E. 3. S. 1. c. 9.

28. NO COMMISSIONS OR GENERAL WRITS SHALL be granted to sheriffs, at their own suit, for their singular profit to gain of the people, to indict, and take fine and ransom of them to their own use, and deliver them without such indicters being brought before H. M.'s justices, for their deliverance, 28 E. 3. c. 9.

29. WHEREAS THE COMMONS HAVE SHEWED, that the sheriffs be charged with the ancient farm of the counties, whereas parcel of the profits be given to other; the sheriffs shall have allowance by their oath, of the issues of the counties: and if any sheriff do extortion, and be thereof attainted, he shall be punished at H. M.'s will, 1 H. 4. c. 11.

30. EVERY SHERIFF SHALL ABIDE IN PERSON WITHIN his bailiwick, and shall not let it to farm, [so in 23 H. 6. c. 9. *pl. 33.*] and shall be sworn to do the same in special, amongst other articles comprised in the oath of the sheriff, 4 H. 4. c. 5.

31. THEY THAT BE BAILIFFS OF SHERIFFS ONE YEAR, shall be in no such office by three years next following, except bailiffs of sheriffs inheriting in their office. And no under-sheriff, sheriff's clerk, receiver, nor sheriff's bailiff, shall be attorney in any of H. M.'s courts during the time that he is in office, 1 H. 5. c. 4.

32. SHERIFFS SHALL HAVE ALLOWANCE ON THEIR ACCOUNTS, by their oaths, of things casual that run not in farm, nor in demand; but of all things that run in yearly farms or demands, shall be charged as in times past, 4 H. 5. c. 2.

33. FOR REGULATING THE OFFICE OF SHERIFFS, bailiffs, and others, 23 H. 6. c. 9.

34. No sheriff shall let to farm his county, nor any of his bailiwicks, hundreds, or wapentakes; nor shall the sheriffs, under-sheriffs, bailiffs of franchises, or other bailiff, return upon any writ or precept in any panel thereupon, any bailiffs, officers, or servants to any of the above officers, *id.* s. 1.

35. Nor shall any of the officers aforesaid, by occasion of their office, take any thing of any person by them arrested or attached, nor of any other, for sparing of any arrest or attachment to be made by their body, nor of any person arrested or attached, for fine, fee, suit of prison, letting bail, or shewing any ease or favour, except as followeth, viz. for the sheriff, 20*d.*, the bailiff which maketh the arrest or attachment, 4*d.*, [see 2 B. & A. Rep. 562.] and the gaoler, if the prisoner is committed, 4*d.*, and the sheriff, under-sheriff, sheriff's clerk, steward, or bailiff of franchise, nor coroner, shall take any thing by colour of his office for making any return or panel; and for the copy of a panel but 4*d.*, *id.* s. 2.

36. And the sheriffs and other officers and ministers aforesaid, shall let out of prison all persons in their custody by force of any writ, bill, or warrant, in any action personal, or by cause of indictment of trespass, on reasonable surety of persons having sufficient within the counties, to keep their days; persons in ward by redemption, execution, *capias utlagatum* or *excommunicatum*, surety of the peace, and all persons commit by special commandment of any justices except. And no sheriff, nor his officers, shall take any obligations for any cause aforesaid, or by colour of their office, but only to themselves, of any person, nor by any person, which shall be in their ward by course of law, but upon the name of their office, and on condition that the said prisoners shall appear at the day contained in the writs, bill, or warrant; and if any sheriffs or officers aforesaid, take any obligation in other form by colour of their offices, it shall be void; and he shall take no more than 4*d.* for making such obligation, warrant, or precept, *id.* s. 3.

37. And every of the said sheriffs shall make yearly a deputy in chancery, K. B., C. P., and exchequer, of record, before returning any writs, to receive all writs and warrants, *id.* s. 4.

38. And all sheriffs, bailiffs, gaolers, coroners, or other officers, which do contrary to this ordinance, shall lose to the party grieved his treble damages, and shall forfeit 40*l.*, whereof H. M. shall have the one-half, to be employed to the use of his house, and the party that will sue the other half. And the justices of assize, justices of K. B. and C. P. and justices of peace, shall have power to inquire, hear and determine of office without special commission, of all that do contrary to these ordinances, *id.* s. 5.

39. And if the sheriffs return upon any person *cepi corpus*, or *reddidit se*, they shall be chargeable to have the bodies at the days of the returns as before this act, *id.* s. 6.

40. The warden of the gaol of the *Fleet*, and of the palace at *West-*

minster, shall not be damaged by this ordinance, 23 H. 6. c. 9. s. 7. [See 1 E. 4. c. 2. QUARTER SESSIONS, *pl.* 11.]

41. AGAINST SHERIFFS AND UNDER-SHERIFFS, 11 H. 7. c. 15.

42. No sheriffs, under-sheriffs, nor shire-clerks, shall enter any plaints in any man's name, unless the plaintiff is in person present, or by attorney known to be of good name, and finds pledges to pursue his plaint persons known in that county: and plaintiff shall have but one plaint for one trespass or contract: and if the sheriffs, &c. take more plaints, than the plaintiff supposeth that he hath cause of action, the sheriffs, &c. shall forfeit 40s., one half to H. M. and the other to him that will sue by action of debt or information in the exchequer; and the justices shall have authority, on complaint by the party grieved, to examine the sheriffs, &c., and if they, or one of them, find default in the sheriffs, &c. in entering plaints deceitfully for their advantage, contrary to this act, the sheriffs, &c. shall be convict and attaind of the offence, and forfeit 40s. to H. M.; and the justices who take the examination shall certify the same within a quarter of a year into the exchequer, upon pain of 40s. And the said sheriffs, &c. shall make a precept to the bailiff of the hundred to attach or summon the defendants so in suit, to appear and answer to the plaints; and if there is any default in the bailiffs of the hundreds in warning of the defendants, or in executing their office, they shall forfeit unto H. M. 40s. and be attaind and convict thereof, by like examination of the justices of peace. And such sheriffs, &c. shall make none estreats to levy the shire's amerciaments, till 2 justices (one of the *quorum*) have had the view of their books; and estreats shall be indented betwixt the justices and the sheriffs, and sealed with their seals, one part to remain with the justices, and the other with the sheriffs; and the gatherers of the amerciaments shall be sworn by the justices, to take no more money than is contained in the estreats sealed with the seals of the justices, on the same forfeitures as before, the gatherers to be convict by examination of the justices of peace, or one of them. Provided that the latter be named at the general sessions after the feast of St. Michael, by the *custos rotulorum*, or by the eldest of the *quorum* in his absence, to have the oversight of the sheriffs, &c. and other officers, and of the sheriffs amerciaments; and the justices on information of the party grieved shall make like process as in action of trespass against the sheriffs, &c., 11 H. 7. c. 15.

43. FOR SHERIFFS TO HAVE CERTAIN ALLOWANCES ON their accounts, 2 & 3 E. 6. c. 4., and recital in s. 5. [This act s. 2. repeals 34 & 35 H. 8. c. 16. St. Exc., &c., *pl.* 7. other than hereafter in this act specified; s. 1 and s. 3. of the repealed act are therefore incorporated herein as they appear in force.]

44. Every sheriff accountable in exchequer may [see next *pl.*] at his day of prefixion after he is sworn to the account of the profit of his office, be sworn by himself or his attorney to deliver into the said court rolls of parchment containing all sums of money which he has or might have levied to his knowledge, as a part of the ancient forms; and after the rolls are so delivered, and the sums of money contained in them cast and rated before the lord treasurer, chamberlains, chancellor, and barons, or before the barons in absence of the former, the lord treasurer, &c. or barons shall make allowance in court of so much as the said farms are more than the particulars contained in the rolls, and for saving H. M.'s ancient rights answerable in exchequer; the lord treasurer, &c. or barons, in their absence, shall award process and use means by commission or otherwise, that H. M. may be truly answered of the issues thereof, 34 & 35 H. 8. c. 16. s. 1. And every sheriff who shall so account and take no tally of reward, [see next *pl.*] shall be in all things intreated in H. M.'s exchequer as though 34 & 35 H. 8. c. 16. remained in force, 2 & 3 E. 6. c. 4. s. 3. [See *pl.* 51. s. r.]

45. Sheriffs shall have like tallies of reward and other allowances as before the making of 34 & 35 H. 8. c. 16. or else shall be at their election to account according to that act, [see last *pl.*] 2 & 3 E. 6. c. 4. s. 3.

46. The same tallies of reward shall be stricken at the receipt of exchequer as accustomed, *id.* s. 4. and shall be delivered to the sheriffs without prest or other charge, *id.* s. 5. This act shall be sufficient warrant to the treasurer and other officers for striking and delivery of such tallies, *id.* s. 6.

47. Every sheriff shewing a bill subscribed with the hands of the justices present at the assizes and sessions, mentioning the days that they abode in the county, at the costs of the sheriffs, shall have allowance as well thereof as for other reasonable costs on their accounts in exchequer by discretion of the lord-treasurer, chamberlains, chancellor, and barons, or, in absence of the former, by the barons; so that all the allowances for the above costs to all the sheriffs do not amount in one year above 34*l.* 6*s.* 8*d.*, 34 & 35 H. 8. c. 16. s. 3. [but see next *pl.*]

48. All sheriffs within those shires, where no tallies of reward have been, and such sheriffs as take no tally of reward, shall, in consideration of their costs, as well by the diets of the justices of assize as by any other means, have on the end of their account such allowances, on petition in a bill to be brought in by the sheriff, of their costs, on which bills the same sheriffs to be sworn in person, or

by their under-sheriffs, or attorney, without warrant or tally suing for the same, 2 & 3 E. 6. c. 4. s. 7.

49. All sheriffs who shall take no tally of reward, shall be discharged on their accounts of all such farms, goods, profits, casualties, and sums of money, as they cannot levy, *id.* s. 8.

50. And of all such farms and sums of money aforesaid, except only of the viscountiels of their shires, wherewith they shall be charged as before 34 & 35 H. 8. c. 16.; and shall have allowance in their accounts, of all such sums of money as they shall make true petition of, for such possessions and hereditaments as become unto H. M.'s hands, out of which any part of the viscountiels were heretofore levied; and that without any other warrant, *id.* s. 9.

51. Every sheriff, at his day of prefixion, immediately after he or his attorney are sworn to account, shall, by himself or by his attorney, be sworn, when he shall answer before the lord treasurer, chamberlain, chancellor, barons, or such of them as are then present in exchequer, to bring into the said court, rolls of parchment, containing all sums of money which he hath or might have levied to his knowledge, as well of the farms called viscountiels as of all other farms charged to the said sheriffs; and after the same rolls so delivered, and the particular sums cast and rated, the said lord-treasurer, &c. shall have power for the levying of such parcels belonging to the said farms, omitted out of the said rolls, and for saving of other H. M.'s ancient rights, to award process, and use means, by commission or otherwise, *id.* s. 10. [See *pl.* 44. s. r.]

52. The said treasurer, &c. as in last *pl.* shall have power to give and allow unto all such commissioners as they shall assign, their reasonable costs, *id.* s. 11.

53. NO SHERIFF SHALL EXERCISE THE OFFICE OF JUSTICE OF PEACE in any county where he is sheriff, during the time that he uses the latter office, 1 M. S. 2. c. 8. s. 2.

54. THAT IN DIVERS COUNTIES THERE SHALL BE BUT ONE sheriff in one county, 8 E. c. 16. [MADE PERP. 13 E. c. 22. except as to Surrey and Sussex, *id.* s. 2.]

55. Whereas the counties of Surrey and Sussex, [altered as above,] Essex and Hertford, Somerset and Dorset, Warwick and Leicester, Nottingham and Derby, Oxon and Berkshire, have had but one sheriff to serve for 2 counties, 8 E. c. 16. s. 1., H. M. shall yearly make for every of the said counties one sheriff, in like manner as for any other county, *id.* s. 2., but the barons of the exchequer shall have power to sever the profers of the said counties; which severance shall be entered of record, and shall be final and perpetual, 8 E. c. 16. s. 3.

56. In such manner as the profers shall be divided, the tally of reward of the aforesaid counties, where any tally of reward shall be taken, shall be severed, *id.* s. 4.

57. The barons of the exchequer may from time to time take order for payment of such creation, money, fees, annuities, and other sums of money, as ought to be paid by the hands of the said sheriffs; and such order shall be observed yearly, *id.* s. 5.

58. No sheriff of any of the said counties shall pay in any court of record, for any duty belonging properly to his office, any other than one half of the fees which he should be compelled to have paid, if he had been sheriff of two of the said shires, 8 E. c. 16. s. 6.

59. FOR THE SWEARING OF UNDER-SHERIFFS AND OTHER under officers and ministers, 27 E. c. 12. and recital in s. 1.

60. Every under-sheriff in any shire, before he intermeddle with the office, shall take the oath of supremacy before the justice of assize or *custos rotulorum*, or two justices of peace, (one of the *quorum*), and an oath as follows; viz.

'I, A. B. shall not use or exercise the office of under-sheriff corruptly, during the time that I shall remain therein, neither shall or will accept, receive, or take by any colour, means or device whatsoever, or consent to the taking of any manner of fee or reward of any person or persons, for the impanelling or returning of any inquest, jury, or tales, in any court of record, for H. M., or betwixt party and party, above 2*s.* or the value thereof, or such fees as are allowed and appointed for the same by the laws and statutes of this realm; but will, according to my power, truly and indifferently, with convenient speed, impanel all jurors, and return all such writ or writs touching the same, as shall appertain to be done by my duty of office, during the time that I shall remain in the said office; So help me God,' *id.* s. 2. [See another oath, 3 G. 1. c. 15. s. 19. *infra*, *pl.* 99.]

61. Every bailiff of franchise, deputy and clerk of every sheriff and under-sheriff, and every other person which shall impanel or return any inquest, jury, or tales, or intermeddle with execution of process, in any court of record, shall take the said oaths before the persons appointed by this act, or before the head-officer of the place, if it be a town corporate, changing the words the office of under-sheriff, to words convenient for the office; and every of the said persons who shall impanel or return any inquest, jury, or tales, or intermeddle with the execution of process, not having taken the oaths aforesaid, shall forfeit 40*l.*, one moiety to the use of H. M., and the other to him that will sue for the same, *id.* s. 4.

62. Every under-sheriff, or other person mentioned in this act, who shall do any act contrary to the above oaths, or this act, shall forfeit, to the party grieved, his treble damages, to be recovered in any of H. M.'s courts of record, 27 *El.* c. 12. s. 5.

63. The justices of assize and of peace, in their sessions, may hear and determine the defaults contrary to this act, as well by presentment and information as indictment, and award execution for the forfeitures by *fi. fa.* or by attachment, *capias*, or *exigent*, *id.* s. 6.

64. TO PREVENT EXTORTIONS IN SHERIFFS, UNDER-SHERIFFS, and bailiffs of franchises, in cases of execution, 29 *El.* c. 4. [placed 29 *El.* c. 4. in the Statute book, but should be 28.; see *Savage* q. t. v. *Smith*, 2 *Bla. Rep.* 1102-3. *EXPL.* 7 *G. 3.* c. 29. s. 1.]

65. No sheriff, under-sheriff, bailiff of liberties, their officers, servants, or deputies, by colour of their offices, may take for serving any extent or execution on the body, lands, or goods, of any person, more than in this act appointed, *viz.* 12*d.* for every 20*s.* where the sum exceeds not 100*l.*, and 6*d.* for every 20*s.* above 100*l.*, that he shall levy and deliver in execution, or take the body in execution for; on pain that every sheriff, &c. doing the contrary, shall forfeit to the party grieved the treble damage and 40*l.*, one moiety to H. M., and the other to the party that will sue for the same, 28 or 29 *El.* c. 4. s. 1.

66. This act shall not extend to any fees to be taken for any execution within any city or town corporate, *id.* s. 2.

67. The 28 or 29 *El.* c. 4. shall not extend to allow any sheriff, under-sheriff, or other person employed in the execution of process, any poundage, for taking any person in execution on any process at suit of any sheriff, or other officer of the crown, on any bail bond entered into for appearance of any person prosecuted, either for duties, or for any penalty inflicted by any act made, or to be made, for preventing the clandestine running of or receiving any customable or prohibited goods; or in any case whatever where the officer would not be entitled to poundage, if the proceedings were carried on directly in the name of the crown, 7 *G. 3.* c. 29. s. 1.

68. THAT SHERIFFS, THEIR HEIRS, EXECUTORS AND administrators, having a *quietus est*, shall be absolutely discharged of their accounts, 21 *J. 1.* c. 5.

69. When sheriffs on passing their accounts have their *quietus*, they shall be discharged of all money received and pretended not to be accounted for, unless called in question within 4 years after; and every officer that shall send out process, or by whose default it is sent out contrary to this act, shall forfeit to the party grieved 40*l.* with costs, to be recovered by action of debt, &c. or information in K. B. or C. P., *id.* s. 1.

70. Every such offender, being 3 times convicted on the trial of such action, &c. shall be disabled to continue in any office in exchequer, or other court of justice, *id.* s. 2.

71. FOR PREVENTING THE UNNECESSARY CHARGE OF sheriffs and for ease in passing their accounts, 13 & 14 *C. 2.* c. 21. [MADE PERP. 1 *J. 1.* c. 17. s. 4.]

72. No sheriff for any county shall in the time of the assizes keep tables for entertainment of any persons, other than those of his own family or retinue, nor send in any present to any judges of assize for their provision, nor give any gratuity to their officers or servants, or have more than forty men servants with liveries attending on him in the time of the assizes, nor under 20 in *Eng.*, nor under 12 in *Wa.*, on pain to forfeit 200*l.*, *id.* s. 1.

73. Nothing before in this act shall extend to the sheriffs of *London* and *Middlesex*, and the sheriff of *Westmorland*, or the sheriffs of any city or town, *id.* s. 2.

74. Every seizure concerning any lands charged in the foreign account of any sheriff within *Eng.*, shall be from the said foreign account charged particularly in the great roll of the exchequer; and the remembrancers shall make copies of every such seizure and inquisition as shall be certified into their respective offices, without certifying the copy of the writ or commission at large, mentioning only the date of the writ or commission, and shall deliver the said copies attested to the engrosser of the great roll; all which seizures shall be delivered so attested to the said engrosser before the first day of the next term, after the remembrancers shall have received the same; unto which remembrancers shall be paid for every sheet which they shall so write and deliver 8*d.* by the sheriffs, who shall be allowed the same by the barons upon their accounts, out of the issues and profits of the premises so seized; and no sheriff within *Eng.* shall be charged in account to answer any illeivable seizure, farm, rent, or debt, or other thing which was not writ in process to him to be levied; wherein the persons of whom, or the lands out of which, together with the cause for which the same shall be levied, shall be particularly expressed, but shall be therefore discharged without petition, plea, or other trouble, *id.* s. 4.

75. All dead farms and seizures, desperate, &c. debts shall be removed from the annual roll and sheriff's charge, into the exannual roll, till revived by commission, *id.* s. 5.

76. The remembrancers shall enrol and certify to the ingrosser of the great roll, all such debts as any sheriffs shall be charged with, either by virtue of their returns made to the barons of exchequer on writs of *fi. fa.*, *levari fac.*, *capias*, or other process, and also all fines and amerciaments set by the exchequer upon any sheriff, for contempts or neglects; and all such debts, fines, &c. shall be delivered by the first day of the next term after such returns made, or fines, &c. set, that they may be all charged in the sheriff's accounts, and comprehended within their *quietus est*; on pain that every officer in exchequer, who shall offend contrary to this act, shall forfeit 40*l.*, one moiety to H. M., and the other to the party grieved, to be recovered in any of H. M.'s courts at *Westminster*, by action of debt, &c. or information, 13 & 14 *C. 2.* c. 21. s. 6.

77. No person shall be assigned sheriff of any county, except such as have lands within the county sufficient to answer H. M. and his people, *id.* s. 7. [See *ante*, pl. 13.]

78. When any sheriffs, on passing their accounts, shall have their *quietus est*, they shall be thereby discharged of all sums of money, notwithstanding any pretence that they were not accounted for, unless such sheriff shall be called in question, and judgment is given against him within 4 years after such account or *quietus est*, *id.* s. 8.

79. This act shall not extend to the counties of *Chester*, *Lancaster*, *Durham*, or *Wa.*, being county palatines, as to their manner of accounting, but the sheriffs shall account as formerly before the respective auditors, *id.* s. 9. [See 3 *G. 1.* c. 15. ss. 22—25. *infra*, pl. 103—105.]

80. This act shall not enjoin H. M.'s or the lord-treasurer's remembrancer, to transcribe and deliver to the engrosser of the great roll any inquisitions or seizures, but such as have been formerly charged in the foreign accounts of the sheriff; but inquisitions upon attainder, or other forfeitures to the crown, shall be put in charge according to the usage and decree of the court; nor shall it exclude H. M.'s remembrancer from writing forth process upon any H. M.'s debts, duties, outlawries, or other charge or process of *levari facias*, at the prosecution of any person, to levy the issues and profits of lands seized into H. M.'s hands, or process of *vend. exp.* for goods seized upon any debt to H. M., or on any outlawry, or to alter the proceedings in the said office on any pleadings touching the said debts and seizures: and no debt, fine, amercement, or seizure, which shall be charged in the great roll of the pipe from any record or proceeding in the office of H. M.'s remembrancer, nor any proceeding thereupon, shall be respited or discharged, but by order, warrant, or judgment, entered in the latter office: and in case any process of summons of the pipe is awarded on any such debt, &c. and the same is not levied or answered to H. M., the clerk of the pipe, or engrosser of the great roll, shall, the next term after the return of such summons, certify the same in a schedule into the office of H. M.'s remembrancer, that further process may be written forth for the levying thereof: and this act shall not prejudice H. M.'s remembrance in any just fees, *id.* s. 10.

81. No sheriff of *London* and *Middlesex* shall accept of his under-sheriff, either directly or indirectly, any money, gratuity, or present, for execution of the place of under-sheriff, or otherwise oblige the under-sheriff to be at any charge in relation to such place, which ought to be, and usually is, disbursed by the high sheriff, except rewards by 4 & 5 *W. & M.* c. 8., 6 & 7 *W. 3.* c. 17., 5 *A. c.* 31. given for apprehending highwaymen, clippers, coiners, and housebreakers, and the fees of passing such sheriff's accounts in the exchequer, and any other expences heretofore usually sustained by the under-sheriff, 5 & 6 *A. c.* 31. s. 8. [See *rest* of this act, FELONY, pl. 44—65.]

82. FOR BETTER REGULATING THE OFFICE OF SHERIFFS, and for ascertaining their fees and the fees for suing out their patents, and passing their accounts, 3 *G. 1.* c. 15.

83. The officers of chancery and exchequer, the auditors and receivers of crown-revenue in *Wa.*, and all other officers claiming any fee from sheriffs or under-sheriffs, for making out their patents, or the *dedimus* for swearing them, and for entering their recognizance, or for writing out and return of their process, or for their appraisals, or casting out of court, or for passing their accounts, or for making their *quietus*, or for any other matter, may take the fees in the schedule set forth, but no greater fees, on penalty of 5*l.* and treble the sum taken, with treble costs to the party grieved, to be awarded by exchequer, on complaint and proof thereof before the barons in such summary way as seems meet, *id.* s. 1.

84. The treasury, chancellor, and C. B. of exchequer, and other barons, or any 2 of them, shall, at the request of any sheriff, or as often as they think fit, call before them the treasurer's remembrancer, clerk of the pipe, or their deputies, secondaries, and such other officers as they think fit, and cause them to bring an account of all the rents and certainties written out yearly in processes to the sheriffs to levy for the crown; and may alter or establish the sums wherewith the sheriff stands charged on the rolls of profits, to such sums as shall seem just; and orders shall be drawn up pursuant thereto, and entered on record in

the offices of H. M.'s and the treasurer's remembrancers and the clerk of the pipe, before the last day of *Michaelmas* term then following; which sums so settled shall be the profits of each county; and the rolls of profits shall be made conformable thereto, 3 G. 1. c. 15. s. 2.

85. All sheriffs who shall levy any debts, &c. except post-fines due to H. M. by process on the summons of the pipe or green wax, by *levari facias* out of exchequer, shall have an allowance on their accounts of 12d. out of every 20s. for any sum not exceeding 100l., and 6d. for every 20s. above the first 100l. and for all debts, &c. except post-fines, due to H. M. by process and *feri facias*, and extent, issuing out of the exchequer, 1s. 6d. out of every 20s. for any sum not exceeding 100l., and 12d. for every 20s. over and above the first 100l., provided such sheriff shall answer the same on his account, by the general sealing day of such term in which he ought to be dismissed the court, or in such time to which he shall have a day granted to finish his accounts, by the C. B. or a baron of the coif, and not otherwise, *id.* s. 3.

86. No sheriff shall be obliged to charge in his accounts any money to be paid as rewards on the conviction of highwaymen, clippers, coiners, or housebreakers, but may immediately apply for the same to the treasury, who, on a certificate of the conviction of any offender, for which such reward shall be ordered to be paid by the sheriffs by virtue of 4 & 5 W. & M. c. 8., 6 & 7 W. 3. c. 17., and 5 A. c. 31., together with the acquittances of the parties entitled to receive the rewards, shall forthwith repay to such sheriffs the money so disbursed without fee, *id.* s. 4.

87. No sheriff or under-sheriff shall be attached for not being apposed on any writ or process, or for any neglect or contempt relating to his accounts, but by writ under seal of exchequer, or by warrant signed by a baron, and executed by the marshal, or his deputy; in which warrant the name of such sheriff or under sheriff shall be inserted, and his offence specified, *id.* s. 5.

88. If any person concerned in passing of sheriffs' accounts shall retard any sheriff, or by wilful neglect or absence prevent him from being apposed or cast out of court in due time, or after tender of his fees shall refuse to inrol, sign, and deliver his *quietus* in due time, he shall make such recompence to the party grieved as shall be decreed by the barons, on complaint, in such summary way as they think fit, *id.* s. 6.

89. If any sheriff of any county in Eng. (except the counties palatine of *Chester*, *Durham*, and *Lancaster*, and the several counties of *Wa.*, which do not pass their accounts before the clerk of the pipe) shall be in surplussage on his account by reason of any disbursements for service of the crown, (other than the rewards as in s. 4. *pl.* 86.) he shall not be obliged to take out a record of surplussage, but may apply to the treasury, who shall pay the same, on the sheriff's producing a certificate of such surplussage from the clerk of the pipe, or his deputy, *id.* s. 7.

90. If any sheriff dies before the expiration of his year, or before he be superseded, the under-sheriff shall nevertheless continue in office, and execute the same in the name of the deceased, till another sheriff is appointed and sworn; and shall be answerable for the execution of the office during such interval as the high sheriff would have been; and the security given by the under sheriff and his pledges, shall stand a security to H. M. and all persons soever, for the due performing of office during such interval, *id.* s. 8.

91. When any sheriff shall by process out of exchequer extend any personalty into the hands of H. M., &c. for any debts due to the crown, and dies, or is superseded before a *vend. exp.* is awarded for sale, or before he has made actual sale thereof, and a writ shall afterwards be awarded to a subsequent sheriff, who shall make such sale, the barons of exchequer, if sitting, or if not sitting, they or any one of them of the degree of the coif, shall settle the fees or poundage for such seizure and sale between such preceding and subsequent sheriff, with regard to the trouble each sheriff had in the execution of such process, *id.* s. 9.

92. No person shall buy, sell, let, or take to farm the office of under or deputy sheriff, seal-keeper, county clerk, shire clerk, gaoler, bailiff, or any other office pertaining to the office of high sheriff, or contract for any of the said offices, on forfeiture of 500l.; one moiety to H. M., the other to such as shall sue by action of debt, &c. or information, in any court at *Westminster*, within 2 years after the offence, *id.* s. 10.

93. Nothing before in this act shall hinder any high sheriff from constituting an under or deputy-sheriff, as by law he may; nor hinder the under-sheriff, in case of the high sheriff's death, when he acts as high sheriff, from constituting a deputy; nor hinder such sheriff or under-sheriff from receiving the lawful fees of his office, or from taking security for the due answering the same; nor hinder such under or deputy-sheriff, seal-keeper, &c. from accounting to the high sheriff for all such lawful fees as shall be by them taken, nor for giving security so to do; nor hinder the high sheriff from allowing a salary to his under-sheriff, &c. or other officers, *id.* s. 11. [See s. 12., *FINES*, &c. *pl.* 21.]

94. No sheriff, under-sheriff, bailiff, or other person employed in levying any debts, &c. due to the crown by process of exchequer, shall

take any fee on pretence of such levying, &c., [except 4d. for an acquittance, Rsp. 32 G. 2. c. 14. s. 1.], and the bailiff, &c. receiving such debt, &c., shall account for the same to the sheriff, and may require an acquittance from such sheriff without fee; from which debts the sheriffs shall discharge the debtors by totting and answering the same on their accounts in exchequer; and if any sheriff, &c. shall *nichil* or not duly answer to the crown any debt so levied, he shall forfeit treble damages to the party grieved, and double the sum; which shall be decreed to the party grieved by exchequer, on complaint and proof of such abuse before the barons, in such summary way as to them seems meet; and if any sheriff, &c. shall demand any money from any person from whom any debt is payable to the crown by process out of exchequer, on pretence of executing the process, or in respect of fees due for collecting the same; or if any of the above officers shall demand any sum for forbearing to levy any such debts written out to them by the said process, every such offender shall be adjudged guilty of extortion, injustice, and oppression; and being thereof convicted, shall forfeit treble damages and costs to the party grieved, and double the sum extorted; to be decreed by the barons, on complaint and proof, in a summary way; provided such conviction be within two years after the offence, 3 G. 1. c. 15. s. 13.

95. Nothing in this act shall deprive any sheriff of such poundage or allowance as is hereby given, or of any poundage or reward given them by warrant from the treasury, chancellor of the exchequer, or barons, for any extraordinary service to the crown, *id.* s. 14.

96. All orders of the barons for costs, damages, and penalties, in any case herein mentioned, in such summary way, shall have the same effect as any other orders or decrees of the court, *id.* s. 15.

97. No sheriff, or other bailiffs, or bailiff of any liberty, by colour of their office, or by reason of executing any writ of *habere facias possessionem*, or *seisinam*, may receive any greater fee than 12d. for every 20s. of the yearly value of any lands, &c. whereof possession or seisin shall be given, where the whole exceeds not the yearly value of 100l., and 6d. for every 20s. *per ann.* above the yearly value of 100l., *id.* s. 16.

98. Poundage in no case shall be taken on executing any *ca. sa.*, or on charging any person in execution by virtue of such writ, for any greater sum than the real debt amounts to; which sum the plaintiff is to mark on the back of the writ before its delivery to the sheriff; and every sheriff, &c. who shall take greater fees, shall be adjudged guilty of extortion, injustice, and oppression; and being convicted shall forfeit to the party grieved treble damages, and double the sum extorted; to be decreed by the court out of which such writ issued, on complaint and proof of such extortion before the court, in such summary way as to them shall seem meet; and every person so offending shall forfeit 200l., one moiety to H. M., and the other to such as shall sue as above, with but one impeachment in any court at *Westminster*, within 2 years after the offence, *id.* s. 17.

99. Instead of the oath usually administered to sheriffs, the following oath shall be taken by them, except those of *Wa.*, and of the county palatine of *Chester*:

'I A. B. do swear, that I will well and truly serve H. M. in the office of sheriff of the county of —, and promote H. M.'s profit in all things that belong to my office, as far as I legally can or may; I will truly preserve H. M.'s rights, and all that belongeth to the crown; I will not assent to decrease, lessen, or conceal H. M.'s rights, or the rights of his franchisees, and whensoever I shall have knowledge that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchises, suits, or services, or in any other matter or thing, I will do my utmost to make them be restored to the crown again; and if I may not do it myself, I will certify and inform H. M. thereof, or some of his judges; I will not respite or delay to levy H. M.'s debts, for any gift, promise, reward, or favour, where I may raise the same without great grievance to the debtors; I will do right, as well to poor as to rich, in all things belonging to my office; I will do no wrong to any man for any gift, reward, or promise, nor for favour, or hatred; I will disturb no man's right, and will truly and faithfully acquit at the exchequer all those of whom I shall receive any debts or duties belonging to the crown; I will take nothing whereby H. M. may lose, or whereby his right may be disturbed, injured, or delayed; I will truly return, and truly serve, all H. M.'s writs, according to the best of my skill and knowledge; I will take no bailiffs into my service but such as I will answer for, and will cause each of them to take such oaths as I do, in what belongeth to their business and occupation; I will truly set and return reasonable and due issues of them that be within my bailiwick, according to their estate and circumstances, and make due panels of persons able and sufficient, and not suspected or procured, as is appointed by the statutes of this realm; I have not sold or let to farm, nor contracted for, nor have I granted or promised for reward or benefit, nor will I sell, or let to farm, nor contract for, or grant for reward or benefit, by myself, or any other person for me, or for my use, directly or indirectly, my sheriffwick, or any bailiwick thereof, or any office belonging thereunto, or the profits of the same, to any person or persons whatsoever; I will truly and diligently execute the good laws and statutes of this realm, and in all things well and truly behave myself in my office, for the honour of H. M., and the good of his subjects, and discharge the same according to the best of my skill and power. So help me God.' *id.* s. 18.

100. All under-sheriffs of any counties in *South Britain*, except the

counties in *Wa.* and county palatine of *Chester*, before they enter on their offices, shall take the following oath; *viz.*

'I *A. B.* do swear, that I will well and truly serve *H. M.* in the office of under-sheriff of the county of —, and promote *H. M.*'s profit in all things that belong to the said office, as far as I legally can or may; I will preserve *H. M.*'s rights, and all that belongeth to the crown; I will not assent to decrease, lessen, or conceal, *H. M.*'s rights, or the rights of his franchises; and whosoever I shall have knowledge that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchises, suits, or services, or in any other matter or thing, I will do my utmost to make them be restored to the crown again; and if I may not do it of myself, I will certify and inform some of *H. M.*'s judges thereof; I will not respite or delay to levy *H. M.*'s debts for any gift, promise, reward, or favour, where I may raise the same without great grievance to the debtors; I will do right as well to poor as to rich in all things belonging to my office; I will do no wrong to any man for any gift, reward, or promise, nor for favour, or hatred; I will disturb no man's right, and will truly and faithfully acquit at the exchequer all those of whom I shall receive any debt, duties, or sums of money, belonging to the crown; I will take nothing whereby *H. M.* may lose, or whereby his right may be disturbed, injured, or delayed; I will truly return and truly serve all *H. M.*'s writs, to the best of my skill and knowledge; I will truly set and return reasonable and due issues of them that be within my bailiwick, according to their estates and circumstances; and make due panels of persons able and sufficient, and not suspected or procured, as is appointed by the statutes of this realm; I have not bought, purchased, or taken to farm, or contracted for, nor have I promised or given any consideration, nor will I buy, purchase, or take to farm, nor contract for, promise, or give any consideration whatsoever, by myself, or any other person for me, or for my use, directly or indirectly, to any person or persons whatsoever, for the office of under-sheriff of the county of —, which I am now to enter upon and enjoy, nor for the profits of the same, nor for any bailiwick thereof, or any other place or office belonging thereunto; I have not sold nor contracted for, or let to farm, nor have I granted or promised, for reward or benefit, by myself, or any other person for me, or for my use, directly or indirectly, any bailiwick thereof, or any other place or office belonging thereunto; I will truly and diligently execute the good laws and statutes of this realm, and in all things well and truly behave myself in my said office for *H. M.*'s advantage, and for the good of his subjects, and discharge my whole duty according to the best of my skill and power. So help me God.'

Which oath is to be administered by the commissioners named to administer the foregoing oath to the high sheriff, as often as a commission of *dedimus* is sued forth for that purpose, or by the barons, or one of them, when the sheriff desires to be sworn in town, 3 *G. 1. c. 15. s. 19.*

101. The sheriffs of *Wa.* and *Chester* shall not be obliged to take the said oaths, but shall take the accustomed oath as formerly, except these words, *viz. Ye shall be dwelling in your own proper person within your bailiwick, for the time ye shall continue in the same office, except ye be otherwise licensed by the king,* which words shall be left out, *id. s. 20.*

102. This act shall not extend to the sheriffs of *London* and *Middlesex*, the county palatine of *Durham*, the county of *Westmoreland*, or to the sheriffs of any city or town being a county of itself, as to their placing in or disposing of any of the offices of their under sheriffs, county clerks, bailiffs, or other officers, or their continuance therein, *id. s. 21.*

103. The sheriffs of *Wa.* shall not be compelled to appear to be apposed in the exchequer, but shall be apposed before *H. M.*'s auditor in *Wa.*; and the *quietus* of the said sheriffs, under the auditor's hand, shall be a sufficient discharge, *id. s. 22.*

104. The auditors of *Chester*, *Lancaster*, and *Durham*, shall state the accounts of the sheriffs of the said counties, and appose them touching the execution of *H. M.*'s process; and the said sheriffs, on such accounts, may sue forth their *quietus est* from the said auditors, according to ancient usage, *id. s. 23.*

105. The sheriffs of the city of *Chester* shall account as formerly before the mayor, touching all matters granted from the crown to the city by charters, *id. s. 24.*, and as for all other matters not granted to the city, and for which they are accountable to *H. M.*, shall account for the same before, and be apposed by, and obtain their *quietus est* from the auditor of the county of *Chester*, in the same manner as the sheriffs of that county, *id. s. 25.*

The SCHEDULE or LIST in the act mentioned, *viz.*

A Schedule of fees to be paid for passing the Patents of the several Sheriffs of England and Wales.

The Charge taken and received in the Court of Chancery on Account of suing out of the Patents of the several Sheriffs of England and Wales, that are sued out there, for each the Particulars are as followeth:

	£	s.	d.
The king's duty for stamps	-	0	12 6
To the serjeant trumpeter	-	3	0 0
To the master of the rolls	-	0	8 8
Signing the docquet	-	0	4 0
Hanaper fee	-	0	15 0
The six clerks fee on the patent, writ of assistance, writ of discharge, and <i>dedimus potestatem</i>	-	1	7 0

For engraving the patent, writ of assistance, writ of discharge, *dedimus potestatem*, the three oaths, the docquet parchment, and attending the sealing of the patent - - - 1 14 4
The recognizance and duty in a *Welsh* patent, more - - - 0 3 6

A schedule of fees to be paid by the sheriffs of *Eng.* and *Wa.* for passing their accounts.

Fees to be paid to the clerk of the pipe at the apposal of sheriffs.

	£	s.	d.		£	s.	d.
Cant'	-	1	13 4	Monmouth	-	1	13 4
Cumb'	-	1	13 4	Northumb'	-	1	13 4
Ebor'	-	5	0 0	Rutland	-	1	6 8
Hunt'	-	1	6 8	Westmor'	-	1	6 8
Lond' and Mid'sex	-	2	0 0	The rest of the counties of	-	-	-
Lincoln	-	2	13 4	<i>Eng.</i> , each	-	2	0 0

Fees to be paid to the clerk of the pipe at casting out of court, and for the *quietus*, and chancellor's allowance.

Cant' Hunt'	-	4	3 4	Northumber'	-	2	16 8
Cumb'	-	2	16 8	Rutland	-	1	16 8
Ebor'	-	10	3 4	Westmor'	-	2	3 4
Kent	-	4	3 4	The rest of the counties of	-	-	-
Lond' Mid'sex	-	5	6 8	<i>Eng.</i> , each	-	3	3 4
Monmouth	-	2	16 8				

Casual fees to the clerk of the pipe for the allowance of justices' wages in the counties following, *viz.*

Ebor'	-	1	0 0
Lond' Mid'sex	-	0	13 4
Lincoln	-	0	10 0
The rest of the counties of <i>Eng.</i> , if any such allowance be made	-	0	6 8
For setting of a seizure or debt by petition or judgment of court, when it happens	-	0	1 0
For allowance of a record of surplusage for the first five pounds	-	0	6 8
For every other five pounds	-	0	3 4

Fees to be paid to the clerk of the pipe for the several cities and accmpting towns for their whole account, and *quietus* thereupon.

Civit' Bristol				Civit' Lincoln			
Civit' Glouc'				Civit' Norwic'			
Civit' Ebor'				Vil' Kinsgton super			
Vil' Novi Castri				Hull			
Civit' Cantuar'				Vil' Not'			
Civit' Coventry				Vil' Pool			
Civit' Exon'				Vil' South'ton			
Civit' Litch'							

Fees to be paid to the secondaries, and others the sworn clerks in the said office, at the apposals of sheriffs at the coming into their account, and writing their annual books, together with the vicontels of the foot or charge of their whole account.

Bedd'	-	0	6 0	Monmouth	-	3	0 0
Berks				Nor'	-	6	13 4
Bucks				North'ton	-	4	10 0
Cant' Hunt'	-	4	13 4	Northumb'	-	4	13 4
Cornub'	-	6	0 0	Nott'	-	5	10 0
Cumbr'	-	3	13 4	Oxon'	-	6	0 0
Derb'	-	5	0 0	Ruti'	-	3	6 8
Devon'				Surr'			
Dorset				Sussex			
Essex	-	10	6 8	Salop			
Ebor'	-	17	0 0	Suff'			
Glouc'				South'ton	-	7	13 4
Heref'				Staff'	-	5	13 4
Hert'	-	5	6 8	Somers'	-	9	6 8
Kant'	-	6	13 4	Westmorl'	-	2	0 0
Lincoln	-	4	13 4	Warr'	-	4	16 8
Leic'	-	6	13 4	Wigorn'	-	6	0 0
Lond' Mid'sex, two sugar loaves and	-	4	0 0	Wilts'	-	8	0 0

Fees for casting out of court, and for *quietus*, *viz.*

Bedd'	-	6	0 0	Leic'	-	8	6 8
Buck'	-	5	6 8	Lond' Midd'x, two sugar loaves and	-	4	0 0
Berk'	-	5	6 8	Monmouth	-	3	0 0
Cant' Hunt'	-	4	13 4	North'ton			
Cornub'	-	5	13 4	Nor'			
Cumbr'	-	4	13 4	Not'	-	6	6 8
Derb'	-	5	6 8	Northumb'	-	4	13 4
Devon'	-	8	6 8	Oxon'	-	8	6 8
Dors'	-	6	13 4	Ruti'	-	2	0 0
Essex	-	11	0 0	Staff'	-	6	13 4
Ebor'	-	23	6 8	Surr'			
Glouc'	-	7	6 8	Sussex			
Heref'	-	6	0 0	Salop	-	5	6 8
Hert'	-	6	13 4	Suff'	-	6	0 0
Kant'	-	11	13 4	South'ton	-	8	6 8
Lincoln	-	6	0 0				

SHERIFF.

	£	s.	d.		£	s.	d.
Somers'	-	-	10 0 0	Wigorn'	-	-	7 6 8
Westmor'	-	-	2 8 4	Wilts'	-	-	8 13 4
Warr'	-	-	5 10 0				

Fees of sheriffs for cities and accompting towns.

Civit' Bristol'	-	-	3 6 8	Civit' Norwic'	-	-	3 6 8
Civit' Cantuar'	-	-	2 13 4	Civit' Wigorn'	-	-	2 0 0
Civit' Ebor'	-	-	5 0 0	Vil' Kingston super Hull	-	-	3 6 8
Civit' Coventry	-	-	2 13 4	Vil' Nott'	-	-	2 0 0
Civit' Exon'	-	-	1 10 0	Nov' Castrum	-	-	2 13 4
Civit' Glouc'	-	-	2 13 4	Vil' Pool	-	-	1 10 0
Civit' Lincoln	-	-	2 13 4	Vil' South'ton	-	-	2 0 0
Civit' Litchf'	-	-	1 6 8				

Memorandum.—The sheriffs of the counties palatine of *Chester* and *Lancaster* do not accompt before the clerk of the pipe, but before the respective auditor of those counties; but their books being writ every year, and certificates (made of what they take in charge) to the auditor, the following fees are to be taken by the clerk of the pipe, and the sworn clerk for those counties, viz.

Chester	-	-	2 3 4	Lancast'	-	-	4 6 8
---------	---	---	-------	----------	---	---	-------

Fees to be paid the first secondary.

For allowing the sheriffs tallies of profer in each county	-	-	0 6 8
In each city and town	-	-	0 3 4
Making up the sheriffs sum containing his whole charge in <i>York</i>	-	-	0 13 4
<i>Lond'</i> Midd'sex	-	-	0 13 4
For the rest of the counties, each	-	-	0 6 8
Allowing a talley <i>de remanente comp'</i> or any other talley <i>de sol'</i> in his accompt, when such happen	-	-	0 1 0
For charging a post scrow, which rarely happens	-	-	0 3 4

To the second secondary.

For drawing down a debt received by <i>distring'</i> , or levied by writ of <i>fiert facias</i> from either of the remembrancers' office upon the scrow back	-	-	0 3 4
If an extraordinary length	-	-	0 6 8

To the portubag.

For ingrossing the scrow of green wax of the sheriff of the county of <i>York</i>	-	-	1 0 0
<i>Lond'</i> Midd'	-	-	1 0 0
The rest of the counties of <i>Eng.</i> , each	-	-	0 10 0
For the accompting towns and cities, each	-	-	0 3 4

Casual and accidental fees to the sworn clerks in their respective assignments, viz.

For a <i>constat</i> of a seizure or debt, in order to be ruled off, or discharged	-	-	0 4 4
For settling of a seizure or debt upon a sheriff's accompt, by petition or judgment of court, when it happens	-	-	0 3 4
Filing the certificates of felons goods, and charging the debts therein contained, each	-	-	0 6 8

For the allowance of justices wages.

<i>York</i>	-	-	2 0 0	The rest of the counties of			
<i>Lond'</i> Midd'sex	-	-	2 0 0	<i>Eng.</i> , each	-	-	0 13 4
<i>Lincoln</i>	-	-	1 0 0				

For sheriffs' allowances.

<i>Ebor'</i>	-	-	0 13 4	Record of surplusage for			
<i>Lond'</i> Mid'sex	-	-	3 6 8	the first five pound	-	-	0 6 8
The rest of the counties, each	-	-	0 6 8	For every other five pound	-	-	0 3 4

To the writing clerk for the business of the whole year.

Cant' Hunt'	-	-	5 0 0	The rest of the counties, each	-	-	5 0 0
Cornub'	-	-	6 0 0	Civit' Bristol'	-	-	1 0 0
Devon'	-	-	6 0 0	Civit' Ebor'	-	-	1 0 0
Ebor'	-	-	15 0 0	Civit' Norwic'	-	-	1 0 0
Kant'	-	-	7 0 0	Kingston super Hull	-	-	0 18 4
<i>Lincoln</i>	-	-	6 10 0	Novum Castrum	-	-	1 0 0
<i>Lond'</i> Mid'sex	-	-	6 0 0	Vil' Pool	-	-	0 6 8
Monmouth	-	-	3 0 0	The rest of the cities, each	-	-	0 13 4
Rutland	-	-	1 0 0	Com' Pal' Centr'	-	-	0 6 8
Somers'	-	-	7 13 4	Com' Pal' Lanc'	-	-	0 13 4
Sussex	-	-	3 10 0				
Westmor'	-	-	2 0 0				

To be paid to the bagman of the office at the apposal of the sheriffs

Of <i>Eng.</i> , in each county, 2s. 6d. and the casting out	-	-	0 5 0
And for each city and accompting town	-	-	0 2 6

Fees to be paid to the comptroller of the pipe.

For apposal of <i>Lond'</i> , <i>Mid'sex</i> , and <i>York</i> , each	-	-	2 0 0
For apposal of <i>Surrey</i> , <i>Sussex</i> , <i>Rutland</i> , and <i>Westmorland</i> , each	-	-	0 15 0

SHERIFF.

1363

For apposal of every other county	-	-	-	£	s.	d.
For casting out of <i>Lond'</i> , <i>Mid'sex</i> , and <i>York</i> , each	-	-	-	1	7	6
For casting out of <i>Surrey</i> , <i>Sussex</i> , and <i>Rutland</i> , each	-	-	-	2	0	0
For casting out of every other county	-	-	-	0	15	0
For return of summons for <i>London</i> , <i>Middlesex</i> , and <i>York</i> , each	-	-	-	1	10	0
For return of every other summons	-	-	-	0	5	0
For petitions, which seldom happen	-	-	-	0	2	6

The fees to be taken by the 3 clerks of the comptroller of the pipe in passing sheriffs' accounts.

passing through accounts.					Apposals.	Casting out.	
					£. s. d.	£. s. d.	
Bedd'	}	each	-	-	-	1 2 6	1 0 0
Hert'							
North'ton							
Surr'	}	each	-	-	-	1 5 0	1 5 0
Rutld'							
Lond' Mid'sex			-	-	-	-	1 5 0
Cambr'	}	each	-	-	-	1 12 6	1 10 0
Heref'							
Leic'							
Norf'							
Nott'							
Staff'							
War'	}	each	-	-	-	1 15 0	1 15 0
Sussex							
Derb'							
Oxon'			-	-	-	-	1 19 2
Cant' Hunt'	}	each	-	-	-	2 2 6	2 0 0
Glouc'							
Kant'							
Essex	}	each	-	-	-	2 9 2	2 6 8
Bucks							
Monmouth							
Berks							
Suffolk							
South'ton	}	each	-	-	-	2 9 2	2 6 8
Worcester							
Wilts							
Salop	}	each	-	-	-	2 9 2	2 6 8
Northumbr'							
Lincoln							
Cornwall	}	each	-	-	-	3 9 2	3 6 8
Devon							
Dorset							
Somerset							
Ebor'	-	-	-	-	-	4 16 8	4 16 8
Westmor'	-	-	-	-	-	0 17 6	0 17 6

For return of every summons, 7s. 6d.; except *Lond'*, *Mid'sex*, 15s.; *York*, 1l. 5s.; and *Cornwall*, *Devon*, *Dorset*, *Lincoln*, *Somerset*, *Suffolk* *South'ton*, *Wilts*, and *Salop*, each 17s. 6d. For the petition of allowance, 3s. 6d.; except in *London*, *Middlesex*, and *York*, 13s. 4d.; and in *Cornwall*, *Devon*, and *Somerset*, 6s. 8d. each; for every other petition, 1s.; and for the justices' wages in *London* and *Middlesex*, 10s.

Fees to be paid by sheriffs in the king's remembrancer's office, upon giving security when he enters into his office.

The stamp-duty of the recognizance	-	-	-	0	10	0
The caption fee before the baron	-	-	-	0	8	8
The king's remembrancer's fee for the same, for the counties of <i>York</i> and <i>Norfolk</i> , for each of them	-	-	-	0	13	4
To him for every other county of <i>Eng.</i> , except <i>Lancaster</i> and <i>Durham</i> , and the several counties of <i>Wa.</i> , which give no security in the exchequer	-	-	-	0	10	0
To the attorney for making the recognizance, attending the baron, entering and enrolling the recognizance, making the <i>fiat</i> , and duty for the same, and filing the warrant of attorney	-	-	-	0	18	0
Upon the apposal of every sheriff upon the process returnable in <i>Easter</i> term to the deputy remembrancer	-	-	-	0	5	0
To the attorney that receives and files the writs, and attends the apposals of the sheriffs	-	-	-	0	4	4
The like upon the process returnable in <i>Michaelmas</i> term	-	-	-	0	9	4
For making the certificate when the sheriff enters upon his accompt of what seizures are by him made upon the process returned in that office during his year	-	-	-	0	4	4

Treasurer's remembrancer's office in the court of exchequer.

Fees taken of sheriffs in the said office on passing their accounts by the remembrancer.

Upon a baron's warrant for respiting a sheriff's apposals, or for a day over to finish his accompts	-	-	-	0	4	0
Upon the view of a sheriff's accompts in <i>Easter</i> and <i>Michaelmas</i> term	-	-	-	0	6	8

Upon the commission to swear a sheriff in the country to accompt	£	s.	d.
Upon examining and ruling a sheriff's petition of allowance for the two days granted <i>ex gratia curia</i> for finishing his accompt, and for filing his affidavit of felons' goods	0	12	0
Upon examining and ruling any other petition in a sheriff's account, when any such happens	0	3	4
Upon a record of surplussage for the first five pound	0	6	8
For every other five pound	0	3	4
For filing any <i>constat</i> warrant, or other exhibit	0	1	0

By the sworn clerks.

For making the view of a sheriff's accompt in <i>Easter</i> and <i>Michaelmas</i> term, 5s. each term, <i>vis.</i>	0	10	0
For giving a sheriff notice termly, during his year of office, of any information or plaint against him, according to the statute in that case made and provided, and for attending his apposals before the barons, and in <i>Easter</i> and <i>Michaelmas</i> terms, 20s. each term, <i>vis.</i>	2	0	0
For drawing any warrant to be signed by the chancellor, or a baron	0	6	8
For attending a baron for his hand thereto	0	3	4
For directing a sheriff in his business during the 3 terms he is upon his accompt, 10s. each term, <i>v. z.</i>	1	10	0
For making the commission to swear a sheriff in the country to accompt, pursuant to a warrant from a baron for that purpose	0	10	0
For the oath thereunto annexed	0	6	8
For a high sheriff's warrant to be sworn to accompt (when he comes in person) and for attending his being sworn	1	0	0
For an under-sheriff's warrant	0	3	4
For attending and putting in a sheriff's bill of proffers at the receipt of exchequer in <i>Cro' Ch' Pasche & Cro' Sci' Mich'</i> when his year is ended, at his swearing to accompt	1	6	8
For entering the 2 days <i>ex gratia curia</i>	0	6	8
For drawing a sheriff's oath touching felons' goods	0	6	8
For a copy thereof to transmit to the pipe	0	3	4
For a certificate of the execution of a process	0	6	8
For a search in order to make such certificate	0	3	4
For drawing any petition in parchment, and inrolling it	0	6	0
For inrolling a sheriff's bill of allowance	0	13	4
For inrolling any schedule in <i>onere constat</i> , or warrant by the roll	0	6	8
For a record or surplussage for the first 5l.	0	6	8
For every other 5l.	0	3	4
For copying any seizure made by a sheriff, <i>per sheet</i>	0	0	8
For examining and signing the same	0	3	4
For a writ of assistance and seal	0	10	0
For attending at <i>Westminster</i> to dismiss a sheriff the court, on finishing his accompt	0	6	8

By the Filazer.

For entering a high sheriff's commission, or warrant, <i>ad computand'</i> on the scroll of accomptants	0	5	0
For an under-sheriff's warrant, and any warrant, <i>ad recipiend'</i> <i>brevia</i>	0	2	0
For the sheriff's tallies of proffers	0	2	0
For entering a sheriff's writs on the bills	0	2	0
And when he comes <i>post diem</i> , and americiaments are set by the court, then for each americiament, 1s. being usually 6s. during his year, <i>vis.</i>	0	6	0
When any plea, composition, order, or the like, happens during a sheriff's accompt, through his defaults or contempts, he pays the same fees that are paid by other suitors.			

There have been some small fees time out of mind paid to the under-clerks, *vis.*

For writing a warrant, or affidavit	0	1	0
On return of process twice a year, 5s. <i>vis.</i>	0	10	0
For ingrossing a commission, and oath annexed	0	5	0

As likewise to the portubag, *vis.*

For carrying any writ to be sealed	0	6	6
For a commission	0	1	0
A sheriff pays him at each of his apposals, 2s., <i>v. z.</i>	0	4	0
And for postage of all his business, during the time he is upon his accompts	0	5	0

A particular of such fees as are to be paid by sheriffs in the office of remembrancer of the first-fruits and tenths in H. M.'s exchequer.

For attending the sheriff's apposals at <i>Westminster</i> upon their returning of writs issued for arrears of first-fruits, and for filing the same in <i>Easter</i> term, each	0	4	4
The like for <i>Michaelmas</i> term	0	4	4

Fees to be received by the foreign apposer, his deputy, or chief clerk, of all sheriffs of counties, cities, and towns, at their apposal upon the

summons of the green wax, and for making out the justices wages, when craved by the sheriff.

Counties.	Apposal.	Justices wages.
	£ s. d.	£ s. d.
Bedford	3 3 0	1 12 6
Berks	3 5 0	1 12 6
Bucks	3 5 0	1 12 6
Camb' Hunt'	3 5 0	1 12 6
Cornwall	6 5 0	1 12 6
Cumberland	3 5 0	1 12 6
Derby	3 18 4	1 12 6
Devon	7 5 0	1 12 6
Dorset	4 5 0	1 12 6
Essex	6 5 0	1 12 6
Gloucester	4 5 0	1 12 6
Hereford	3 5 0	1 12 6
Hertford	3 18 4	1 12 6
Kent	6 5 0	1 12 6
Leicester	3 5 0	1 12 6
Lincoln	6 5 0	1 12 6
London and Middlesex	7 10 0	5 10 0
Monmouth	3 5 0	1 12 6
Norfolk	6 5 0	3 5 0
Northampton	5 5 0	1 12 6
Nottingham	3 18 4	1 12 6
Northumberland	1 15 0	1 12 6
Oxford	3 5 0	1 12 6
Rutland	1 15 0	0 0 0
Salop	4 5 0	1 12 6
Somerset	6 5 0	1 12 6
Southampton	3 18 4	1 12 6
Stafford	3 5 0	1 12 6
Suffolk	7 5 0	3 5 0
Surrey	3 5 0	1 12 6
Sussex	3 5 0	1 12 6
Warwick	3 5 0	1 12 6
Westmorland	1 15 0	0 0 0
Worcester	3 5 0	1 12 6
Wilts	5 5 0	1 12 6
York	9 5 4.	3 5 0

Cities.	Apposals.	Cities.	Apposals.
Bristol	0 17 6	Litchfield	0 15 10
Coventry	0 17 6	Lincoln	0 15 10
Canterbury	0 17 6	Norwich	1 12 6
Exeter	1 12 6	Worcester	0 17 6
Gloucester	0 17 6	York	0 17 6

Towns.	Apposals.	Towns.	Apposals.
Kington-super-Hull	0 15 10	Pool	0 14 2
Nottingham	0 17 6	Southampton	0 17 6
Newcastle-upon-Tyne	0 17 6		

Fees to be taken by the clerk of the extracts in H. M.'s court of exchequer, and by the sworn clerk in that office, of all sheriffs accomptable in the exchequer upon their apposals on the summons of the green wax.

To the clerk of the extracts for <i>Northumberland</i> and <i>Westmorland</i> , each	0	10	0
Of <i>London</i> and <i>Middlesex</i>	1	2	0
Of the county of <i>Rutland</i>	0	13	4
Of every other county, each	1	0	0
Of the city of <i>Eton</i>	0	10	0
Of every other city and town, each	0	6	8

To the sworn clerk for writing out the summons twice every year, and attending the apposals.

Of the county of <i>Rutland</i>	0	9	2
Of <i>Ebor'</i>	1	16	8
Of <i>Survey</i>	1	13	4
Of <i>Westmorland</i>	0	16	8
Of the counties of <i>Heref'</i> , <i>Hertf'</i> , <i>Oxon</i> , <i>Suff'</i> , and <i>Southampton</i> , each	1	0	0
Of every other county	1	6	8
Of the cities of <i>Bristol</i> , <i>Litchfield</i> , and town of <i>Pool</i> , each	0	5	10
Of the city of <i>Eton</i>	0	10	0
Of every other city and town, each	0	8	4
The fee due to the chancellor of the exchequer, his secretary and clerk, for passing a sheriff's allowances, to be	0	15	0

Fees to be taken by the curitor baron, and his clerk, of the several sheriffs of England.

To the baron for swearing to their accounts, and signing their warrant	0	16	8
To his clerk	0	3	0

	£.	s.	d.	
To the baron at their appraisals	-	1	0	0
To his clerk	-	0	7	6
To the baron at their casting out of court	-	1	0	0
To his clerk	-	0	7	6

Sheriffs of London and Middlesex, and sheriffs of the county of York, pay double fees, and the sheriffs of Sussex, Surrey, Rutland, and Westmorland, pay half fees.

Fees certain and casual to be paid by the sheriffs, to the marshal of H. M.'s court of exchequer, granted to them by patent under the great seal without salary.

Easter Term.

All sheriffs of the counties of England come then to be apposed on their writs and process before the barons, and pay the said marshals, except Rutland and Yorkshire)	-	0	15	10
Rutland to pay half that fee, (viz.)	-	0	7	11
Yorkshire, double	-	1	11	8

Michaelmas Term.

The same sheriffs are apposed again on the same writs and process, and to pay their fees as above.

Easter Term.

Sheriffs of the cities and towns, and deputies of the cinque ports, each of them to pay severally upon their appraisals then as followeth, viz.

Lincoln, Canterbury, Pool, Gloucester, Wigorn, Nottingham, Coventry, Southampton, Litchfield, and deputy of the cinque ports	-	0	8	8
York, Norwich, Exon, Newcastle, Hull	-	0	13	4
Bristol, city	-	0	10	6

Michaelmas Term.

The sheriffs of cities and towns above apposed then, are to pay the same fees as paid in Easter term, and when sworn to accompt, are to pay no more	-	0	3	0
Bailiffs of liberties sworn to accompt are to pay each	-	0	0	8
Bristol escheator is to pay	-	0	3	4

Michaelmas Term.

Sheriffs of counties prefixed that term to be sworn, and to take their accompts in charge before the cursor baron, on the summons of the pipe, and before the foreign apposer upon the green wax, viz. Essex, Hertford, Kent, Cambr' Hunt', North'ton, Lincoln, Stafford, Wigorn, Wilts, Cornub', Salop, Berks, and Bucks, are to pay each	-	1	9	2
Rutland is to pay half that fee	-	0	14	7
London and Middlesex is to pay his fees for a whole year	-	5	12	0
London gauger then sworn in court is to pay	-	0	8	8

Hilary Term.

Sheriffs of counties sworn and apposed before the cursor baron, and foreign apposer, as in Michaelmas term, viz. Surrey, Sussex, Oxon, Berks, Norfolk, Suffolk, Hereford, Dorset, Monmouth, Somerset, Derby, Nottingham, Devon, Gloucester, Warwick, South'ton, and Leicester, to pay each	-	1	9	2
York pays double	-	2	18	4

Easter Term.

Sheriffs of Cumberland and Northumberland, then prefixed and apposed on the summons of the pipe and green wax, before the cursor baron and foreign apposer, to pay each	-	1	9	2
Westmorland then to pay his fees for the whole year	-	2	6	8
Lancashire for the whole year	-	3	10	0
Cheshire for the whole year	-	3	6	8
All sheriffs discharged by proclamation in the court, except York	-	0	15	10
York is to pay	-	1	11	8

Casual fees.

Sheriffs attached by order of court or warrant	-	1	13	4
Sheriffs in custody <i>per diem</i> , until discharged	-	0	6	8
If the marshal rides into the country, 6d. per mile forwards, and the same backwards, towards his charges from the sheriff on whose account he goes.	-	-	-	-

Every sheriff that hath further time given him by order of court, or warrant to pass his accompt, or to be apposed, to pay

The fees to be taken by the four ushers of H. M.'s court of exchequer.

Of every high sheriff, when he enters on recognizance in the exchequer	-	0	4	0
Of every sheriff of a county sworn to answer upon his two appraisals on H. M.'s remembrancer, treasurer's remembrances, and first-fruits process, for each of the said appraisals	-	0	8	0
Of every sheriff of a city, &c. on each of his said two appraisals	-	0	4	0
Of every sheriff of a county sworn to his accompt in court, or elsewhere, and on his apposal on the pipe process before the cursor baron	-	0	18	6
Of every sheriff of a city, &c. on the	-	0	4	0

	£.	s.	d.
Of every sheriff of a county at his casting out of court, or finishing his accompt	-	0	8 0

London, Middlesex, and Yorkshire to pay double

Fees to be taken by the court-keeper of H. M.'s court of exchequer.

Of every high sheriff when he enters on recognizance in the exchequer	-	0	2	0
Of every sheriff of a county town to answer upon his two appraisals on H. M.'s remembrancer, and first-fruits process, for each of the said appraisals	-	0	2	0
Of every sheriff of a city, &c. on each of the said two appraisals	-	0	1	0
Of every sheriff of a county sworn to his accompt in court, or elsewhere, and on his apposal upon the pipe process, before the cursor baron	-	0	3	0
Of every sheriff of a city, &c. on the like apposal	-	0	1	0
Of every sheriff of a county upon his apposal, on the summons of green wax before the foreign apposer and clerk of the estreats	-	0	2	0
If apposed out of term	-	0	2	6
Of every sheriff of a city, &c. on the like apposal	-	0	1	0
Of every sheriff of a county on his casting out of court, or finishing his accompts	-	0	2	0

London, Middlesex, and York are to pay double.

Fees to be received by the messenger of the said court, viz.

Of every sheriff of a county, sworn to answer upon his two appraisals on H. M.'s remembrancer, treasurer's remembrancer, and first-fruits process, for each of the said appraisals	-	0	6	8
Of every sheriff of a city for each of the said two appraisals	-	0	3	4

London, Middlesex, and York to pay double

Fees to be received by the tipstaff in the said court.

Of every high sheriff when he enters on recognizance in the exchequer	-	0	2	0
Of every sheriff of a county sworn to answer upon his two appraisals upon H. M.'s remembrancer, treasurer's remembrancer, and first-fruits process, for each of the said appraisals	-	0	2	0
Of every sheriff of a city, &c. sworn to answer the like appraisals	-	0	1	0
Of every sheriff of a county sworn to his accompt in court, or elsewhere, and on his apposal on the pipe process before the cursor baron	-	0	3	0
Of every sheriff of a city, &c. on his apposal on the pipe process before the cursor baron	-	0	1	0
Of every sheriff of a county at his casting out of court, and finishing his accompt	-	0	2	0

London, Middlesex, and York to pay double.

Fees and allowances to be paid to the auditors of the exchequer, for making up and passing the undermentioned sheriffs accompts, viz.

For enrolling a sheriff's patent, filing the several certificates, drawing and ingrossing the accompt, and for the <i>quietus</i> of the sheriff of Cheshire and Lancashire, the fees for each county to be	-	20	0	0
For the county palatine of Durham, according to ancient custom	-	9	6	8
For casting out of sheriffs in open court, except London and Middlesex, York, and Lincoln, each county	-	0	10	0
For London, Middlesex, York, and Lincoln, each county	-	1	0	0

Fees to be paid by the sheriffs of Wales, to the auditor of Wales, and Cheshire, for the several sheriffs of Wales.

For every old seizure charged in the sheriff's accompt	-	0	1	0
For every new seizure charged in the sheriff's accompt	-	0	2	0
For enrolling a sheriff's patent, filing the several certificates, drawing and ingrossing the accompt, and for the <i>quietus est</i> for each county	-	8	18	4

The fees due to the receiver of North and South Wales.

From every sheriff upon passing his accompts at the audit for signing his accompts, and entering in the revenue book	-	2	15	4
--	---	---	----	---

For the sheriffs of Cheshire.

For enrolling the sheriff's patent, filing the several certificates, drawing and ingrossing the accompt, and for the <i>quietus est</i>	-	20	0	0
---	---	----	---	---

105. FOR BETTER ENABLING SHERIFFS TO SUE OUT THEIR PATENTS, and pass their accounts, 3 G. 1. c. 16.

106. The yearly sum of 4000*l.* shall be set apart in the exchequer out of any fund which by any act of this session shall be charged with the same, [viz. out of the aggregate fund] for the uses hereafter mentioned, *id. s. 1*.

107. There shall be paid yearly out of the said monies, on the 1st day of Michaelmas term, to the sheriffs of the several counties after-mentioned, the sums herein expressed, to enable them to bear the expenses of the letters patents for their offices, and to pass their accounts, and to obtain their *quietus*; the said yearly sums to be received without any account or implest to be set upon them, and without paying any fees for the same, *id. s. 2: viz.*

To the sheriff of the county of	£ s.	To the sheriff of the county of	£ s.
Bedford	93 6	Rutland	69 11
Berks	96 0	Salop	98 3
Bucks	96 0	Somerset	112 19
Cambridge and Huntingdon	95 10	Southampton	101 8
Chester	62 10	Stafford	95 10
Cornwall	102 16	Suffolk	102 12
Cumberland	90 2	Surrey	90 2
Derby	93 19	Sussex	90 5
Devon	106 9	Warwick	93 10
Dorset	101 6	Wilts	104 10
Essex	108 10	Worcester	98 3
Gloucester	98 10	York	150 0
Hereford	94 6	Anglesey	30 0
Hertford	93 0	Brecon	30 0
Kent	108 10	Cardigan	30 0
Lancaster	67 7	Carmarthen	30 0
Leicester	94 6	Carnarvon	30 0
Lincoln	101 3	Denbigh	30 0
Middlesex	119 3	Flint	30 0
Monmouth	89 3	Glamorgan	30 0
Norfolk	101 15	Merioneth	30 0
Northampton	96 0	Montgomery	30 0
Northumberland	91 0	Pembroke	30 0
Nottingham	95 13	Radnor	30 0
Oxon	97 7	Westmorland	40 6

108. TO REGULATE THE ISSUE OF WARRANTS BY SHERIFFS, 6 G.1. c. 21. ss. 53, 54.

109. No high or under sheriff, their deputies or agents, shall make out any warrant before having in their custody the writs on which such warrants ought to issue, on forfeiture of 10*l.*, *id.* s. 53.

110. Every warrant to be made out upon any writ out of K. B. C. P. or exchequer, before judgment, to arrest any person, shall have the same day and year set down thereon as are set down on the writ itself, under forfeiture of 10*l.* to be paid by the person who shall fill up or deliver out such warrant; both penalties to be recovered and divided as the other penalties in 9 W.3. c. 25., *id.* s. 54.

111. FOR EASE OF SHERIFFS WITH REGARD TO RETURN OF PROCESS, 20 G.2. c. 37.

112. All sheriffs shall, at the expiration of their office, turn over to the succeeding sheriff, by indenture and schedule, all such writs and process as remain in their hands unexecuted, which new sheriff shall execute and return the same; and in case any sheriff neglect to turn over such process, he shall make satisfaction by damages and costs to the party aggrieved, *id.* s. 1.

113. No sheriff shall be called upon to make a return of any writ or process, unless required so to do within 6 months after expiration of his office, *id.* s. 2.

114. FOR BETTER AND MORE SPEEDY EXECUTION OF PROCESS WITHIN FRANCHISES OR LIBERTIES, 13 G.2. c. 18. s. 6. [see s. 5. CERTIORARI, *pl.* 3., and s. 7. COUNTY RATE, *pl.* 27., rest EXP.]

115. For more speedy execution of process within particular franchises or liberties, the sheriff of every shire, being no city or town made a shire, within which there is any franchise or liberty, the lord or proprietor whereof is entitled to return of writs within such franchise, shall, if required by such lord or proprietor within one month next after such request, appoint one deputy or more, at the charge of such lord, to be resident at some convenient place in or near such franchise to be appointed by the lord chancellor and the chief justices of K. B. and C. P. or one of them, who shall settle what costs shall be paid by such lord; and such deputy, &c. shall reside at the place so appointed, and have authority in the sheriff's name to receive and open all such writs the execution or return whereof belongs to the lord of such franchise, and thereupon in the name and under the seal of the sheriff to issue out such warrant to such lord as is requisite for the due execution of such writs; and every such deputy shall upon tender of any such writ receive and open same, and issue out such warrant thereupon without delay, as the sheriff himself may do, without taking any other fee than is accustomed; on pain that every such sheriff or deputy guilty of wilful neglect, shall be liable to be punished as for a contempt of one of the courts of chancery, K. B. or C. P., and shall likewise make satisfaction to the party receiving damage thereby, 13 G.2. c. 18. s. 6.

SHIPS. (See SEAMEN.)

(STATUTES repealed and expired.)

1. TO PREVENT THE DELIVERING UP OF MERCHANT SHIPS, 16 C.2. c. 6. [EXP.]

2. FOR BUILDING GOOD AND DEFENSIBLE SHIPS, 5 & 6 W. & M. c. 24. [EXP.]

3. TO PREVENT H. M.'s ENEMIES FROM BEING SUPPLIED WITH SHIPS OR VESSELS BY G. B., 22 G.3. c. 71. [CON. 23 G.3. c. 2. both EXP.]

4. FOR AUTHORIZING H. M. TO ORDER THE REGISTERING AND GRANTING certificates of registry to certain ships the property of his subjects, which have been in possession of the enemy, and concerning which doubts have arisen, whether they are entitled to registry according to existing laws, 36 G.3. c. 112. [see now 48 G.3. c. 70., and 49 G.3. c. 41.]

5. FOR GRANTING TO FOREIGN SHIPS PUT UNDER H. M.'s protection the privileges of prize ships under certain regulations and restrictions, 37 G.3. c. 63. ss. 1—4. and s. 7. [Semb. EXP. as they relate to vessels put under H. M.'s protection in consequence of capitulation of foreign settlements to H. M. during the then war.]

(STATUTES in force.)

1. TO PREVENT THE DELIVERING UP OF MERCHANT SHIPS and for increase of good and serviceable shipping, 22 & 23 C.2. c. 11. (and recital in s. 1.) ss. 2—11. [see s. 12. *pl.* 12. *infra.*]

2. Where any goods shall be laden on board any *English* ship of the burden of 200 tons or upwards, and mounted with 16 guns or more, if the commander yield up the goods to any *Turkish* ships, or to any pirates or sea rovers, without fighting, he shall, on proof thereof, made in court of admiralty, be incapable of taking charge of any *English* ship as commander; and if he thereafter take upon him to command any *English* ship, shall suffer imprisonment by warrant from that court during 6 months for every offence; and in case the persons taking the said goods shall release the ship, or pay unto the master any money or goods for freight or other reward, the said goods or money, or the value thereof, as also the master's part of such ship so released, shall be liable to repair the persons whose goods were taken, by action in the court of admiralty; and in case the commander's part, together with such money and goods, shall not be sufficient to repair all the damages sustained, the reparations recovered on the master's part shall be divided *pro rata* among the persons prosecuting and proving their damages, and the persons damaged shall have their action against the master for the remainder, *id.* s. 2.

3. No master of any such *English* ship, being at sea, and having discovered any ship to be a *Turkish* ship, pirate, or sea rover, shall depart out of his ship, *id.* s. 3.

4. If the master of any *English* ship, though not of the burden of 200 tons, or mounted with 16 guns, yield his ship to any *Turkish* ship, pirate, or sea rover, (not having at least his double number of guns), without fighting, he shall be liable to all the penalties in this act, *id.* s. 4.

5. On process out of the court of admiralty, all commanders of H. M.'s ships, or of any other *English* ships, may seize such ships or masters so offending, according to the process, and send them in custody into any ports of H. M.'s dominions, to be proceeded against according to s. 2. *pl.* 2., *id.* s. 5.; but none shall be hereby encouraged to violate the rights of the ports of any foreign prince or state in amity, *id.* s. 6.

6. If the mariners or inferior officers of any *English* ship, laden with goods, decline or refuse to fight and defend the ship, when thereunto commanded by the master, or utter any words to discourage the other mariners from defending the ship, every mariner found guilty of so declining, &c. shall lose all his wages due, together with such goods as he hath in the ship, and suffer imprisonment not exceeding 6 months, and during such time be kept to hard labour for his maintenance, *id.* s. 7.

7. If any ship be yielded contrary to the will of the commander, by disobedience of the mariners, testified by their having laid violent hands on him, the master shall not be liable to the sentence of incapacity, nor to any action for the losses sustained by the merchants, unless he have received back from the takers his ship, or some reward, *id.* s. 8.

8. Every mariner who shall have laid violent hands on his commander, to hinder him from fighting in defence of his ship and goods, shall suffer death as a felon, *id.* s. 9.

9. When any *English* ship has been defended by fight and brought to her port, in which fight any of the officers or seamen be wounded, the judge of admiralty, or his surrogate, or the judge of the vice-admiralty within which she shall arrive, on petition of the master or seamen, may call to him the adventurers or owners of the ship and goods, and by advice with them may raise on the owners and adventurers by process of the court, such sums of money as himself with the major part of the adventurers or owners present shall judge reasonable, not exceeding 2 per cent. of the ship and goods, according to the first cost of the goods by the invoice (which the owner or his factor is to produce) or by the oath of the owner or his correspondent; which money shall be paid to the register of the court, who shall receive 3*d.* in each pound, thence to be distributed amongst the captain, master, officers, and seamen, of the said ship, or widows and children of the slain, according to the direction of the judge, with the approbation of 3 or more of the owners or adventurers, who shall proportion the same unto the ship's company, having special regard unto the widows and children of such

as shall have been slain, and to such as shall have been wounded or maimed, 22 & 23 C. 2. c. 11. s. 10.

10. In case the company of any *English* merchant ship shall take any ship which shall first have assaulted them, the officers and mariners shall, after condemnation of such ship and goods, have such part thereof as is practised in private men of war, *id.* s. 11.

11. FOR PREVENTING THE WILFULLY DESTROYING SHIPS; (*Framed to show the first existing provision on the subject,*) 22 & 23 C. 2. c. 11. s. 12. [Virtually CONF. by 1 A. St. 2. c. 9. ss. 4—5. and 29 G. 3. c. 46. s. 1. for *Scot.*, 43 G. 3. c. 79. for *Ire.*, and 43 G. 3. c. 113.]

12. Any captain, master, mariner, or other officer belonging to any ship, who shall wilfully cast away, burn, or otherwise destroy the ship to which he belongs, or procure the same to be done, shall suffer death as a felon, 22 & 23 C. 2. c. 11. s. 12.

13. If any captain, master, mariner, or other officer, belonging to any ship, shall wilfully cast away, burn, or otherwise destroy the ship to which he belongs, or procure the same to be done, to the prejudice of the owner or owners thereof, or of any merchant or merchants that shall load goods therein, he shall suffer death as a felon, 1 A. St. 2. c. 9. s. 4.

14. Every such offence committed on the high seas, or where the admiralty hath jurisdiction, shall be tried and determined in such shires and places in the realm as shall be limited by H.M.'s commission, under the great seal, as by 28 H. 8. c. 15. (PIRATES, *pl.* 2.) is directed for trial of pirates; and persons convict of such offences, standing mute, or peremptorily challenging above 20 jurymen, shall suffer death without benefit of clergy, *id.* s. 5.

15. If any owner of, or captain, master, mariner, or other officer belonging to any ship, shall wilfully cast away, burn, or otherwise destroy such ship, or direct, or procure the same to be done to the prejudice of any persons that shall underwrite any policy of insurance thereon, or of any merchant that shall load goods thereon, or of any owner of such vessel, the offender being lawfully convicted before any competent court in *Scot.* shall suffer death as in other capital cases, 29 G. 3. c. 46. s. 1. [*semble* in force as to *Scot.*, though 4 G. 1. c. 12. s. 3. of which it is a copy is repealed, *see pl.* 19.]

16. FOR MAKING MORE EFFECTUAL PROVISION within *Ire.* for the punishment of offences, in wilfully casting away, sinking, burning, or destroying ships or vessels, 43 G. 3. c. 79. for *Ire.* [*see rest of title and s. 5. FELONY, pl.* 50.]

17. 11 G. 2. c. 9. (*Ir.*) REP., *id.* s. 1.

18. FOR MORE EFFECTUALLY PROVIDING FOR THE PUNISHMENT of offences in wilfully casting away, burning, or destroying ships and vessels, 43 G. 3. c. 113. ss. 1—4. [*See rest of title and s. 5. FELONY, pl.* 50. and s. 6. HOMICIDE, *pl.* 18. *Not to extend to Ire.* *id.* s. 7.]

19. "The 4 G. 1. c. 12. s. 3. and 11 G. 1. c. 29. s. 6. are recited and REP. *id.* s. 1." Any person who shall wilfully cast away, [sink, 43 G. 3. c. 79. s. 2. *Ire.*] burn, or otherwise destroy any ship or vessel, or in any wise counsel, direct, or procure the same to be done, and the same be accordingly done, with intent or design thereby wilfully and maliciously to prejudice any owner of such vessel, or of any goods laden on board the same, or any person, body politic, or corporate underwriting any policy of insurance on such vessel, or on her freight, or on any goods laden on board her, shall, on conviction, be deemed a principal felon, and shall suffer death without clergy, 43 G. 3. c. 113. s. 2. and c. 79. s. 2. for *Ire.*, s. P.

20. If any such vessel shall be wilfully cast away, [sunk, 43 G. 3. c. 79. s. 3. *Ire.*] burnt, or destroyed within the body of any county of this realm or *Ire.* the above offences shall be tried and adjudged in the same courts and form as other felonies committed within the body of any county, by the laws of this realm, or of *Ire.*, or by this act, are to be tried and determined, and if any such vessel shall be wilfully cast away, &c. on the high seas, then the said several offences shall be tried, &c. before such court, and in form as directed in 28 H. 8. c. 15. (PIRATES, *pl.* 2.) for trying felonies on the high seas, [and within *Ire.*, as by 11 J. 1. c. 2. *Ir.* and 23 & 24 G. 3. c. 14. *Ir.* appointed,] 43 G. 3. c. 113. s. 3. and *id.* c. 79. s. 3. for *Ire.* s. P.

21. TO SETTLE HOW FAR OWNERS OF SHIPS shall be answerable for the acts of the masters and mariners, 7 G. 2. c. 15. [AMD. and EXT. 26 G. 3. c. 86. and *see* 53 G. 3. c. 159. *infra, pl.* 50. &c.]

22. No owners of any ship shall be liable to answer any loss, by reason of embezzlement (by the master or mariners) of any goods shipped on board, or for any act done by the latter without privity of the owners, further than the value of the ship and amount of the freight during the voyage wherein such embezzlement or other malversation is committed, 7 G. 2. c. 15. s. 1.

23. If several freighters of merchandize shall suffer damage by any such means in the same voyage, and the value of the ship and amount of her freight is not sufficient to make compensation, they shall receive satisfaction in average, in proportion to their losses, and they or the owners of the vessel may exhibit a bill in equity for discovery of the total amount of such losses, and also of the value of such ship and freight,

and for equal distribution and payment thereof amongst such freighters or proprietors in proportion to their respective losses or damages, according to the rules of equity, 7 G. 2. c. 15. s. 2.

24. If such bill is exhibited by the part owners of such ship, the plaintiffs shall annex an affidavit that they do not collude with any of the defendants, and shall offer to pay the value of such ship and freight as such court shall direct, as in cases of interpleader, *id.* s. 3.

25. Nothing in this act shall discharge any person's remedy against the master and mariners, *id.* s. 4.

26. No owners of any ship shall be subject to make good any loss or damage by reason of any robbery, embezzlement, secreting, or making away with of any gold, silver, diamonds, jewels, precious stones, or other goods or merchandize shipped on board any ship, or for any act or forfeiture done or occasioned, without such owners' knowledge, further than the value of the ship with all her appurtenances, and the full amount of the freight due or to grow due for the voyage, wherein such robbery, &c. shall be made, &c. although the master and mariners are not concerned in, or privy to the same, 26 G. 3. c. 86. s. 1. [*and see s. 3. pl.* 22.]

27. No owner of any vessel shall be subject to answer for any loss or damage to goods shipped on board such ship by reason of any fire happening on board thereof, *id.* s. 2.

28. No master or owners of any ship shall be subject to answer for any loss of or damage to any gold, silver, diamonds, watches, jewels, or precious stones, put on board such ship by reason of any robbery, &c. unless the owner or shipper thereof shall, at the time of shipping the same, insert in his bill of lading, or otherwise disclose in writing to the master or owners the true nature, quality, and value thereof, *id.* s. 3.

29. If several freighters or proprietors of any such gold, &c. as in last *pl.* or other goods, shall suffer any loss or damage by any of the means aforesaid, in the same voyage (except fire only) and the value of the ship, appurtenances, and freight, during that voyage, is insufficient to make full compensation to all of them, they shall receive satisfaction, &c. (*same provisions as in* 7 G. 2. c. 15. ss. 2—3. *ante, pl.* 23—24.) *id.* s. 4.

30. Nothing in this act shall lessen or discharge any person's remedy against the master and mariners of such ship for any embezzlement, &c. or for any fraud, abuse, or malversation, but every person so injured may pursue any remedy which he had before this act, *id.* s. 5.

31. FOR BETTER ASCERTAINING THE TONNAGE and burthen of ships and vessels importing and exporting goods into and from this kingdom, or hovering on the coasts thereof, 13 G. 3. c. 74. ss. 1—2. : FOR ASCERTAINING TONNAGE OF VESSELS, in order to obtaining a certificate of registry where they are afloat, 26 G. 3. c. 60. s. 14.

32. The tonnage and burthen of any ship or vessel importing or exporting brandy or other spirituous liquors or goods soever, into or from this kingdom, or hovering on the coasts thereof, and where the owner or other person shall be entitled to any bounty or allowance according to such tonnage, and in all other cases where the tonnage and burthen of any vessel shall be necessary to be ascertained and known by any statute soever concerning the revenues of customs, excise, or salt duty, the rule for admeasuring such vessels shall be this : viz. the length shall be taken on a straight line along the rabbet of the keel of the ship, from the back of the main stern post to a perpendicular line from the forepart of the main stern under the bowsprit, from which subtracting 5-5ths of the breadth, the remainder shall be esteemed the just length of the keel; to find the tonnage, the breadth shall be taken from the outside of the outside plank in the broadest place of the ship, be it either above or below the main-wales, exclusive of all manner of doubling planks wrought on the sides of the ship, then multiplying the length of the keel by the breadth so taken, and the product by half the breadth, and dividing the whole by 94, the quotient shall be deemed the true contents of the tonnage, according to which rule the tonnage of all such ships shall be ascertained, any thing in 6 G. 1. c. 21. s. 33. notwithstanding, 13 G. 3. c. 74. s. 1.

33. When it is necessary to ascertain the tonnage of such ships when afloat, the following method shall be observed, viz. drop a plumb line over the stern of a ship, and measure the distance between such line and the after part of the stern post at the load-water mark, then measure from the top of the said plumb line, in a parallel direction with the water, to a perpendicular point, immediately over the load-water mark at the forepart of the main stern, subtracting from such measurement the above above distance, the remainder will be the ship's extreme length, from which is to be deducted 3 inches for every foot of the load-draught of water for the rake abaft, and also 3-5ths of the ship's breadth for the rake forward, the remainder shall be esteemed by the length of the keel to find the tonnage, and the breadth shall be taken from outside to outside of the plank in the broadest part of the ship, either above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought on the side of the ship, then multiplying the length of the keel for tonnage by the breadth so taken, and that product by half the breadth, and dividing by 94, the quotient shall be deemed the true contents of the tonnage; but nothing herein shall alter the

mer of admeasuring the tonnage of any ship for ascertaining the light duties, or any other duties payable according to the ship's tonnage, 26 G.3. c.60. s.14.

34. TO PROHIBIT THE RANSOMING OF SHIPS OR VESSELS captured from H.M.'s subjects, and of the merchandize on board thereof, 22 G.3. c.25.

35. No British subject may ransom or enter into any contract for ransoming any ship belonging to any other subject, or any goods on board the same which shall be captured by the subjects of any state at war with H.M., or by any persons committing hostilities against his subjects, *id.* s.1.

36. All contracts entered into, and all bills, notes, and other securities given by any person for ransom of any such ship, or of any goods on board thereof, shall be void, *id.* s.2.

37. Any person who shall ransom, or enter into any contract for ransoming any such ship or goods on board her, shall forfeit 500*l.*, to be recovered with full costs in any court of record in Westminster, in which action no imparlance, &c. or wager of law shall be allowed, *id.* s.3.

38. FOR BETTER PREVENTING OFFENCES IN OBSTRUCTING, destroying or damaging ships or other vessels, and in obstructing seamen, keelmen, casters and ship-carpenters from pursuing their lawful occupations, 33 G.3. c.67. [CON. 41 G.3. (G.B.) c.20. s.4. MADE PERF. 41 G.3. (U.K.) c.19. s.4.]

39. If any seamen, keelmen, casters, ship carpenters or other persons riotously assembled together to the number of three or more, shall unlawfully, and with force prevent, hinder or obstruct the loading or unloading, or the sailing or navigating of any ship, keel or other vessel, or shall unlawfully, and with force board any ship, keel, &c. with intent to prevent, &c. the loading or unloading, or sailing or navigating thereof, such seamen, keelmen, &c. being thereof convicted by indictment found in any court of *oyer and terminer* or quarter sessions for the county, riding, &c. where the offence was done, shall be committed to the house of correction, there to be kept to hard labour for any term not exceeding 12 nor less than 6 calendar months, 33 G.3. c.67. s.1.

40. If any seaman, &c. shall unlawfully, and with force, prevent, &c. any seaman, &c. as in s.1. from working at or exercising his lawful trade or occupation, or shall wilfully and maliciously assault, beat or wound, or use any bodily violence or hurt upon any seaman, &c. with intent to deter, prevent, &c. such seaman, &c. from working at or exercising his lawful trade and business, he shall, on conviction, in like manner as in s.1. be committed to prison, and kept to hard labour for such time as in s.1. aforesaid, *id.* s.2.

41. If any seaman, &c. as in s.1. shall be convicted of any such offences in pursuance of this act, and shall afterwards offend again in like manner, he shall, on conviction in like manner as in s.1. be for such second and every subsequent offence adjudged guilty of felony, and be transported to any of H.M.'s dominions beyond sea for not exceeding 14 or less than 7 years, *id.* s.3.

42. None of the pains and punishments hereinbefore inflicted, shall be deemed to extend to any act, deed or thing done in the service, or under the authority of H.M., *id.* s.4.

43. Every seaman, &c. or other person who shall wilfully and maliciously burn or set fire to any ship, keel or other vessel, shall, on conviction in any court of *oyer and terminer* to be holden for the county or place where the offence was done, be adjudged guilty of felony, without benefit of clergy, and suffer death as in such cases, *id.* s.5.

44. If any seaman, &c. or other person, shall wilfully and maliciously destroy or damage any ship, keel or other vessel, otherwise than by fire, he shall, on conviction, as in s.1. be adjudged guilty of felony, and transported as in s.3., *id.* s.6.

45. In case any of the offences hereinbefore described are committed on the high seas, they shall be triable, and the offenders prosecuted under this act in any session of *oyer and terminer* and gaol-delivery for the trial of offences committed on the high seas within the jurisdiction of the admiralty of Eng., *id.* s.7.

46. No person shall be prosecuted under this act for any such offences, unless such prosecution be commenced within 12 calendar months after the offence done, *id.* s.8.

47. TO PROVIDE THAT BRITISH SHIPS CAPTURED BY THE enemy, and afterwards becoming the property of British subjects, by purchase [see preamble] shall not be entitled to the privilege of British ships, 48 G.3. c.70. [AMD. 49 G.3. c.41.]

48. No British built ship hereafter captured by the enemy shall be registered as a British-built ship, or enjoy the privileges thereof, but, though owned by a British subject, shall be deemed a foreign-built vessel, 48 G.3. c.70.

49. But any British-built ship recaptured from the enemy by any king's ship of war, or by any ship having letters of marque, or by any ship of war of any state in alliance with H.M. may be registered, and shall have the privileges of a British-built ship as if it had not been so captured, 49 G.3. s.41.

40. TO LIMIT THE RESPONSIBILITY OF SHIP-OWNERS in certain cases, 53 G.3. c.159. [PUBLIC clause, *id.* s.17.; and see ante, pl.21.]

51. No owner or part owner of any vessel shall be liable to answer for or make good any loss or damage arising by reason of any neglect or act done, omitted, or occasioned, without their fault or privity, which after 1st Sept. 1813 may happen to any other vessel, or to any goods or things on board thereof, further than the value of his own vessel and the freight due, or to grow due for the voyage then in prosecution, or contracted for at the time of such damage happening, *id.* s.1.

52. The value of the carriage of any goods, &c. belonging to any owner of such vessel, and the hire due, or to grow due under any contract whether made by or for H.M., or by or on behalf of any other person, or any body politic or corporate soever, except only such hire as in the case of a vessel hired for time, may not happen to be carried till the expiration of 6 calendar months after the happening of such loss, shall be considered as freight within this act as well as 7 G.2. c.15. and 26 G.3. c.86. (see ante, pl.21—30.), *id.* s.2.

53. In case any such loss or damage shall arise by more than one distinct accident, act, neglect or default, or on more than one occasion in the course, or after the end of a voyage, and before the commencement of another, each loss, &c. shall be paid and satisfied according to this act, in the same way and to the same extent as if no other loss had happened during the same voyage, or after the end of any voyage, and before the commencement of another voyage, *id.* s.3.

54. Nothing herein shall lessen or take away any responsibility to which any master or mariner of any vessel is now by law liable, notwithstanding their being an owner or part owner of such vessel, *id.* s.4.

55. Nothing herein shall extend to the owner of any lighter, barge, boat or vessel of any burthen or description soever, used solely in rivers or inland navigation, or any vessel not duly registered, *id.* s.5.

56. Nothing herein shall prevent any action, &c. being brought or proceeded in, in any court of competent jurisdiction, by any person who has suffered loss or damage within this act against any such owner or part owner, notwithstanding another person may have suffered loss by the same means on the same occasion, subject to an order of court to restrain proceedings therein on special circumstances as justice shall require, *id.* s.6.

57. Where several persons sustain loss or damage in or to their goods, &c. ships or otherwise, by any means, for which the owner's responsibility is limited by s.1. and the value of the vessel with her appurtenances, and the amount of her freight, estimated as in s.2., are insufficient to make full compensation to all the persons suffering such loss, &c. the persons liable to make satisfaction for the same, or one or more of them, on his or their own behalf, and the other owners of such vessel may exhibit a bill in any competent court of equity against all the plaintiffs in such action brought as in s.6. and all other persons claiming recompence on the same occasion, to ascertain the amount in value of the vessel, appurtenances and freight, and for distribution thereof rateably among the sufferers, to the amount of their losses, according to the rules of equity; provided that the plaintiffs in such bill shall annex thereto an affidavit that he doth not collude with any defendant or other owner of the same vessel, or other person, but that such bill is filed for the purposes of justice, and to obtain the benefit of this act; that the several persons named as defendants to the said bill are, as he verily believes, all the persons claiming recompence for loss sustained on the same occasion; and that all such defendants do claim such recompence, and to be entitled to proportion of the value of such vessel, &c.; and that no other person makes such claim under this act; and that the value of such vessel, &c. does not exceed a sum to be specified; and that the several claims of the defendants exceed the value of such vessel, &c.; and the plaintiff in such bill shall, on filing the same, apply to the court, and obtain an order for liberty to pay the value of such vessel, &c. into court, and shall so pay the same; and no defendant to such bill shall be compellable to put in his answer till such payment is made, unless the court order security to be given for the same, or make other order to the contrary; and unless such money be so paid into court, or security be given according to such order within one month after bill filed, the same shall, at the end of such month, be dismissed without motion, and the court shall order costs to the defendants; or in case such security is given, but the value is not afterwards paid into court within the time limited, such bill shall be dismissed with costs as above; and in case such bill is dismissed after such value paid into court or security given, the court shall direct the money so paid in to be paid to the several defendants proportionably, and shall order any security so given as above to be put in suit, and the money to be recovered thereon to be paid into court, and distributed in like manner; which payments shall be without prejudice to any action instituted by any other party to such bill for any such loss, &c. though it may have arisen on the same occasion as the losses, &c. for which recompence shall be claimed by the defendants to such bill; and all payments made under order of the court shall be without prejudice to recovery of costs

in any action brought by any such defendant, unless otherwise provided for by the court, 26 G. 3. c. 86. s. 7.

58. If it appear to the court in which such bill is filed, that the money paid in, or for which security is given, is not the true value of such vessel, appurtenances, and freight, as in s. 7., the court shall order such further sum to be paid, or security to be given as they think proper, and may at any time order security to be given for the costs of such suit; and if such further sums are not paid, or further security given, within the time limited, the bill shall stand dismissed without order given, and the court shall thereupon order payment of costs by plaintiffs to the defendants, and direct the application of any money paid into court, or due, on security given, as in s. 7., as appears just, *id.* s. 8.

59. If after any such suit instituted, it shall become abated or imperfect in the whole or in part, and shall not be revived, or perfected within the limited time, it shall stand dismissed without motion, and the court shall order the costs to be paid to defendants or their representatives; and if plaintiff is dead, the costs shall be a charge on his assets, recoverable as a debt by simple contract, *id.* s. 9.

60. The court in which any such bill shall be filed, may take all such measures as shall seem just, for ascertaining the value of the vessel, appurtenances, and freights, the amount of the losses claimed by defendants, and for payment of the said value among the several persons entitled thereto, and generally may act as seems just; and plaintiff shall pay costs, unless the court shall otherwise order, *id.* s. 10.

61. All costs to be paid by the plaintiff in any such suit, shall be taxed as between attorney and client, if the court shall so order, *id.* s. 11.

62. If any such bill is filed, and is afterwards dismissed by default of plaintiff therein, as above, or under any order of court, no new bill shall be filed by such plaintiff or his representatives, or other owner, &c. of the same vessel, unless the court declare the dismissal to be without prejudice to filing a new bill, either conditionally or otherwise, *id.* s. 12.

63. Where any money is paid into court, as the value of any such vessel, appurtenances, and freight, all interest thereof, while it remains in court, shall be considered as belonging to the parties entitled to the principal or proportions thereof, and shall be distributed accordingly; and any security given for such value shall bear interest, and be applied as above, *id.* s. 13.

64. Any such bill, which is filed by any part-owner, or owners of any vessel, on behalf of himself and the other part-owners, shall bind all the others and their representatives, as if plaintiffs in such bill; and if such plaintiffs or other part-owners die, the right of action against them, founded on any tort, shall not be lost, but their representatives may be provided against, as if it had been founded on contract, *id.* s. 14.

65. Any court competent to act as a court of equity for the purposes of this act, is deemed a court of equity for such purposes, *id.* s. 15.

66. All money paid for any loss or damage, in respect whereof the owners' responsibility is limited by this act, or by 7 G. 2. c. 15., or 26 G. 3. c. 86., or any costs incurred in relation to such loss, &c., shall be brought to account among the part-owners of such vessel as money disbursed for the use thereof, *id.* s. 16.

67. TO ALLOW SHIPS TAKEN AND CONDEMNED for being used in carrying on the slave trade, to be registered as *British* built ships, 54 G. 3. c. 59. [Ext. 1 & 2 G. 4. c. 99. s. 11.]

68. All vessels, whether *British* or foreign, which at any time after passing this act, shall become forfeited under any act in force, or hereafter to be passed for abolition of the slave trade, and are adjudged forfeited in any court of record in G. B., or condemned as forfeited in any court of admiralty or vice admiralty in any part of H. M.'s dominions, for any offence relative to the slave trade, shall, after such judgment or condemnation, be entitled to certificates of registry, as *British* ships, and shall enjoy all the privileges thereof, in like manner with vessels taken by H. M.'s ships of war, and condemned as lawful prize in admiralty courts, and shall be liable to the same regulations, registry, and penalties as the latter, 54 G. 3. c. 59.

69. EVERY SHIP SEIZED BY ANY VESSEL OF H. M., for being employed in any illicit traffic in slaves, in violation of either of the said conventions, [see ss. 110. SLAVE TRADE, *pl.* 124—133.] and which before passing this act, viz. 10th July 1821, or which may hereafter be condemned as forfeited, by any commission court established under either of them, shall have a certificate of registry as, and shall be deemed a *British* built and registered ship, and shall be subject to the same regulations and penalties as ships condemned in any court of admiralty soever, in any part of H. M.'s dominions, for any offence relating to the slave trade, 1 & 2 G. 4. c. 99. s. 11.

70. TO ASCERTAIN THE TONNAGE OF VESSELS propelled by steam, 59 G. 3. c. 5.

71. The rule for admeasuring steam vessels, shall be this: the length shall be taken on a straight line along the rabbet of the keel, from the back of the main stern post to a perpendicular line from the fore-part of the main-stem under the bowsprit, from which, deducting the length

of the engine-room, and subtracting 3-5ths of the breadth, the remainder shall be esteemed the just length of the keel to find the tonnage; the breadth shall be taken from the outside of the outside plank in the broadest part of the vessel, whether above or below the main-wales, exclusive of all doubling planks wrought on the sides of the vessel, then multiplying the length of the keel by the breadth so taken, and that product by half the breadth, and dividing the whole by 94, the quotient shall be deemed the contents of the tonnage; and it shall not be lawful to stow any goods (except fuel for the voyage) in such engine-room, or if they are so stowed, the vessel shall be deemed one which has not been admeasured according to this act, and shall be liable to consequences, 59 G. 3. c. 5.

SIERRA LEONE COMPANY.

(STATUTES repealed.)

1. FOR ESTABLISHING THE *Sierra Leone* company, consisting of *Granville Sharpe* and others, for carrying on trade between G. B. and Africa; and for enabling them to hold by grant from the crown, and from the native *African* princes, the peninsula of *Sierra Leone*, for better enabling them to carry on that trade, 31 G. 3. c. 55., [REP. 47 G. 3. S. 2. c. 44.]

(STATUTES in force.)

1. FOR TRANSFERRING TO H. M. CERTAIN POSSESSIONS and rights vested in the *Sierra Leone* company; and for shortening the duration of the said company; and for preventing any dealing in, buying, or selling of slaves within the colony, 47 G. 3. S. 2. c. 44.

2. The letters patent granting such possessions, buildings, forts, &c. are declared void, the latter vesting in H. M., s. 1.; the company to determine in 7 years, s. 2.; the governor of the colony to decide what buildings shall be surrendered, and what vested in H. M., s. 3.; dealing in slaves in the colony prohibited, *id.* s. 4.

SIGNALS.

1. TO ENABLE H. M. TO ACQUIRE GROUND NECESSARY for signal and telegraph stations, 55 G. 3. c. 128.

2. The lord high admiral, or any 3 or more commissioners of the admiralty may, from time to time, by writing under their hands, authorize any person to survey and mark out any lands or hereditaments wanted for the above purposes, and to agree with the owners, either for absolute purchase, or for the possession thereof for a term as the public service requires, *id.* s. 1.

3. If any obstruction shall arise, grow, or be occasioned, or be intended to be made between any 2 such signal, &c. stations, the admiralty may agree for its removal, under the same powers as hereinafter provided for acquisition of the lands necessary for their erection, *id.* s. 2.

4. All bodies politic and corporate, trustees for all public purposes and for private persons, husbands, guardians, committees, curators, or attorneys for all disabled or absent persons, interested in any such lands, may contract for the sale or demise thereof as in s. 2., *id.* s. 3.

5. In case any such bodies or persons, in s. 3. mentioned, or any other person interested in such lands, shall for 14 days next after notice in writing subscribed by such person authorized, as in s. 1. shall be given to the principal officers of such bodies, or to such other persons, or left at his usual abode, shall refuse or by absence cannot treat for such sale, or shall refuse to accept the sum of money offered for the absolute purchase or annual hire thereof, then the person so authorized may require 2 or more justices, or 3 or more deputy lieutenants, (one being a justice) or 2 or more deputy governors for the county, &c. or place where the lands lie, to put H. M.'s officers into immediate possession thereof: and they shall issue a warrant, commanding the same to be done, and shall issue warrants to the sheriffs of the county or place where situate to summon a jury, which shall accordingly be returned to the number of 24, who shall meet at some convenient time and place named in the summons, from whom 12 shall be drawn, as jurors for trial of issues are drawn by law in *Eng.* and *Ire.*, and for trial of offences in *Scot.*, and the sheriff may choose a *tales* of the bystanders, qualified as above; and the jurymen may be challenged by either party, but not the array, and the said justices, &c. may summon witnesses, and adjourn the meeting if jurymen or witnesses do not attend, and the jury on hearing the evidence shall, on their oaths, which may and shall be administered by such justices, &c. respectively, [semble meaning by any one of them] find the compensation to be made in either of the above cases, *id.* s. 4.

6. If the admiralty or any person interested therein, [semble meaning in such lands] shall be dissatisfied with the verdict of any such jury, they or their attorneys in *Eng.* and *Ire.*, may apply to the court of exchequer at *Westminster* or *Dublin* respectively, in the next term, and in *Scot.* may apply in 14 days after verdict to the court of session, or

lord ordinary in vacation, and may suggest that they have reason to be dissatisfied; and thereupon, on giving notice to the opposite party, the proceedings and verdict shall be returned into the said exchequers respectively; and, if they think proper, a suggestion may be entered on such proceedings, and a writ by rule of court or order of any judge thereof shall be directed to the sheriff of the county where the lands lie, or if they lie in 2 counties to the sheriff of either, to summon either a common or special jury, as may be ordered by the court, to appear at the next assizes or sitting at *nisi prius*, if not happening sooner than 21 days after such suggestion, or otherwise at the next assizes or sittings; and the compensation for the same shall there be ascertained by the jury, as on a writ of enquiry, and their verdict returned to exchequer; and in *Scot.*, like order shall be made to summon a jury to appear before the lords of justiciary at their next circuit: and the verdicts of the juries shall be final, unless the court which allowed the inquiry on application in the first 4 days of the next term, or sessions if in *Scot.* shall order a new trial, 55 G.3. c. 128. s. 5.

7. Any jury impanelled (as in s. 4. or s. 5.) may ascertain the compensation to be paid for any lands or hereditaments under this act, and may also settle the proportion to be paid from the same to any persons interested therein as lessees or tenants at will, or otherwise, which shall be returned on the verdict; but where any such inquiry (as in s. 5.) is had on application of any such lessee, &c. or person having such inferior interest therein, as above, who is dissatisfied with the proportion settled to be paid for such his interest, the jury shall not alter the amount of the intire compensation, but only that of the proportion awarded, and no jury on such enquiry had on application of the admiralty, shall alter the proportion settled by any former jury, as to any separate interest in such lands, *id.* s. 6.

8. The court, judge, or lord ordinary, making any such rule or order as in s. 5. may require the party applying to give such security for costs as they think proper, *id.* s. 7.

9. Where any such lands are taken under this act for a term of years, the admiralty or person so authorized (as in s. 1. *pl.* 2.) may, before redelivering of possession to the owners, take down all buildings erected thereon for the public service, and carry away the materials, making reasonable compensation for the injury done by such erection, or carrying away the same, and if the owners refuse to accept the same, the person so authorized shall apply to 2 justices of the county or place to settle the compensation for such injury, who shall settle the same, and grant a certificate thereof, and the amount shall be forthwith paid by the treasurer of the navy to the persons entitled thereto, but all private agreements respecting such buildings shall remain valid, *id.* s. 8.

10. Where any money shall be agreed, or shall be found by the verdict of any jury, to be paid for the use or absolute purchase of any lands taken under this act, belonging to any persons disabled as above, or not having the absolute interest therein, the same shall be paid by the navy treasurer into the hands of the deputy remembrancer of exchequer, at *Westminster*, *Edinburgh*, or *Dublin* respectively, for the time being, for the benefit of the person hereby required to accept and give discharge for the same; which deputy shall, on receipt thereof, sign a certificate to the judges of the said exchequers respectively, under his hand, signifying that such money was received by and paid to him, for the use of the person named in the certificate, which shall be filed in the respective exchequers, (by which such lands, &c. become vested in H. M.) and a true copy thereof signed by the deputy remembrancer, shall be evidence for the purposes hereinafter mentioned, and such deputy remembrancer shall, on receipt thereof, pay such sums into the banks of *Eng.*, *Scot.*, or *Ire.*, as may be necessary, *id.* s. 9.

11. The judges of the above exchequers of the degree of the coif, or any 2 or more of them, may in a summary way, (on motion or by petition on behalf of any person entitled to the benefit of the money paid to the deputy remembrancer, or the interest thereof, and on reading the certificate in s. 9.) and receiving any further satisfaction which they think necessary, make orders for paying the said money, or for placing it in the funds, or on government or real securities, and for payment of the dividends or interest thereof to the persons entitled thereto, or for laying it out in land, to be settled to the same uses as those so taken stood settled at the time of payment, as near as can be done for the benefit of the party entitled; or for appointing trustees for all such or any purposes as are thought reasonable by the court, *id.* s. 10.

12. On the death or removal of any such deputy remembrancer, all stocks and securities vested in him by this act shall vest in his successor, for the above purposes, without assignment or transfer, and all monies paid by him into the above respective banks, and not vested in the funds, or placed out in securities as above, shall be paid over to such successor, *id.* s. 11.

13. Where H. M.'s remembrancer shall execute the office in person, all the powers hereby vested in such remembrancer shall vest in him, *id.* s. 12.

SILK MANUFACTURES.

1. FOR REGULATING THE TRADE OF SILK THROWING, 13 & 14 C. 2. c. 15. Recital (s. 1.) of the incorporation of the silk throwers of *London* by patent *duns*, 5 C. 1. [AMD. 20 C. 2. c. 6. 8 & 9 W. 3. c. 36. s. 6. CONF. 22 C. 2. c. 27. s. 10. AMD. *id.* s. 11. and by 32 G. 3. c. 44. s. 4—5. as to the punishment of embezzling and of receiving silk, knowing it to be embezzled or stolen.]

2. No person shall use the art or mystery of a silk throwster, except apprentices to the trade, or such as have served seven years apprenticeship thereto, on penalty of 40s. for every month he shall use the trade, in moieties to H. M. and the party suing for the same in any court of record, or before any justices of *oyer* and *terminer*, or of peace, at their quarter sessions, by action of debt or information, 13 & 14 C. 2. c. 15. s. 2.

3. The laws made for government of the trade of silk throwsters, shall be agreeable with the laws of the realm, and customs of the city of *London*, *id.* s. 4.

4. The master, wardens, assistants, and commonalty of the trade, art, or mystery of silk throwsters of the city of *London*, shall have and may execute within *London* and *Westminster*, or 20 miles compass of them, all such privileges and authorities as by this act or the letters patent in s. 1. are given for regulation of the trade, *id.* s. 5.

5. Every silk winder and doubler who shall embezzle, pawn, sell or detain any silk delivered to him to wind or double, and the receiver of such silk being thereof convicted by confession, or by one witness on oath before one justice, or before the mayor or chief officer of a city or town corporate, shall pay the parties grieved such satisfaction for their damage and charges, as such justice, &c. shall order, *id.* s. 6. [further punishment, *pl.* 10.]

6. If any silk winder or doubler shall hereafter be found faulty in deceitfully purloining, embezzling, pawning, selling, or detaining any silk committed to his trust, any justice or chief officer of any county, liberty, or corporation, shall immediately on conviction, by confession of the party, or on oath of one witness before him, commit the offender to prison, or house of correction, till satisfaction be given, or punishment inflicted under 13 & 14 C. 2. c. 15., 20 C. 2. c. 6. s. 3. [further punishment, *pl.* 10.]

7. Every person that shall embezzle, pawn, sell, or detain any silk delivered to be worked up, or after the same is wrought up, and every receiver and buyer, or taker to pawn of such goods, shall be liable to the punishments of 13 & 14 C. 2. c. 15. and 20 C. 2. c. 6., 8 & 9 W. 3. c. 36. s. 6. [further punishment, *pl.* 10.]

8. No more damage shall be awarded than the party grieved shall prove he is damaged, and hath expended in looking after the same, and if the offender shall not, in 14 days after conviction, make the satisfaction by such justice, &c. appointed as in s. 6. *pl.* 5., the offender shall be apprehended and whipped, or set in the stocks in the place where the offence is committed, or in some market town in the county near such place, as by such justice, &c. is appointed; and for the second offence shall incur the like or further whipping or setting in the stocks, at discretion of the latter, 13 & 14 C. 2. c. 15. s. 7.

9. Every receiver, buyer, or pawnee of any silk embezzled or purloined, contrary to this act, (matter of fact being proved,) shall make satisfaction within the time aforesaid, or else shall be subject to the punishment by this act inflicted for purloining or embezzling such silk, [see s. 6. *pl.* 5.], *id.* s. 8.

10. Every person who shall buy, receive, accept or take by way of gift, pawn, pledge, sale, or exchange, or in any manner soever of or from any person employed to make or work up the silk manufacture, or any silk manufacture mixed with other materials, any silk, whether the same or a part thereof be first wrought, made up or manufactured, and whether mixed with other materials or not, knowing such person to be so employed, and not having first obtained his employer's consent; or whether any silk has been purloined or embezzled by any person soever, shall buy, receive, or take in any manner from any person soever any such silk, whether wrought or mixed or neither, knowing it to have been purloined, &c. shall be proceeded against as directed by 22 G. 2. c. 27. s. 2. and 17 G. 3. c. 56. s. 3. (MANUFACTURES); or may be prosecuted for a misdemeanor, and shall be punished by fine, imprisonment, or whipping, as the quarter sessions shall inflict, though no proof be given on the trial to whom such silk belongs, 32 G. 3. c. 44. s. 4.

11. Any freeman of the company in *pl.* 4. may set on work any native subjects to H. M. not having served an apprenticeship, and no others, to turn the mill, tie threads, double and wind silk, as formerly, 13 & 14 C. 2. c. 15. s. 9.

12. The said corporation of silk throwsters shall not make any bye-laws to set prices on the throwing of silk, to bind their members to work at, *id.* s. 10.

13. The company are disabled from making any bye-law to restrain the number of mills, spindles, or other utensils to be employed by any

freeman of the company, 20 C. 2. c. 6. s. 2.; and no bye-law of the company shall limit any freeman to take less than 3 apprentices, *id.* s. 4.

14. No person shall, by virtue of any of the above acts or this act, suffer any of the punishments thereby inflicted twice for the same offence, 22 G. 2. c. 27. s. 11.

15. FOR BETTER ENCOURAGEMENT of the royal lustring company, 9 & 10 W. 3. c. 43. [ENF. 5 & 6 A. c. 20. These acts are not inserted at length, being of a personal nature, but 9 & 10 W. 3. c. 43. in part provides for more effectually preventing fraudulent importation of lustrings and alamodes.]

16. FOR MORE EFFECTUAL EMPLOYING THE POOR BY ENCOURAGING the manufactures of the kingdom, 11 & 12 W. 3. c. 10. [AMD. 8 A. c. 13. s. 24. 15 G. 2. c. 31. ss. 8—10.]

17. All wrought silks, *Bengals*, and stuffs mixed with silk or *herba* of the manufacture of *Persia*, *China*, or the *East Indies*, and all calicoes painted, dyed, printed, or stained there, which are imported into this kingdom, shall not be worn or otherwise used in *Eng.*, *Wa.* or *Ber.* but under these limitations following, 11 & 12 W. & M. c. 10. s. 1.

18. All such silks, &c. and calicoes painted, &c. as in last *pl.* imported into *Eng.*, *Wa.*, or *Ber.*, shall, after entry, be forthwith put in the warehouses appointed by the customs, and none of them taken thence except for exportation, and until security is first given to H. M. (taken by the commissioners of customs) that the same shall be exported and not relanded in *Eng.* &c. which securities shall be discharged *gratis* on certificate returned under common seal of the chief magistrate in any place beyond seas, or under the hands of two known *Eng.* merchants there, that such goods were there landed, or on proof by credible persons that they were taken by enemies, or perished at sea, such proof being left to the said commissioners judgment, *id.* s. 2.

19. Such securities, in case there be no prosecution for some breach or non-performance of the respective conditions thereof within 3 years after their dates, or if judgment is not obtained for the crown in 2 years after prosecution on them commenced, shall be void, and delivered up to be cancelled by the officers having them in possession, without fee, 8 A. c. 13. s. 24.

20. All such silk, calico goods, &c. (as in s. 1. *pl.* 17.) whether mixed or made up together for sale or not, found in any place other than the above-mentioned warehouses, shall be forfeited and liable to be searched for and seized as under 13 & 14 C. 2. c. 11., and shall be carried to the next custom house, and sold publicly by inch of candle, to the best advantage for exportation; the buyer giving security for the export as aforesaid, and 1-3d of the produce of the sale shall be paid to H. M. and 2-3ds to the seizers or prosecutors for the same; and the persons having the same in custody shall, besides, forfeit 200*l.*, 1-3d to H. M. and 2-3ds to the person suing for the same, to be recovered by action of debt or information in any court of record at *Westminster*, without essoin, or more than one imparlance allowed, 11 & 12 W. 3. c. 10. s. 2.

21. The terms on which the above goods, in 11 & 12 W. 3. c. 10. s. 1. mentioned, may be taken out of the warehouses and refreshed for foreign markets, under the care of custom-house officers, to be paid for their trouble therein by the owner, are herein prescribed, 15 G. 2. c. 31. s. 8.

22. If any person shall import into any port of this kingdom, &c. other than that of *London*, any of the above goods, or into the port of *London*, without making due entries, it shall be deemed clandestine running thereof; and such persons and their abettors shall forfeit the goods, and 500*l.*, to be divided as in s. 2. *pl.* 20., 11 & 12 W. 3. c. 10. s. 5.

23. The proof of the place where the goods were manufactured shall lie on their owner and not on the prosecutor, *id.* s. 4.

24. In any action or information for any thing done in pursuance hereof, defendant may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or prosecutor discontinue, or is nonsuit, or has a verdict against him, defendant shall have treble costs, *id.* s. 5.

25. The duty of warehousekeepers as to goods brought in or carried out of their warehouses, and provisions for their accounting on oath for the same, with a forfeiture of office and 500*l.* penalty, divided as in s. 2. *pl.* 20., if it appear that any goods were carried out, unless for exportation, or before sufficient security given for the same, are enumerated in *id.* s. 6.

26. Account shall be made to parliament of all such of the above mentioned goods as have been taken out of the warehouses to be refreshed and returned, 15 G. 2. c. 31. s. 9.

27. Officers not returning the goods so taken out of the warehouses into the same, shall forfeit as well the value of such goods and be disabled from future public employment, as also 500*l.* for every such offence, to be recovered and divided as in 11 & 12 W. 3. c. 10. s. 2. *pl.* 20., *id.* s. 10.

28. The proprietors of the goods so warehoused may affix one lock to every such warehouse, the key remaining in their custody, that they may view, sort, or deliver the goods for exportation, in presence of the warehouse-keepers, who shall, at reasonable times, attend for that purpose, 11 & 12 W. 3. c. 10. s. 8.

29. TO IMPOWER THE MAGISTRATES THEREIN MENTIONED TO settle and regulate the wages of persons employed in the silk manufacture, within their respective jurisdictions, 13 G. 3. c. 68. **PUBLIC clause**, *id.* s. 11. [AMD. and EXT. to manufactories of silk, mixed with other materials, 32 G. 3. c. 44. ss. 1—3. also EXT. to the wages and prices of work of journeywomen silk-weavers, within *London*, *Westminster*, and *Middlesex*, 51 G. 3. c. 7.]

30. The wages of journeymen [and women, 51 G. 3. c. 7.] weavers of silk [and of materials mixed with silk, 32 G. 3. c. 44. s. 1.] of *London*, shall be settled by the lord mayor, recorder, and aldermen of the city; in *Middlesex*, by the justices for the county; within the city and liberty of *Westminster*, at the quarter sessions for that city; and within the *Tower* liberty, at the quarter sessions for the liberty; at their general quarter sessions respectively; and the lord mayor, &c. and the said justices, on application to them for that purpose, shall settle and declare the wages of the journeymen weavers working within their jurisdictions, and shall within 14 days of making the order, cause the same to be printed and published at the expence of the applicant, 3 times in any 2 daily newspapers published in *London* and *Westminster*, which publication shall be deemed notice, and afterwards all such weavers and their journeymen [and women, 51 G. 3. c. 7.] shall observe the same, 13 G. 3. c. 68. s. 1., 32 G. 3. c. 44. s. 1., 51 G. 3. c. 7.

31. Any master weaver giving more or less wages to any of the journeymen [or women, 51 G. 3. c. 7.] for their work than shall be so allowed, and being convicted thereof before two justices, on the oath of one witness, shall forfeit 50*l.* to be levied by distress and sale of goods, which, when recovered, shall be paid into the hands of the master of the weavers' company, first deducting the expence of such prosecution, to be distributed to the distressed journeymen [QU. and women, 51 G. 3. c. 7.] weavers or their families, who have been last employed in either of the said jurisdictions at their discretion, 13 G. 3. c. 68. s. 3.

32. If any journeyman [QU. or woman? 51 G. 3. c. 7.] weaver of silk [or silk mixed with other materials, 32 G. 3. c. 44. s. 1.] shall ask or take more or less wages, or larger or less prices, or shall enter into any combination to raise the wages or prices of the work, or for this purpose shall decoy, solicit, or intimidate any journeyman, so that he or they shall quit their masters for whom they are then employed, or if any such journeyman or men shall assemble together in numbers exceeding 10, in order to frame or deliver petitions touching their wages, except to the justices, or to the lord mayor, &c. at the quarter sessions, and shall be convicted of any such offence, on the oath of one witness before 2 justices, he or they shall forfeit not exceeding 40*l.* to be applied as in s. 2. *pl.* 20., and if not immediately paid, the justices may commit the offender to the house of correction to hard labour for not exceeding 3 months, *id.* s. 3.

33. Two justices on information on oath, that there is reason to suspect that any master or journeyman [QU. or woman? 51 G. 3. c. 7.] hath been guilty of any of the above offences, may at the request of such informant issue their summons in writing, signed by them, requiring any clerk, foreman, apprentice, servant, or other person employed by such suspected person, or other person soever to attend and testify concerning the premises, and if any person so summoned shall not attend, and proof is made of the service of such summons, either personally or by leaving the same at such person's abode; the same or any 2 other justices (unless a reasonable excuse be made for their non-attendance) shall issue their warrant for apprehending and bringing them before them, or some other 2 or more justices, to be examined touching the persons, and any such person refusing to be examined or give evidence, shall by the latter be committed to the house of correction for one month, unless he shall sooner submit to be examined, *id.* s. 4.

34. If any master weaver residing within the limits shall directly or indirectly employ any journeyman [QU. or woman? 51 G. 3. c. 7.] out of the above limits with intent to evade this act, or shall give more or less wages than is settled, he shall forfeit 50*l.*, to be sued for by action of debt in any court of record at *Westminster*, without essoin, &c., wager of law, or more than one imparlance allowed, with costs of suit, one moiety of which forfeiture shall be paid to H. M., and the other to him who will sue, *id.* s. 5.

35. Nothing in this act shall regulate the wages to be paid to servants *bonâ fide* employed as foremen, *id.* s. 6.

36. No weaver within the said districts shall have in his service at one time, more than two apprentices on pain of forfeiting 20*l.*, to be levied by distress and sale of goods on conviction on the oath of one witness before 2 justices, and to be paid into the hands of the master of the weavers' company, for application as aforesaid, and the justices shall discharge every apprentice exceeding two, *id.* s. 7.

37. The justices before whom any person is convicted of any offence either against 13 G. 3. c. 68. or this act, shall cause the conviction to be drawn up in the form or to the effect following:

Be it remembered, that on this — day of — in the year of our Lord to wit: — A. B. is convicted before us — of H. M.'s justices of the peace, in and for the said county of — or for the city, liberty, town, or place, [as the case may be] for [here specify the offence, and when and where committed]

and we the said justices do adjudge him [or her] to pay and forfeit for the same, the sum of —. Given under our hands and seals the day and year first above written.]

and shall cause the same to be fairly written on parchment, and transmitted to the next general or quarter sessions of the peace for the county, &c. or place to be filed among the records thereof, 32 G. 3. c. 44. s. 2.

38. No order touching any matters in this act, or proceedings touching the conviction of any offender against 13 G. 3. c. 68. or this act, shall be granted for want of form, or be removeable by *certiorari* into K. B. or other court soever, *id.* s. 3.

39. FOR THE PUNISHMENT OF RECEIVING SILK, KNOWING THE seller to be employed in silk manufacture, [see s. 4. *supra*, pl. 10.]

40. Any person convicted under this act, before 2 justices, may appeal to the next general quarter sessions, or general sessions, giving immediate notice of such appeal, and finding sufficient security to the satisfaction of the justices then personally present, and for prosecuting the appeal with effect, and abiding the judgment of the court; and such sessions shall finally determine the matter, and may award costs to either party, and if such conviction is affirmed at sessions, the appellant shall be committed to prison for the time specified in the conviction, and until payment of costs is awarded, 13 G. 3. c. 68. s. 8.

41. No action shall be brought against any person for any thing done under this act, unless brought within 6 months, *id.* s. 9.

42. Defendants in such actions may plead the general issue, giving this act and the special matter in evidence and if plaintiff discontinues, or is nonsuit, or forbears further prosecution, or if judgment is given for defendant, the latter shall recover his full costs, *id.* s. 10.

43. The lord mayor, &c. of London, and the justices in their respective jurisdictions throughout the districts in 13 G. 3. c. 68. s. 1. pl. 30. mentioned shall regulate the wages and prices of work of journeymen [and women, 51 G. 3. c. 7.] weavers working within such jurisdiction in any manufacture of silk mixed or wrought up with other materials as fully as in that act provided for the manufacture of silk only; and the 13 G. 3. c. 68. shall in every respect apply to such mixed manufactures of silk and cotton, 32 G. 3. c. 44. s. 1.

44. All the powers of 13 G. 3. c. 68., and 32 G. 3. c. 44., for regulating and declaring the wages and prices of work of journeymen weavers in the manufactures of silk, and of silk mixed with other materials, shall be enforced within the said jurisdictions in 13 G. 3. c. 68. s. 1. mentioned, for regulating, &c. the wages of journey-women weavers in the above manufactures, with the same penalties for breach thereof, as in those acts enacted, 51 G. 3. c. 7. s. 1. [QU. if the other provisions and penalties of 13 G. 3. c. 68. not applying to settling or giving more wages than are allowed under those acts, are extended to journey-women silk, &c. weavers by this act.]

45. FOR PUNISHING PERSONS WILFULLY AND MALICIOUSLY DESTROYING any silk goods, or any implements prepared for or used in the manufacture thereof, 22 G. 3. c. 40. s. 2. [See rest of this title and statute, LINEN MANUFACTURES, WOOLLEN MANUFACTURES. EXT. to Scot. 29 G. 3. c. 46. s. 3.]

46. If any person shall by day or night, break into, or enter by force, into any house or shop with intent to cut or destroy any velvet, wrought silk, or silk mixed with any other materials, or other silk manufacture in the loom, or any warp, or shute, tools, tackle, or utensils, or shall wilfully and maliciously cut or destroy any velvet, wrought silk, or silk mixed with any other materials, or other silk manufacture in the loom, or any warp, or shute, tools, tackle, or utensils prepared or employed in the making thereof, or shall wilfully, &c. break or destroy any tools, &c. used in or for the weaving or making of any such velvet, wrought, or mixed silk, or other silk manufacture, without the owner's consent so to do, shall be guilty of felony without clergy [in Scot. being convicted before justiciary or circuit court, shall suffer death, as in other capital crimes, 29 G. 3. c. 46. s. 3.] 22 G. 3. c. 40. s. 2., 29 G. 3. c. 46. s. 3. Scot.

47. THE 19 & 20 G. 3. c. 24. (Ir.) 'For better regulation of the silk manufacture,' as CON. by 36 G. 3. c. 37. (Ir.), and 40 G. 3. c. 17. (Ir.) are CON. till 25th Mar. 1831, and no longer, 50 G. 3. c. 27.

SIMONY

1. THAT THE SIMONICAL PROMOTION OF ONE PERSON MAY not prejudice another, 1 W. & M. S. 1. c. 16. (and recital in s. 1.)

2. After the death of any person simoniacally promoted the simony shall not be alleged by way of title in pleading or evidence to the prejudice of any other patron innocent of simony, or of his clerk by him presented or promoted on pretence of lapse to the crown, metropolitan, or otherwise, unless the person simoniacally presented, or his patron was convicted of such offence at common law, or in some ecclesiastical court in the lifetime of the person simoniacally promoted, *id.* s. 2.

3. No lease *bond fide* made by any person simoniacally promoted for valuable consideration to any person not having notice of such simony, shall be avoided by reason thereof, *id.* s. 3.

SITTINGS AT NISI PRIUS, &c.

SITTINGS AT NISI PRIUS IN LONDON AND MIDDLESEX.

1. FOR REGULATING TRIALS AT *nisi prius* in *Middlesex*, 18 El. c. 12. [AMD. 1 G. 1. c. 31., 24 G. 2. c. 18. s. 5., 1 G. 4. c. 21. c. 55. ss. 1—4.]

2. TO ENABLE THE CHIEF JUSTICE OF K. B., OR, IN HIS ABSENCE, any judge of the same court to try *Middlesex* issues at *nisi prius*, elsewhere than in *Westminster Hall*, 1 G. 4. c. 21.

3. FOR GIVING FURTHER FACILITIES TO PROCEEDINGS IN K. B., 1 G. 4. c. 55. ss. 1—2. [See rest of title and s. 3. COURTS (K. B.) pl. 1—3. ss. 5—6. JUSTICES OF ASSIZE, &c. pl. 58—60. s. 4. OATHS.]

4. The C. J. of K. B. on issues joined in K. B. or in chancery, the C. J. of C. P. and C. B. of exchequer, on issues joined in the latter respective courts, or in their absence [2 judges, &c. 18 El. c. 12. altered as follows] any one judge or baron of the said several courts, [and also any judge of K. B. sitting for trial of causes according to the powers of 1 G. 4. c. 55. *id.* s. 1.] at *Westminster*, [within *Westminster Hall*, altered, 1 G. 4. c. 24. s. 1. post, pl. 6.] or in court of exchequer, as *nisi prius* justices for *Middlesex* in term time, or [within 4 days, 18 El. c. 12. s. 1., 8 days, 12 G. 1. c. 31. s. 1., 14 days after each term, 24 G. 2. c. 18. s. 5.] at any time after the end of any term during the vacation after it [1 G. 4. c. 55. s. 1.] shall at their discretions try all manner of issues joined in such courts, which in ordinary course should be tried by an inquest of *Middlesex*, 18 El. c. 12. s. 1., 12 G. 1. c. 31. s. 1., 24 G. 2. c. 18. s. 5., 1 G. 4. c. 55. s. 1.

5. Commissions of *nisi prius* shall be awarded in such cases and form as are used in any other shire of the realm; and any person on usual reasonable notice given to adverse party or his attorney may sue out *nisi prius* records for trial of the issue, and take the jury thereupon, with awarding of *tales*, and of nonsuit as are used within London, or any other county in Eng. The sheriffs [so in the statute] of *Middlesex*, shall return all writs of *nisi prius* delivered to them before such judges, &c. and shall attend on them for executing all duties of the sheriff's office; jurors, witnesses, and all other parties to suits are bound to attend, and are liable for misdemeanors, as if the issue had been tried in the court, awarding *nisi prius* thereof, 18 El. c. 12. s. 2., 12 G. 1. c. 31. s. 2. [All such trials shall be valid as if tried in term time at bar, in the court where such issue was joined, 18 El. c. 12.]

6. For two years next following 15th July 1820, it shall be lawful for any judge of K. B. at the request of C. J., to sit for trial of causes at *nisi prius* in *Westminster* and London, on the same day on which the latter, or any other judge in his absence shall be sitting for trial of causes at those places respectively, or at either of them; so that the trial of two causes may go on at the same time, and all jurors, witnesses, and other persons who ought to attend the trial of any cause before the C. J. shall give their attendance before such other judge, and the marshal and other officers of the C. J. may appoint from time to time fit persons to be approved by him, to attend on their behalf before such judge; provided that all cases at *nisi prius* in *Middlesex* or London shall be entered for trial with the marshal of the C. J., and all proceedings relating to the trial thereof shall be made according to present practice; but the trial shall be entered on record as had before the judge by whom it is actually tried, 1 G. 4. c. 55. s. 2.

7. The C. J. of K. B., or, in his absence, any other judge of that court, in any term or vacation, with consent of H. M., signified under his sign manual, may try all issues joined in K. B., or chancery, wherein the trial ought to be in *Middlesex*, by an inquest from the body of the county, either in *Westminster-hall*, or in any other fit place in the city of *Westminster*, as to the C. J. seems convenient, for so many days, and in such manner as they might be tried in *Westminster-hall*, 1 G. 4. c. 21. s. 1.

8. The sheriff of *Middlesex* and all other officers, jurors, parties, witnesses, and persons required to attend at such trial, if had in the said hall, shall attend at the trial thereof, at the place where the C. J. or other judge of K. B. is sitting for such trial, on reasonable notice to them, with the same fees for attendance, and penalties for non-attendance, as if the issue were actually tried in such hall, and all writs, processos, notices, and other proceedings (except a special notice of the place of trial) issued for trial of any such cause, according to the forms in use for trial of such issues in the said hall, shall be as good in law, as if the trial took place there; and all trials had at any such place by virtue hereof, shall be deemed to be had, and may in any record or indictment for any offence committed at such trial be laid to have been had in such hall, as if it had actually been had there, 1 G. 4. c. 21. s. 2.

SLANDER.

1. NONE SHALL HENCEFORTH PUBLISH any false news or tales, whereby discord or slander may grow between H. M. and his people, or the great men of the realm, and he that doth so shall be imprisoned till he hath brought into court the first author of the tale, 3 E. 1. *West. Prim.* c. 34.

2. THE PENALTY FOR TELLING SLANDEROUS LIES of the great men of the realm, 2 R. 2. St. 1. c. 5. AMD. 12 R. 2. c. 11.

3. None shall henceforth contrive, speak or tell any false news, lies,

or other such false things of the prelates, lords, nobles and great officers whereby discord or slander may arise in the realm, on pain of the *Stat. West. 1st.* (3 E. 1.) c. 34., 2 R. 2. St. 1. c. 5.

4. When any such slanderers as in 3 E. 1. c. 34. and 2 R. 2. St. 1. c. 5. be taken, and cannot find the author of the tale, he shall be punished by the advice of the council, such acts notwithstanding, 12 R. 2. c. 11.

SLAVE TRADE.

(STATUTES repealed and expired.)

1. TO REGULATE FOR A LIMITED TIME the shipping and carrying slaves in *British* vessels from the coast of *Africa*, 28 G. 3. c. 54. [CON. 29 G. 3. c. 66., 30 G. 3. c. 33., 31 G. 3. c. 54., 32 G. 3. c. 52., 33 G. 3. c. 73. all Exp.]

2. FOR REGULATING the shipping and carrying slaves in *British* vessels from the coast of *Africa*, 35 G. 3. c. 90. [virtually Rep. 47 G. 3. S. 1. c. 36.]

3. FOR REGULATING the shipping and carrying of slaves in *British* vessels from *Africa*, 37 G. 3. c. 104. [Exp. since abolition of slave trade by 47 G. 3. S. 1. c. 36.]

4. FOR REGULATING the height between decks of vessels entered outwards for the purpose of carrying slaves from *Africa*, 37 G. 3. c. 118. [Exp. since abolition of slave trade by 47 G. 3. S. 1. c. 36.]

5. FOR REGULATING till 1st Aug., 1799, the shipping and carrying of slaves in *British* vessels from *Africa*, 38 G. 3. c. 88. [Exp.]

6. FOR BETTER REGULATING the manner of carrying slaves in *British* vessels from the coast of *Africa*, 39 G. 3. c. 80.

7. TO PROHIBIT FOR 2 years, after the end of this session, any ships to clear out from *G. B.* for *Africa* for taking negroes on board, unless previously employed in the *African* trade, or contracted for as such, 46 G. 3. c. 119. [Exp.]

(STATUTES in force.)

I. Statutes applying to the slave trade carried on by subjects of the U. K. and its dependencies.

II. Statutes connected with treaties for suppression of slave trade carried on by foreign nations.

I. Statutes applying to the slave trade carried on by subjects of the U. K. and its dependencies.

1. WHEREAS LAWS ARE IN FORCE in several of H. M.'s plantations in *America* for preventing the carrying off any slave without the owner's consent, or carrying off any other person till he has taken out his ticket from the secretary's office in such plantation; all commanders of privateers or merchant ships having letters of marque, shall, on going into any of those harbours, be subject to the several provisions and penalties made by such laws, 6 A. c. 37. s. 18.

2. TO PREVENT THE IMPORTATION OF SLAVES by H. M.'s subjects into any islands or territories, colonies or plantations of any foreign state [to make more effectual an order in council of 15th Aug. 1805, for prohibiting the import of slaves (except in certain cases) into any of the settlements, islands, &c. on the continent of *America* or in the *West Indies*, surrendered to H. M. during the *then* war, *semb.* Exp. see note to pl. 3.], and to prevent the fitting out of foreign slave ships from *British* ports, 46 G. 3. c. 52. [AMD. 59 G. 3. c. 120. ss. 11 — 12. which is AMD. 1 G. 4. c. 50. and 53 G. 3. c. 112. EXPL. 58 G. 3. c. 49. *post.*, pl. 59.]

3. No slave shall be sent or exported (except as in this act) from any part of H. M.'s dominions to any island, settlement, colony, plantation, territory or place whatever belonging to any foreign state or power, notwithstanding any statutes for making free ports in *West Indies*, or or other law or usage soever; and every slave so exported or sent, or embarked or trans-shipped at or from any part of H. M.'s dominions with that intent, shall be forfeited, with the vessel in which the same was exported, &c. with her boats, guns, tackle, apparel and furniture, and may be seized as in s. 18. pl. 22., 46 G. 3. c. 52. s. 1. [The order in council recited in s. 1. Exp. with the *then* war.]

4. No subject or person resident in U. K. or in any territories thereto belonging, shall export, &c. as in s. 1. or send, or cause or procure, or aid and abet in exporting, &c. any slave from *Africa*, or elsewhere (except as in s. 13. pl. 11.) to any island, &c. territory or place whatever belonging to any foreign state, or embark or trans-ship, &c. or cause, &c. or abet, &c. to be embarked, &c. at *Africa*, or elsewhere, any slave with intent to sending the same as above, on pain of like forfeiture of the slave and ship, or of their part interest therein, as in s. 1. and of seizure, as in s. 18. pl. 22., id. s. 2.

5. If any slave is landed on any coast, or brought within any of the ports &c. roads, limits or territories of any of the settlements or colonies on the continent of *America*, or in the *West Indies*, surrendered to H. M. in the *then* war without special licence, according to order in council, &c. (see title, pl. 2. Exp. see note to pl. 3.) such slave and vessel

shall be forfeited, as in s. 1. pl. 3. and may be seized, as in s. 18. pl. 22., 46 G. 3. c. 52. s. 3.

5. Every slave who shall be exported from, or embarked, or trans-shipped on board any vessel at any settlement, colony, or territory of H. M., or at *Africa*, or on the coast thereof, or elsewhere, in any *British* vessel, or in any vessel employed in the whole or in part by or for, or on account of any subject, in order to be carried to any or either of the said settlements or colonies, &c. on the continent of *America* or in the *West Indies*, so surrendered to H. M. during the present war, and to be there landed without such special licence, contrary to the said order in council, shall be forfeited, with the vessel, and may be seized, &c. as in s. 18. pl. 22., id. s. 4.

6. Every subject or person resident within U. K., or any of the islands, colonies, or territories belonging to H. M., who shall unlawfully land, import, send, embark, trans-ship, or take on board any slave, or who shall cause to be landed, &c. or shall aid and abet therein contrary to such order in council, or to this act, shall forfeit 50*l.* for every slave; unless it be clearly proved to the court before which any such forfeiture or suit for penalty is prosecuted, that the prohibited act entirely arose from stress of weather, peril of sea, or inevitable accident, the proof whereof shall lie on claimant or defendant, and shall not extend to the transportation to any foreign colony, &c., of any slave convicted by due course of law in any *British* island or colony, in which case a copy of the judgment, certified by the court, shall be put on board the vessel conveying such convict, id. s. 5.

7. No subject of H. M., or person resident in U. K., or in any of the territories belonging thereto, shall invest or employ any money, vessel, goods, or effects to them belonging, in trading in, or carrying slaves from *Africa* or elsewhere to any settlement, territory, or place belonging to any foreign state, or to any islands or settlements, &c. surrendered, as in s. 3. pl. 5. (except the licensed trade to the latter by the above order in council and this act allowed), or shall knowingly lend any money, or become security in any manner for the loan of any money or goods, for its being employed in any such trade or carriage of slaves (except as above) or shall become security for any agent to be employed in the sale of slaves, for the use of such foreign settlement, &c., or islands or settlements so surrendered as above (except as above), on pain of forfeiting for each offence double value of all the money, ships, and goods by him employed, advanced, or secured, to be recovered and applied as in s. 17. pl. 21.; and every deed, bill, or other security, given for any such unlawful purpose, shall be absolutely void, except in case of a *bona fide* purchaser or holder of any such security, in its nature negotiable, without notice of its consideration, id. s. 6.

8. Every subject, or person resident in U. K., or in any of the dominions thereto belonging, who shall knowingly and wilfully insure, or cause to be insured, any ship, vessel, slaves, goods, &c. soever, to be employed in the trading in or carrying off slaves from *Africa* or elsewhere, to any foreign island or territory, &c. or to any of the settlements, &c. so surrendered, (as in s. 3. except as in last pl.) shall forfeit 500*l.* for every such offence, id. s. 7.

9. No *British* vessel, or her boats, officers, or mariners, may lawfully be employed in *Africa*, or on any part of its coast, directly or indirectly, in supplying with slaves any foreign vessel or factory, or any person concerned for the same, or for any island, colony, or territory belonging to a foreign state, on pain of forfeiture as in s. 1. pl. 3. and seizure, &c., as in s. 18. pl. 22., id. s. 8.

10. No foreign ship employed or intended to be employed in the *African* slave-trade shall be fitted out, or manned, or dispatched at or from any port of U. K., or other part of H. M.'s dominions, for a voyage to *Africa*, whether that be the immediate or ultimate destination, after touching at some other place; nor shall any person ship or put on board, in any foreign vessel destined directly or indirectly to *Africa*, at any port in the U. K., or other part of H. M.'s dominions, any goods or commodities soever to be carried to *Africa*, to be bartered for slaves, or used in the *African* slave-trade, under penalty for either offence of forfeiture of such vessel and cargo, as in s. 1. pl. 3., to be seized, &c. as in s. 17. pl. 21.; and every subject or resident within H. M.'s dominions, who shall wilfully fit out, man, or dispatch any such foreign vessel for the above purposes, or be aiding, &c. therein, shall forfeit 100*l.* for such offence, id. s. 9.

11. No person shall embark, export, or carry on the seas, any slaves from any island, colony, or territory belonging to H. M. to any other island, &c. so belonging to H. M., in any vessel whatever, till the owner or exporter shall make application in writing to the governor of the said island, &c., or to the collector or chief officer of customs of the intended port of embarkation, which application shall express the number and quality of the slaves he is desirous to export, &c. or convey, and the place (being under H. M.'s dominion) to which he means to carry them, and until such owner, &c. shall obtain licence in writing from such governor, &c. for the export of such slaves, specifying their place of destination; but previous to which every such owner, &c. shall give bond to H. M. in 50*l.* for every slave, and deliver same to such go-

vernor, &c., conditioned faithfully to land such slaves at the licensed place, and within a time limited therein to produce a certificate from the collector or chief officer of customs of such place; or if there are no such persons at such place, then from 2 of the most eminent *British* merchants or inhabitants, of the landing of such slaves (death or other inevitable impediment, proved by oath of 2 witnesses, excepted); in default of which landing, or of due return of such certificate, the bond shall become forfeited, and the governor, &c. may cause it to be put in suit, and the owner shall not be relieved from the penalty but on payment of 50*l.* for every slave not so landed or certified: nor shall such party be discharged from any penalty incurred by sending such slave to any foreign territory, contrary to this act: provided that such bonds shall be void unless prosecuted within 3 years from their date, 46 *G. 3. c. 52. s. 13.* [See further regulations as to removal of slaves, 58 *G. 3. c. 49. s. 5. infra, pl. 62.*]

12. Wherever slaves are intended to be sent from any colony under H. M.'s dominion, with intent that they shall be removed, and remain in some other such colony, the exporter shall produce to the collector or principal officer of customs at the port of embarkation, a copy duly certified by the registrar of the colony, of the name and description by which such slave has been registered, and of all other particulars relating thereto stated in the registry, which copy so certified shall be by such collector, &c. indorsed with his own name and handwriting, and annexed to the clearance or permit for shipment of such slaves; and on the arrival of such vessel at the port in any other *British* colony to which they are destined, shall be produced to such collector, &c. there, who shall examine it, and also ascertain by personal inspection whether the slaves brought by such vessel agree in description with those mentioned in such certificate or clearance, and if not, shall refuse to admit same to entry: but if they agree, shall indorse such certificate with his name and handwriting, and deliver it to the registrar of slaves in such last-mentioned colony, 59 *G. 3. c. 120. s. 11.*

13. Licences permitting removal of negro slaves from *Bahamas* to *Demerara* granted as in 59 *G. 3. c. 120. s. 11.* are valid, 1 *G. 4. c. 50. s. 1.*

14. Persons on whose behalf the said licences were granted may remove slaves accordingly, subject only to the rules set forth therein, and to the bonds given previous to issuing the licences, 1 *G. 4. c. 50. s. 2.*

15. Slaves exported or conveyed from any H. M.'s colony, without such certified copy from the registrar thereof, shall, with the vessel, be forfeited and dealt with as if brought from or destined to any foreign colony or place, contrary to 47 *G. 3. c. 36. (s. 3. pl. 27), 59 G. 3. c. 120. s. 12.*

16. Nothing herein shall prevent any slave from being employed either in navigation, fishing, or other ordinary business on sea; or prevent any domestic slave of any resident in H. M.'s colonies from attending such owner or any part of his family by sea, to any place whatever; but if any slaves employed in navigation, or any fishermen or domestic slaves, shall be so employed or carried in any vessel, on such voyage, their names and occupations (except domestic slaves attending the person of any passenger on board, not exceeding 2 such slaves for every passenger on board,) shall be inserted in or indorsed on the clearance or permit to depart of such vessel, by or in presence of the collector, comptroller, or other principal officer of customs of the port of clearance outwards, who shall *gratis* certify under his hand that the slaves so embarked were reported to him as seamen, fishermen, or domestic servants, as the case is: and if any slave is found on board any vessel bound on such voyage, whose name and description shall not be so inserted, &c., and certified as aforesaid, or who shall be untruly therein described with intent to elude any prohibition herein, such slave shall be forfeited, and may be seized, &c. as in *s. 18. pl. 22.*; and the master of such vessel, and the owner or other person by whose procurement such slave was untruly described as above, shall respectively forfeit 50*l.* for each slave, to be recovered, &c. as in *s. 17. pl. 21.*; nor shall this act prevent any slaves from being put on board any vessel by order of the commander in chief by sea or land, in any island, colony, or territory, belonging to H. M., in order to employment in H. M.'s service, or from being so employed therein, 46 *G. 3. c. 52. s. 13.*

17. Nothing herein shall prevent the embarkation or passage from one *British* colony to another, or to any other colony or place, as now permitted by law, of any domestic slave or slaves in actual attendance on the person of his master, mistress, or any part of their family, being passengers on board, or of any slave, &c. employed as mariners on board such vessel; but in addition to all clearances and certificates now required by law, the master of any such domestic slave or mariner shall, after 1st Jan. 1820, obtain from the registry of the colony to which the same belongs, an extract certified by the registrar, shewing that such domestic slave, &c. employed as a mariner, has been duly entered in the slave-registry of the colony by the name and description therein specified; such extract and certificate to be always on board, and unless so found, such slave shall be seized as forfeited, &c. agreeably to 47 *G. 3. c. 36. s. 2. pl. 26.*; provided that when any such domestic slave is landed in any *British*

colony, the certificate of his registry in the colony from whence he was brought shall be produced to the collector or principal officer of customs, and a copy thereof shall be by him delivered to the registrar of slaves in such colony; and if such slave be again removed from the latter colony previous to the next period for making slave returns therein, the collector, &c. shall return the original extract and certificate, to be kept on board the vessel in which such slave is carried, 59 *G. 3. c. 120. s. 12.*

18. The granting of licences and every other act which governors of islands and colonies are by this act directed to perform, may be lawfully done by the person executing that office *pro tempore* under any title soever, 46 *G. 3. c. 52. s. 14.*

19. Any of the settlements and colonies on the continent of *America* and the *West Indies*, which were surrendered to H. M. during the war, but which are reconquered or ceded at the peace, shall be deemed *foreign colonies* within the act, *id. s. 15.*

20. Any person committing perjury, or subornation of perjury, regarding any oaths by this act required, shall incur the usual punishments thereof, *id. s. 16.*

21. The pecuniary penalties inflicted by this act, or the said order in council, may be sued for and recovered in any court of record in *G. B.*, or of record or vice-admiralty in any part of H. M.'s dominions wherein the offence was committed, or if the offender reside elsewhere, then in whatever place he may be found; and in all cases of seizures of ships, slaves, or effects under this act or order in council, the same may be sued for and recovered in any court of record in *G. B.*, or of record or vice-admiralty in any part of H. M.'s dominions in or nearest to which such seizures are made, or to which such vessels, slaves, or effects (if seized at sea, or without the limits of *British* jurisdiction) may most conveniently be carried for trial; and such forfeitures, whether pecuniary or specific, shall go to such persons in such proportions, and may be sued for, recovered, and applied, as any penalties incurred in *G. B.* and the *British American* colonies by force of any statute relating to their trade and revenues are now sued for, &c. in either place respectively under 4 *G. 3. c. 15., id. s. 17.* [Time for prosecution, (see 21 *J. 1. c. 4. s. 3. ACTION PENAL, pl. 25.*) extended to 3 years, see 53 *G. 3. c. 112.*]

22. All vessels, slaves, and effects forfeited for offences against this act, or the said order in council, may be seized by any officer of customs or excise, or by the commanders or officers of any king's ship, who in making such seizures, shall have the benefit of 4 *G. 3. c. 15.,* and of all acts for protection of officers seizing and prosecuting for offences against that or any other *American* trade act, *id. s. 18.* [Governors, &c. are empowered to make such seizures, 51 *G. 3. c. 23. s. 8., infra, pl. 49.*]

23. In actions commenced in *G. B.* or elsewhere against any person for any thing done in pursuance of this act or of the said order in council, defendant may plead the general issue, giving the act, order in council, and special matter in evidence; and if it appear that such act was done by the authority thereof, the jury shall find for defendant, who shall have treble costs if plaintiff discontinue, or become nonsuit, or have judgment against him on verdict or demurrer, *id. s. 19.*

24. FOR ABOLITION OF THE SLAVE-TRADE, 47 *G. 3. S. 1. c. 36.* [AMD. 51 *G. 3. c. 23.* (which is AMD. by 58 *G. 3. c. 98.* and 59 *G. 3. c. 97.* and EXPL. 58 *G. 3. c. 49., post, pl. 59.)* and 53 *G. 3. c. 112. EXT. as to ss. 7, 8: pl. 30.31. comm. semb. by 55 G. 3. c. 172. s. 7.]*

25. After 1st May, 1807, the *African* slave-trade, and all manner of dealing in the purchase, sale, barter, or transfer of slaves, or persons intended to be used as slaves, carried on, in, at, to, or from, any part of *Africa*, is abolished and declared illegal; and all manner of dealing by purchase, sale, barter, or transfer, or other agreement soever relating to any slaves or persons to be used as such, for the purpose of their being removed either immediately, or by trans-shipment at sea, or otherwise directly or indirectly from *Africa*, or any place whatever in the *West Indies* or *America*, not in the dominion of H. M., to any other place soever is in like manner abolished, &c.; and every subject or resident in the *U. K.* or other H. M.'s territories soever thereto belonging, or in H. M.'s possession, who shall from that day by himself or agent, purchase, sell, barter, or transfer, or contract for dealing in, purchasing, &c. any slave or person intended to be used as such, shall forfeit 100*l.* for every slave so purchased, &c. or contracted for as above, in moieties to H. M. and the person who shall sue or inform for the same, 47 *G. 3. S. 1. c. 36. s. 1.*

26. No subject or resident, as in last *pl.*, shall fit out, man, or navigate, or procure, &c. or be concerned in fitting out, &c. or procuring to be fitted out, &c. any ship for the purpose of assisting, or being employed in the *African* slave trade, or in any other concerns by *s. 1.* declared unlawful; and every ship fitted out, &c. by any such person on his account, or by his procurement, for any purposes prohibited by this act, shall, with her boats, guns, tackle, apparel, and furniture, become forfeited, and seized and prosecuted, as in *s. 14. pl. 37., id. s. 2.*

27. No subject or resident as in *s. 1.*, shall carry away, or remove,

or wilfully aid, or assist in removing as slaves, or for being used as slaves any inhabitants of *Africa*, or of any place in the *West Indies*, or other part of *America* soever not in the dominion or possession of H. M., either immediately or by trans-shipment at sea, or otherwise directly or indirectly, from *Africa*, or such place as aforesaid to any other place whatever; and no such subject or resident shall wilfully receive, detain, or confine on board, or be aiding, &c. or concerned in receiving, &c. on board of any vessel whatever, any such inhabitant for their being carried away, sold, or used as a slave in any place soever; and if any inhabitant of *Africa*, or of any place in the *West Indies* or *America* not in the possession of H. M., shall be so carried away, detained, trans-shipped, or received on board any vessel wholly or in part owned or employed by any such subject or resident for any such unlawful purposes, contrary to the prohibitions of this act, every such ship shall be forfeited as in s. 2., and all property in any such *African* native so carried away, &c. shall be forfeited, and may be seized, &c. as in s. 14. *pl. 37.*; and every such subject or resident, who as owner, part owner, freighter, or shipper, factor, or agent, captain, mate, supercargo, or surgeon shall so unlawfully carry away, &c. or assist in carrying away, &c. for any of the above unlawful purposes, any such *African* or foreigner as above, shall pay for each slave or person so unlawfully carried away, &c. 100*l.* of lawful money, &c. in moieties to H. M. and the person who shall sue or inform for the same, 47 G. 3. S. 1. c. 36 s. 3. [See as to removal from one *British* colony to another, *infra*, 58 G. 3. 49. s. 5. *pl. 62.*, &c.]

28. If any inhabitant of *Africa*, or of any island, territory, or place, not in possession of H. M., who shall have been unlawfully carried away, or removed from *Africa*, or from any island or place in the *West Indies* or *America*, not being in H. M.'s possession, contrary to any provisions in this act, shall be imported into any island, colony, or territory, in possession of H. M., and there sold as a slave, or kept in a state of slavery, such inhabitant so unlawfully carried away or removed, may be seized and prosecuted as forfeited to H. M. as in s. 14. *pl. 37.* as any goods unlawfully imported into the said colony or territory, may be seized, &c. under any statute now in force for regulating the navigation and trade of H. M.'s colonies, and after condemnation shall be disposed of as hereinafter provided, *id.* s. 4.

29. All insurances soever to be effected upon, or in respect to any of the dealing, trans-shipment, or other transactions by this act prohibited, shall be declared unlawful; and every such subject or resident as in s. 1. who shall wilfully subscribe, or effect, or cause to be subscribed, &c. any such unlawful insurances, shall forfeit for every offence the sum of 100*l.* for each insurance, and treble the amount paid as the premium of such insurance, in moieties to H. M. and to the person who shall inform or sue for the same, *id.* s. 5.

30. All slaves and natives of *Africa* treated as such, which shall be seized as prize of war, or liable to forfeiture under this or any other act against slave-trade, [and all slaves soever forfeited or liable to forfeiture to H. M., or subject to condemnation by any law, 55 G. 3. c. 172. s. 7.] may for the purposes only of seizure, prosecution, and condemnation as prize, or as forfeitures, be treated as slaves and property in the same manner as negro slaves have been heretofore treated, when seized as prize, or forfeited for any offence against the laws of trade and navigation respectively; but shall be condemned as prize, or as forfeited to sole use of H. M. for the purpose only of barring any other claim to them by H. M. or under any such sentence of condemnation; but H. M. and his officers commissioned by special order in council to receive and provide for such condemned *Africans*, may either enlist them into H. M.'s land or sea service as soldiers, seamen, or marines, or bind them, whether of full age or not, as apprentices for not exceeding 14 years, to such person in such place on such conditions and regulations as shall by H. M.'s order in council be appointed, and any indenture of apprenticeship duly made and executed by any person for that purpose appointed by any such order in council, for not exceeding 14 years, shall be as valid as if the apprentice being of full age and on good consideration duly executed the same; and every such *African* so enlisted as above, shall be treated, in all respects, as if he had voluntarily enlisted himself, *id.* s. 7. as *Extr.* by 55 G. 3. c. 172. s. 7.

31. Where any slaves or natives of *Africa* taken as prize by any H. M.'s ships or privateers duly commissioned, [or any slave soever forfeited, or liable to forfeiture to H. M., or subject to condemnation by any law, 55 G. 3. c. 172. s. 7.] shall be finally condemned as such to H. M.'s use, there shall be paid to the captors by the treasurer of the navy, in like manner as headmoney is paid under 45 G. 3. c. 72. s. 5, [seem. *Extr.*] such bounty as H. M. shall have directed by order in council, not exceeding 40*l.* for every man, or 30*l.* for every woman, or 10*l.* for every child not above 14, so taken, condemned, and delivered over in good health to the proper civil or military officer so appointed as above to receive and provide for the same, to be divided among the officers, seamen, marines, and soldiers, on board H. M.'s ships, or hired armed ships in proportion, as by H. M.'s existing proclamation for distri-

bution of prizes directed, and amongst the owners, officers, and seamen of any private vessel as by their agreement in writing directed, 47 G. 3. S. 1. c. 36. s. 8. as *Extr.* by 55 G. 3. c. 172. s. 7.

32. In order to entitle the captor to receive the said bounty, the numbers of men, women, and children, so taken, condemned, and delivered over, shall be proved to the navy commissioners by producing instead of the headmoney oaths and certificates prescribed by 45 G. 3. c. 72., a certified copy of the decree of condemnation, whereby their numbers shall be distinctly proved, and by producing a certificate under the hands of the said civil or military officers appointed as in s. 7. *pl. 30.* to whom the same hath been delivered, acknowledging the receipt thereof, to be disposed of according to H. M.'s instructions as aforesaid, 47 G. 3. S. 1. c. 36. s. 9.

33. In cases where doubts arise whether the claimants of such bounty are entitled thereto, the same shall be summarily determined by the judge of the high court of admiralty, or of that admiralty court in which the prize hath been adjudged, subject to an appeal to the prize commissioners of appeal, *id.* s. 10.

34. On condemnation to the use of H. M. in the above manner of any slaves or natives of *Africa* seized and prosecuted as forfeited for any offence against this or any other statute for prohibiting the slave-trade, (except in case of seizures made at sea by officers of H. M.'s ships,) there shall be paid to the use of the person who has sued and prosecuted same to condemnation, 13*l.* per man, 10*l.* per woman, 3*l.* for every child under 14 so condemned, and delivered over in good health to the civil or military officer appointed to receive and provide for the same, and the like sums to the use of the commander-in-chief of any colony or plantation wherein the seizure is made, but in services by H. M.'s ships, for the like forfeitures there shall be paid to the commander who shall so seize and prosecute per man so delivered over 20*l.*, woman 15*l.*, and child under 14, 5*l.*, subject to such distribution of the said bounties as H. M. may by order in council direct, for all which payments as bounties on services, the officer appointed to receive and provide for such persons so delivered over, shall after their condemnation and receipt, grant a certificate in favor of the governor and party seizing, informing, and prosecuting as aforesaid respectively, or the latter alone addressed to the treasury; who, on production thereof to them and of a duly certified copy of the sentence of condemnation of such slaves or *Africans*, and a receipt of the officers so appointed as above, specifying their receipt in good health, shall direct payment out of the consolidated fund of the amount of the monies specified in such certificate to the lawful holders, or to the persons entitled to the benefit thereof, *id.* s. 11.

35. Every person who shall wilfully and fraudulently forge or counterfeit any such certificate, copy of sentence of condemnation; or receipt as above, or any part thereof, or shall utter the same knowing it to be forged, with intent to defraud, shall suffer death as in felony without clergy, *id.* s. 12.

36. The pecuniary penalties inflicted by this act, shall be sued for and recovered in any court of record in G. B., or of record or vice-admiralty in any part of H. M.'s dominions wherein the offence was committed, or where the offender may be found after commission of such offence, and in all seizures of any ships, slaves, or goods, for any forfeiture under this act, the same shall be sued for and recovered in any court in G. B., or of record or vice-admiralty in any part of H. M.'s dominions in or near which such seizures are made, or to which such ships, slaves, or goods, if seized at sea, without the limits of *British* jurisdiction, may most conveniently be carried for trial, and such penalties (whether pecuniary or specific) shall go to such persons in such proportions, and shall be recovered and applied by the means provided for recovery of penalties incurred under 4 G. 3. c. 15., 47 G. 3. S. 1. c. 36. s. 13. [Time of limitation of actions or prosecutions for recovery of any of the penalties inflicted by this act, extended to 3 years, 53 G. 3. c. 112.]

37. All vessels, slaves, or natives of *Africa* carried or dealt with as slaves, and all goods and effects forfeited for any offence against this act, may be seized by any officer of customs or excise, or by the commander of any H. M.'s ships, who in making and prosecuting such seizures, shall have the benefit of 4 G. 3. c. 15. or of any act for protection of officers seizing and prosecuting for any offence against that or other act relating to the trade and revenues of the *British American* colonies, 47 G. 3. S. 1. c. 36. s. 14. [Governors, &c. empowered to make such seizures, 51 G. 3. c. 23. s. 8. *infra*, *pl. 49.*]

38. All offences against this act may be dealt with as misdemeanors as if committed within *Middlesex*, *id.* s. 15.

39. H. M. in council may, from time to time, make such regulations for future disposal of negroes bound apprentices under this act, after their apprenticeship expired, as shall seem meet, and as may prevent such negroes from becoming chargeable to the island where they are so bound, *id.* s. 16.

40. None of the provisions of any act as to enlisting for a limited period of service, or as to granting any pensions to soldiers discharged

after such service, shall extend to negroes so enlisted, and serving as above, 47 G.3. S.1. c.36 s.17.

41. If any action is commenced in G.B. or elsewhere for any thing done in pursuance of this act, defendant may plead the general issue, giving this act and the special matter in evidence, and that the same was done by authority hereof; and if it appears so done, the jury shall find for defendant, with treble costs if plaintiff is nonsuited or discontinues after appearance, or has judgment against him on verdict or demurrer, *id.* s.18.

42. IF ANY PERSON RESIDENT IN THE U.K. OR ANY COLONIES OR TERRITORIES now or hereafter belonging thereto, or in H.M.'s possession, or under East India Company's government, shall by himself or agent, or otherwise soever, carry away or remove, or aid, &c. in carrying away as a slave, or for the purpose of being sold, &c. as a slave, any person soever from any part of Africa, or from any other country or place, either immediately or by trans-shipment at sea or otherwise, directly or indirectly, or shall import or aid, &c. in importing into any colony or place soever, any such person for the above purpose, or shall wilfully embark, receive or detain on board any vessel or boat any such person for either purpose, or shall wilfully use or employ, or permit, &c. to be embarked, or shall let or take on freight or hire any vessel to be used in carrying away or importing any such person for either purpose; or shall fit out or cause, &c. or shall take command or charge of, navigate or embark on board such vessel as master or captain, mate, supercargo, or surgeon, knowing that such vessel is actually employed, or is in the same voyage for which he shall embark, intended to be employed in carrying or importing such person for any such purpose, the offender, his counsellors and abettors, are declared felons, and shall be transported for not exceeding 14, or shall be confined and kept to hard labour for not exceeding 5 nor less than 3 years, at discretion of the court before whom such offender is convicted, 51 G.3. c.25. s.1.

43. Any person who shall enter or navigate or embark on board any such vessel employed or intended to be employed as aforesaid, as a petty officer, servant or seaman, knowing that such is or shall be a purpose of the voyage; or who shall underwrite or procure, &c. any policy of assurance on any vessel or goods, or the freight of any vessel employed or intended to be employed in such voyage, knowing such to be a purpose of the voyage, shall not be deemed guilty of a felony within s.1., but of a misdemeanor only, to be punished by imprisonment for not exceeding 2 years, *id.* s.2., and shall not be punished as accessories to felony, *id.* s.3.

44. Nothing herein shall subject any person to the penalties imposed by this act for exporting or carrying from any present or future British island, colony, &c. in the West Indies, to any other such island, &c., or from one part thereof to another, or for importing into or landing in any such colony, &c. any slave born within such colony, &c. or lawfully imported into the same, or from one part of any foreign island or colony to another part thereof, or for trans-shipment or assisting at sea any slave in any vessel in distress; but nothing shall prevent the transportation to any foreign colony or place of any slave duly convicted in any British colony, of any crime to which transportation is annexed by the law thereof, but a copy of the judgment certified by the convicting court, shall be put on board the vessel in which such convict is transported, *id.* s.4.

45. All offences in ss. 1—2. *pl.* 42—43. declared to be felonies or misdemeanors, and committed in Africa, or in any country, territory or place, other than U.K. or on the high seas, or in any seaport or place within the admiral's jurisdiction, shall be enquired of either according to law, and 28 H.8. c.15. and so much of 33 H.8. c.25. as is unrepealed, or according to 11 & 12 W.3. c.7., 51 G.3. c.25. s.6.

46. Or may be tried under any commission issued according to 46 G.3. c.54.; and persons convicted thereof shall suffer the penalties to which they would be liable if tried according to 28 H.8. c.15., 58 G.3. c.98. s.1.

47. Or if committed by any subject in Africa, or any of the rivers, ports, or harbours thereof, not being within admiralty jurisdiction, or within the local jurisdiction of any ordinary court of a British colony or settlement in Africa, competent to try such offence, may be enquired of under the same commission, 59 G.3. c.97. s.1.

48. Nothing in this act shall alter 46 G.3. c.52. or 47 G.3. S.1. c.36. as to the forfeitures thereby imposed, but they shall be in force, except as the former is altered by the latter, 51 G.3. c.25. s.7.

49. All governors, or persons having chief command, civil or military, of any of H.M.'s colonies, forts, or factories, or of the African company in Africa, or any African island, and persons deputed by them, may seize and prosecute all ships, slaves, or natives of Africa, carried or dealt with as slaves, and all goods soever forfeited for any offence against 46 G.3. c.52. or 47 G.3. S.1. c.36. and which shall be found on or near to the coast, or in any port or river thereof, or within the limits of any such colonies or territories of H.M. as in s.1. *pl.* 42., with all the benefit of the said acts, and of 4 G.3. c.15. and all other acts for protection

of officers seizing, &c. for offences against that act or any other act relating to the trade or revenues of the British American colonies, 51 G.3. c.25. s.8.

50. If any petty officer or his servant, or seaman on board any vessel fitted out or engaged in unlawfully removing, trading or dealing in slaves, shall, within 3 months after arrival of such vessel in any port belonging to H.M., give information on oath before any competent magistrate, against any owner or part owner, or any captain, mate, surgeon, or supercargo who shall have committed any offence against this act, and shall give evidence on oath against him, before any court before whom he shall be tried; or shall within 3 months after his arrival at any port or place out of H.M.'s dominions, give information to any of H.M.'s ambassadors, envoys, charges d'affaires, consuls, residents, or agents, so that such owner, captain, &c. may be apprehended, such informer shall not be liable to the penalties of this act, or of the acts in last *pl.* recited, and such ambassadors, &c. shall receive such information, and transmit the particulars without delay to a principal secretary of state, and copies thereof to commanders of H.M.'s ships then being in such port or place, *id.* s.9.

51. TO PROVIDE FOR THE SUPPORT OF CAPTURED SLAVES during the period of adjudication, 55 G.3. c.172.

52. When any persons treated as slaves within the slave trade statutes, are captured as prize of war, or forfeited or liable to forfeiture to H.M. or otherwise proceeded against under any law, and brought to adjudication in the admiralty, or other court within H.M.'s dominions, authorized to hold jurisdiction therein, the claimant of property or possession in them shall put them on shore, and the collector or chief officer of customs at the port shall direct enquiry to be made whether such claimant has furnished or is willing or able to furnish sufficient food and necessaries for support and wholesome maintenance of the slaves during the proceedings respecting them, and shall as soon as may be report the result of his enquiry to the governor, lieutenant-governor, or person exercising his authority in such place, to whom if it shall appear that the above necessaries are not so furnished, and if the claimant shall afterwards omit to supply the same, such governor being satisfied of the truth shall authorize the above officer of customs to take on himself the immediate care of them, and provide them necessaries, till a decree is made having the force of a definitive sentence, absolutely condemning or restoring the slaves; in which event the court shall, on his application, direct his accounts for the necessaries so supplied, to be brought into the registry and examined, directing them when confirmed to be a charge on the slaves, to be defrayed by the person receiving possession thereof under the decree, *id.* s.1.

53. Where the court does not immediately condemn or restore such slaves by decree having effect of a definitive sentence, but directs further proof to be made in the cause, whereby condemnation or restitution is deferred, and the claimant has not supplied or, at any time pending proceedings in that court, neglects to supply proper necessaries for such slaves, the court may direct a valuation thereof, and decree them to be delivered over to the receiver of slaves, condemned to H.M.'s use according to 47 G.3. S.1. c.36. (s.7. *pl.* 30.) and they shall be treated according to that act, except that the bounty shall not be payable for them except on the final condemnation therein required in that act, (s.8. *pl.* 31.) 55 G.3. c.172. s.2.

54. If on further proof the slaves are decreed to be restored, and there be no appeal, but the slaves have been delivered over as in s.2. restitution shall be made according to the above valuation, with interest thereon, (the sums expended in their maintenance being deducted,) and the value so adjusted shall be paid by the treasurer of the navy, according to 47 G.3. S.1. c.36. s.8., on production of official copy of sentence of restitution with the valuation indorsed by the registrar or deputy, *id.* s.3.

55. When there is a decree, having the effect of a definitive sentence restoring or condemning the slaves, which is suspended by appeal, the court, notwithstanding such appeal, shall proceed to valuation thereof as in s.2., which after being had and approved by the court shall afterwards be delivered over to the receiver of slaves condemned to H.M.'s use, according to 47 G.3. S.1. c.36. s.8. *pl.* 51., and shall be dealt with as if they had been so finally condemned, but the bounties are only payable on such final condemnation, 55 G.3. c.172. s.4.

56. Where the slaves are finally restored in the court of appeal, restitution in value shall be made to the proprietor according to valuation, as in s.2. *pl.* 53., subject to revision in court of appeal, with interest, the sums expended for support of slaves as above being deducted therefrom, and the value so adjusted shall be paid by the treasurer of the navy as in s.3. *id.* s.5.

57. Nothing herein shall prevent any court having jurisdiction in the principal cause from adjudging the captors or prosecutors to pay out of their own monies (in addition to the above restitution in value) such costs and damages as they shall decree where it appears that the seizure,

prosecution, or appeal thereon by the captor, is not justified by circumstances, 55 G. 3. c. 172. s. 6.

58. The provisions of 47 G. 3. S. 1. c. 36. for disposal of slaves condemned to H. M.'s use, and payment of bounty thereon (*viz.* s. 8.) in cases of capture by ships of war or privateers, shall be applied to all cases of slaves captured or condemned as prize during the last war, or hereafter forfeited or liable to forfeiture to H. M. or subject to condemnation by any law soever, *id.* 7.

59. To EXPLAIN 46 G. 3. c. 52., 47 G. 3. S. 1. c. 36. and 51 G. 3. c. 23. for abolition of the slave trade, 58 G. 3. c. 49.

60. Certain importations of slaves already made into certain of H. M.'s possessions on the continent of *South America*, from other possessions of H. M. shall be valid in law, and all personal actions, indictments, informations, and proceedings soever, against any person for having advised or made such importation *before passing this act, viz.* 30th May, 1818, shall be void, and if commenced plaintiff may plead general issue, giving this act and the special matter in evidence; and if plaintiff in any action so commenced in *Eng. or Ire. or English* possessions on the continent of *South America*, or the *West Indies*, shall be nonsuit, discontinues, or has a verdict against him, defendant shall recover double costs; and if any such action is commenced in *Scot.* the court shall allow the defender the benefit of the above indemnity, with double costs of suit, *id.* s. 1. Proceedings already commenced may be staid by order of court, on motion in a summary way with double costs to defendant, *id.* s. 2.

61. In consequence of the exhausted state of some lands in *Dominica*, and the *Bahamas*, H. M. in council may grant licences for transportation of the slaves hitherto supported by cultivating the same, to any *British* possessions in the *South American* continent, under certain regulations to be hereinafter provided; but no licence shall be granted unless on representation to privy council from the slave proprietors and who shall prove that no disadvantage will arise to the slaves, and enter into bond to remove them in families, *id.* s. 3. H. M. in council may make further rules and regulations as to the transport and destination of such negroes, *id.* s. 4.

62. No person shall embark, export or carry on the sea any slave from any such *South American* settlement or territory, to any other country or place whatever under dominion of H. M. or any foreign power; but slaves may be exported from one part of H. M.'s *South American* settlements to another under the regulations of the acts in *pl.* 59. recited; but nothing shall prevent any slave from being employed either in navigation, fishing, or any other his ordinary business or occupation on the seas, as they may now be employed in any *British West India* island, in numbers not exceeding in any one boat or vessel those usually navigating the same; but nothing herein shall prevent any slave being really the domestic servant of any resident in such settlement, &c. now belonging to H. M. from attending the latter or his family by sea to any place soever, *id.* s. 5.

63. FOR ESTABLISHING A REGISTRY of colonial slaves in G. B. 59 G. 3. c. 120. ss. 1—10. [*See* ss. 11, 12. *ante*, *pl.* 12. 15.]

64. H. M. may appoint by warrant under hand and seal of a principal secretary of state, some proper person as the registrar of colonial slaves, to receive copies of all returns thereof, and of any abstracts or indexes referring thereto, at any time transmitted from any of H. M.'s foreign possessions, either in pursuance of any order in council or of any colonial law, to hold his office at pleasure, *id.* s. 1.

65. The treasury of U. K. shall assign to him an adequate salary, not exceeding 800*l.* *per ann.*, and shall fix the necessary number of clerks, &c. to assist him, allowing them proper salaries and reasonable sums for incidental charges, to be defrayed as the salaries and charges of the secretaries of state officers are paid, *id.* s. 2.

66. The treasury shall provide such registrar a proper office, and appoint his own and assistant's fees, and shall cause a schedule thereof to be delivered to such registrar at his appointment, a copy of which shall always hang in his office for public information; provided that the above fees be carried to the public account, and the residue, if any, after paying the salaries in s. 2., shall be applied in aid of the civil list, *id.* s. 3.

67. The registrar, before entering on execution of his office, shall be sworn before some judge or baron, faithfully to execute its duties, *id.* s. 4.

68. The registrar shall be incapable of sitting in house of commons during continuance in his office, *id.* s. 5.

69. As soon as the office is opened, copies and duplicates of registries of colonial slaves, received by secretaries of state, shall be delivered over to the registrar, who shall from time to time carry on, correct, and enlarge the same, pursuant to the returns received, and shall from such indexes, abstracts, and arrangements as may best promote regularity in keeping such books, and facilitate search therein, *id.* s. 6.

70. The registrar or his clerk shall give due attendance from 10 to 4 every day, (except *Sundays* and bank holidays,) for dispatch of official

business, and shall make searches for and give certificates of the registration or non-registration of any slaves, with extracts (if registered) of their names and descriptions, plantations or owners, and all other particulars stated in the registry, for which search, certificate, or extract, the fee set by treasury shall be paid, 59 G. 3. c. 120. s. 7.

71. From 1st Jan. 1820, no subject in U. K. may purchase or lend money, goods, or effects, on security of any slave in H. M.'s colonies, or foreign possessions, unless such slave appear by the return to have been first registered in the registrar's office; and every sale, mortgage, or conveyance of, and other security, on any slave not so registered, executed after 1st Jan. 1820, in U. K., to or in trust for any subject, shall be void in respect of such unregistered slave; and no slave shall be deemed duly registered unless it appear that a return thereof, duly made, by the owner or other person in his behalf, in the legal manner, in the colony where the slave is resident, shall have been received in registrar's office from such colony, within 4 years next preceding the date of such sale, &c. *id.* s. 8.

72. After 1st Jan. 1820, no deed executed within U. K. for transfer or mortgage of any slave, in any of the said colonies, or for raising any estate therein, shall be valid to pass or affect such slave, unless his registered name and description be duly set forth in such deed, or in some schedule indorsed or annexed according to the latest or corrected registration in the said office; but neither such deed or schedule shall be avoided for clerical error in setting out the slave's name and description, or in varying from the entries in the books of registry, without fraudulent contrivance or wilful default of the parties thereto; provided that nothing herein shall affect deeds or securities of the above nature, executed before this act passed, or to impeach any will, codicil, or testamentary paper, probate, conveyance, or instrument made by authority of commissioners of bankrupt, or public officer appointed to convey insolvent's estate, or of any court of justice or officer thereof, or in execution of legal process by reason that the registered names and descriptions of any slaves are not set forth in such deed, &c. *id.* s. 9.

73. The issue of any slave described in any deed or schedule thereto, executed in U. K., born after the colonial return required by law, who shall be afterwards registered in the next return for the colony, shall pass and be affected as registered slaves by such deed, &c. as effectually as if named therein, *id.* s. 10.

II. STATUTES connected with treaties for suppression of the slave trade carried on by foreign nations.

74. TO CARRY INTO EXECUTION A TREATY BETWEEN H. M. and the king of *Spain*, for preventing traffic in slaves, 58 G. 3. c. 36.

75. "After reciting treaty of 23d Sept. 1817, between H. M. and the king of *Spain*," it is enacted, that any commander of any king's ship of war, duly authorized and provided with instructions according to the provisions of the said convention, may search all vessels suspected, on reasonable grounds, of having slaves on board, acquired by an illicit traffic; and may detain and bring to adjudication all ships, vessels, and cargoes therein, made subject to detention and condemnation, according to the said treaty, and instructions aforesaid, *id.* s. 1.

76. All vessels belonging wholly or in part to H. M.'s subjects, suspected of having slaves on board, shall be, according to the treaty, *Art.* 9., subject to the visitation and search of *British* or *Spanish* vessels of war, according thereto; and all vessels found having slaves on board, contrary to *Art.* 9—10. of the treaty, and all boats, apparel, furniture, and slaves belonging to such vessels, and all cargoes therein, shall be subject to the search and detention of *British* or *Spanish* vessels of war, and to forfeiture according to the said treaty, and the regulations thereunto annexed, and to condemnation by the commissary judges and commissioners to be appointed according to the said treaty, and the instructions annexed thereto, *id.* s. 2.

77. H. M., by warrant under his sign manual, countersigned by one of the secretaries of state, may appoint commissary judges and commissioners of arbitration, and from time to time may supply vacancies, by appointing others, and may grant salaries to such commissioners, not exceeding such annual sums as the treasury shall direct; and such commissary judges and commissioners shall decide all cases of detention, captures, and seizures of vessels and their cargoes, seized under the said treaty, and do all acts agreeably thereto, as fully as if special powers for that purpose were particularly given in this act, *id.* s. 3.

78. H. M., by like warrant, may nominate a secretary or registrar to the commission, and from time to time supply any vacancy in such office, and grant salaries not exceeding such annual sum as the treasury shall direct; and such secretary, &c. shall execute all the duties of such office, as set forth in the said treaty, and all such acts as may be necessary for the due discharge of the duties thereof, according to the said treaty, *id.* s. 4.

79. The governor, lieutenant-governor, or principal magistrate of the

colony in which the commission shall sit, within the possessions of H. B. M., may fill up every vacancy which shall arise in such commission, either of commissary judge, commissioner, or any officer thereof, appointed by H. M., according to the 15th Art. of the treaty, *ad interim*, till such vacancy is filled by some person appointed by H. M., 58 G. 3. c. 36. s. 5.

80. Every commissary judge and commissioner of arbitration shall, before he enter upon the execution of such office, take an oath, in the presence of the principal magistrate acting in the colony, whether belonging to his *Britannic* or Catholic majesty, faithfully to execute same; and every secretary, &c. or register, before he enters on the duties of his office, shall take an oath before the *British* commissary judge, to the same effect. [The forms are given in the act, but seem unnecessary to be inserted here.] *id.* s. 6.

81. The commissary judges, or such secretary, &c., may administer oaths and take the depositions of all parties, witnesses, and other persons, in the course of any proceeding; and may summon persons, and send for and issue precepts for producing papers, and enforce all such summonses and precepts by like means as any court of vice-admiralty, *id.* s. 7.

82. Every person who shall wilfully and corruptly give false evidence before them, shall be deemed guilty of perjury, and being thereof convicted, shall be subject to all the punishments thereof, and may be tried either in the place where the offence was committed, or in any colony near thereto, or in K. B. in *Eng.*; in which latter case the *venue* may be laid in *Middlesex*, *id.* s. 8.

83. The pendency of any suit before the said commissioners, for condemnation or restitution, or the final adjudication, condemnation, or judgment thereon, may be pleaded in bar, or given in evidence under the general issue, and shall be a complete bar in any action for recovery of any ship, vessel, or cargo, or of any damage sustained in consequence of any capture, *id.* s. 9.

84. The 400,000*l.* stipulated to be paid by the said treaty, Art. 3., and paid accordingly, as a full compensation for all losses sustained by the subjects of his Catholic majesty, on account of vessels captured previously to the exchange of the ratification of the treaty, and for the losses which are a necessary consequence of the abolition of the traffic in slaves, shall be considered to be full compensation for all such losses; and such stipulation may be pleaded in bar, or given in evidence upon the general issue in any action, *id.* s. 10.

85. But the lords commissioners of appeal in prize causes, and the high court of admiralty in all cases arising out of the said captures, on appeal from any vice-admiralty court, may hear and determine all questions respecting any right to which H. M. or the captors or seizers may claim to be entitled, *id.* s. 11.

86. In all such cases as aforesaid, in which the captors or seizers shall not establish any right, the said courts may adjudge the ships, vessels, and cargoes, or the proceeds thereof, and every part thereof, to which the captors shall not establish any right to be delivered or paid, to the use of H. M., to such persons as the treasury shall appoint to receive the same, *id.* s. 12.

87. Nothing in this act shall affect or repeal any of the acts made for the suppression of the slave trade; all which shall remain in full force, *id.* s. 13.

88. If any action shall be commenced for any thing done in pursuance of the treaty or act, defendant may plead the general issue; and if the plaintiff shall be nonsuited, or discontinued after appearance, or if judgment is given against plaintiff, on verdict or demurrer, defendant shall have treble costs, *id.* s. 14.

89. TO CARRY INTO EXECUTION A CONVENTION MADE between H. M. and the king of *Portugal* for preventing traffic in slaves, 58 G. 3. c. 85., [REF. as to ss. 10—11. and AMD. by and to be construed as one act with 59 G. 3. c. 17.]

90. "After reciting an additional convention to a treaty of the 22d Jan. 1815, between H. M. and the King of *Portugal*, for preventing illicit traffic in slaves, and signed at *London* 28th July 1817," it is enacted, that it shall be lawful for any officers commanding any ship of war of H. M., duly authorized with instructions according to the said convention, to visit and detain all vessels reasonably suspected of having slaves on board acquired by an illicit traffic, according to the articles of the said convention, and to detain and bring to adjudication all ships, vessels and cargoes, thereby made subject to detention and condemnation, according to the provisions of the said convention, and the instructions and regulations annexed, 58 G. 3. c. 85. s. 1.

91. All vessels, belonging wholly or in part to subjects, suspected on reasonable grounds of having slaves on board, acquired by illicit traffic, shall be subject to the visitation of *British* or *Portuguese* vessels of war; and all vessels belonging wholly or in part to subjects, and found having slaves on board, acquired by illicit traffic, contrary to the treaty; and all boats, apparel, furniture, and slaves belonging to such vessels, and all cargoes therein, shall be subject to such visit and detention, &c. and to forfeiture, according to the stipulation of the convention, and to adjudication and condemnation by the commissary judges and commissioners appointed,

according to such convention, and to the instructions annexed thereto, 58 G. 3. c. 85. s. 2.

92. H. M., by warrant under his sign-manual, countersigned by one of his secretaries of state, may appoint such commissary judges and commissioners of arbitration, by the said convention and regulations mentioned, and from time to time may supply vacancies, and grant salaries to such judges and commissioners, not exceeding such annual sums as the treasury shall direct; which judges and commissioners shall examine and decide all cases arising under this act, *id.* s. 3.

93. H. M. by like warrant, signed and countersigned as above, may appoint a secretary or registrar to the commission, and from time to time supply any vacancy in such office, and grant salaries, not exceeding such annual sum as the treasury shall direct; which secretary or registrar shall do all the duties of such office, *id.* s. 4.

94. The governor, lieut.-gov., or principal magistrate of the colony or settlement in which the commission shall sit, within the possessions of H. M. may fill up every vacancy in such commission, either of commissary judge, commissioner, or any officer thereof, *ad interim*, until such vacancy shall be filled by some person appointed by H. M., *id.* s. 5.

95. Every commissary judge and commissioner of arbitration shall, before entering upon the execution of any of the duties of his office, take an oath, in the presence of the principal magistrate in the colony, to execute his duty faithfully and impartially; and every secretary or registrar shall take oath to the like effect, *id.* s. 6. [The form is given, but seems unnecessary here.]

96. The commissary judges or such secretary or registrar, may administer oaths, and take the depositions of all parties, witnesses, and other persons, *id.* s. 7.

97. Every person who shall wilfully give false evidence, in any examination or deposition, or affidavit, shall be deemed guilty of perjury, and being thereof convicted, shall be subject to all the penalties to which persons convicted of wilful and corrupt perjury are liable, and may be tried for the same in any colonial court of competent jurisdiction, or in K. B. in *Eng.*; and if in K. B., the *venue* may be laid in *Middlesex*, *id.* s. 8.

98. The pendency of any proceeding before the commissioners for condemnation or restitution of any ship or cargo, or slaves seized or detained, or the final judgment thereupon, may be pleaded in bar, or given in evidence under the general issue, in any action or proceeding in consequence of any thing done under authority of the convention, or of the instructions thereto annexed, *id.* s. 9.

99. Nothing in this act shall alter or affect any penalties contained in acts for suppression of slave trade, *id.* s. 12.

100. If any action is commenced for any thing done in pursuance of the said treaty, or instructions, or of this act, the defendant may plead the general issue; and if the jury find for defendant, or if plaintiff discontinues after appearance, or be nonsuited, or if judgment be given on verdict or demurrer against plaintiff, the defendant shall have double costs, *id.* s. 13.

101. "Reciting a convention with *Portugal* of 28th July 1817, Art. 9., for appointing a commission in *London* to determine certain captures of *Portuguese* vessels, and Art. 10. for regulating proceedings thereon," H. M., by like warrant, countersigned as in *pl.* 92. may appoint 2 persons to be members of the mixed commission (of an equal number of commissioners of both nations), to be held at *London*, one of such persons to be a commissary judge, and the other a commissioner of arbitration, according to Art. 9., and may supply vacancies, and grant salaries, to such judge and arbitrator, who shall decide all cases made subject to them by Art. 9, and this act, between 1st June 1814, and the period of assembling of the two commissions in Art. 8. mentioned, in *Africa* and the *Brazils*, 59 G. 3. c. 17. s. 2.

102. H. M., by like warrant, countersigned as in *pl.* 92. may appoint a registrar to the *London* commission, may supply any vacancy therein, and grant salary not exceeding the annual sum directed by treasury, which registrar shall perform all the duties of such office, *id.* s. 3.

103. Every such judge and arbitrator, whether appointed *ad interim* or permanently, shall, before entering on his duties, take an oath before any judge of K. B. or baron of exchequer, for faithful and impartial execution of his duty; and every registrar appointed as above shall in like manner take oath to the same effect, before the *British* commissary judge, *id.* s. 4.

104. Every such judge or registrar appointed under this act may summon all necessary witnesses, and issue and enforce precepts, as by 58 G. 3. c. 85.; and may administer oaths to, and take depositions of all parties examined before them, or for deposing in any proceeding before the judges of the *London* commission, or before them, and an arbitrator, where the latter shall act with them, *id.* s. 5.

105. Every person wilfully giving false evidence, in any examination, deposition, or affidavit had on any proceeding before such judges or commissioners, shall be guilty of perjury, and be liable to the punishments thereof, *id.* s. 6.

106. The sum of 300,000*l.*, and interest, stipulated to be paid to the King of *Portugal*, in satisfaction for his subjects' losses for slave vessels captured up to 1st June 1814, shall be considered full compensation for all such captures; and the stipulation in *Art. 9.* of the convention of 21st Jan. 1815, recited in convention 28th July 1817, *Art. 11.*, and in 58 G. 3. c. 85., and this act may be pleaded in bar, or given in evidence on the general issue, and shall be held a good bar of any suit for restitution or for damage sustained by such seizure, &c. 59 G. 3. c. 17. s. 7.

107. No claims or suits shall be brought except before the commissioners appointed under convention of 28th July 1817, 58 G. 3. c. 85. and this act, for any thing arising under the same; and the pendency of any suit before such commission may be pleaded in bar, or given in evidence under the general issue; or if no such claim or proceeding have been instituted before such commission, then the convention and both acts may be so pleaded, &c., and either shall be a complete bar to any such proceeding in any court, other than before such commission, *id. s. 8.*

108. The commissioners of appeal in prize causes, and the high court of admiralty, in all cases arising out of the captures of any such vessels and cargoes, of any subjects of the King of *Portugal*, as well before 1st June 1814, as between that day and the period above described, depending or brought before them on appeal from vice-admiralty court, may hear and determine all questions respecting the right or interest in any such vessels and cargoes so captured, which H. M. or the captors may claim, and may enforce their judgments by their usual process; and where the captors shall not establish any right by reason of such seizure, may adjudge such vessels and cargoes, or the proceeds, or part thereof to which the captors shall not establish any right, to be paid to H. M.'s use, to such person as the treasury shall appoint to receive the same, and shall enforce such delivery by like process, *id. s. 9.*

109. To CARRY INTO EFFECT THE TREATY WITH THE *Netherlands*, relating to the slave trade, 59 G. 3. c. 16.

110. "After reciting the treaty," Every commander of a king's ship, duly authorized and provided with instructions according to such treaty, may visit and detain, in any seas, (except the *Mediterranean* or *European* seas lying without *Gibraltar*, and northward of 37 deg. N. lat. and within, and to the east of 20 deg. W. long. of *Greenwich*, as in *Art. 3.* and s. 3.) all ships belonging wholly or in part to the subjects of the king of the *Netherlands*, reasonably suspected of having slaves on board, for purposes of traffic, contrary to such treaty, and may detain and bring to condemnation and adjudication, all vessels and cargoes made subject thereto by such treaty, *id. s. 1.*

111. All vessels belonging wholly or in part to H. M.'s subjects, reasonably suspected of having slaves on board for illicit traffic, shall (subject to regulations of such treaty) be subject to visit and detention by *British* or *Netherland* ships of war, duly authorized as above; and all vessels owned as above, which shall be found to have slaves on board for such illicit traffic, with all boats, apparel, stores, and slaves, and cargoes therein, shall be subject to such visit and detention, and to condemnation by the judges appointed by such treaty, *id. s. 2.*

112. No ships on board of which no slaves shall be found intended for traffic, shall be detained under this act on any pretence, and negro servants or sailors on board shall not be cause for detention, *id. s. 3.*

113. *British* ships of war deeming it expedient to visit *Netherland* merchant ships under convoy of *Netherland* ships of war, shall act in concert with the commander of the latter, and the converse; to which visits every facility shall be given, as well as to the ship's eventual detention, *id. s. 4.*

114. H. M. by warrant under sign-manual, countersigned by a principal secretary of state, may appoint such judges and arbitrators, as are by the treaty to be appointed by H. M., and may supply vacancies in such offices, and may grant annual salaries as limited by the treasury, which judges, &c. shall examine and decide all such cases of detention and seizures of vessels and cargoes under this act, and shall do all other things in execution of the treaty, *id. s. 5.*

115. H. M. may, by like warrant, nominate a registrar of slaves in G. B. [see 59 G. 3. c. 120. pl. 63.] *id. s. 6.*

116. The govr. lieutenant-govr. or principal magistrate of the colony or settlement in which such court shall sit within H. B. M.'s possession, may fill up each vacancy of such judges, &c. *ad interim*, till filled up by H. M., *id. s. 7.*

117. Every judge and arbitrator appointed by H. M. or *ad interim* as above, shall, before entering on execution of his duties, take an oath for faithful and impartial execution thereof, in presence of the principal magistrate of the colony, &c. where the court shall be appointed to reside, and every secretary shall, before entering on his duties, take a like oath before the *British* commissary judge, as aforesaid, *id. s. 8.* [The form is given, but seems unnecessary here.]

118. Any such judge, secretary, or registrar, may administer oaths to, and take depositions of all parties, witnesses, and others, who may come before them to be examined, or for deposing in any proceeding before

such judges, or before them and the arbitrator; and the latter may summon before them all persons whom they may deem necessary to examine as to any proceeding under their cognizance, and send for, and issue precepts for producing papers relating to the matter in question before them, and enforce such summonses, &c. by such means as any vice-admiralty court may do, 59 G. 3. c. 16. s. 9.

119. Every person who shall wilfully and corruptly give false evidence in any examination, deposition, or affidavit, in any proceeding before such judges, &c. under this act, shall be deemed guilty of perjury, and may be tried for the same, either where the offence was committed, or in any colony of H. M. near thereto, in which there is a court of competent jurisdiction to try such offence, or in K. B. in *Eng.*; and if prosecuted in K. B. the venue may be laid in *Middlesex*, *id. s. 10.*

120. After this act passed, no person shall commence or proceed in any claim or suit whatever in the high court of admiralty, or other court, or before any judges soever, other than the several mixed courts of justice, of an equal number of judges of both nations, appointed under the said treaty, and this act, for condemnation or restitution of any ship, cargo, or slaves, or for any compensation for any loss, or damage, or injury sustained by such ship or persons on board, in consequence of any seizure or detention under the said treaty, or the regulations annexed, or this act; and the pendency of any claim or proceeding instituted before any of such mixed court so appointed under such treaty, and this act, for condemnation or restitution as above, for compensation for loss, &c. in consequence of taking such ship, or final determination of such mixed court, may be pleaded in bar, or given in evidence under the general issue, or in case of no such proceeding instituted before such mixed court, then such treaty, regulations, and this act, may be so pleaded or given in evidence; and every such plea in bar, or evidence so given, shall be deemed a good bar to any such proceeding in admiralty, or in any court other than such mixed courts, *id. s. 11.*

121. Nothing in this act shall affect or alter the penalties provided in any act for suppression of slave trade, *id. s. 12.*

122. In actions for any thing done in pursuance of the said treaty, or of this act, defendant may plead general issue, giving this act and the special matter in evidence at any trial thereupon, and that the same was done in pursuance of such treaty, &c.; and if it appear to be so done, the jury shall find for defendant, and if the plaintiff discontinue after appearance, or is nonsuited, or if judgment is given against him on verdict or demurrer, defendant shall recover treble costs, *id. s. 13.*

123. FOR APPROPRIATION OF CERTAIN PROCEEDS arising from capture of vessels and cargoes, the property of the subjects of the kings of *Spain*, *Portugal*, and *Netherlands*, taken in violation of the conventions made with those states, and for granting bounties on slaves captured in such vessels, and for indemnifying the captors of certain vessels taken in prosecution of the slave trade, 1 & 2 G. 4. c. 99.

124. The treasury may direct the original papers and proceedings respecting all ships and cargoes belonging to any subjects of *Spain*, *Portugal*, or *Netherlands*, condemned in the vice admiralty court at *Sierra Leone* since 17th Feb. 1815. to be transmitted to the registry of the high court of admiralty in *Eng.*, and further may direct the proceeds thereof in whosoever possession they are, to be paid for H. M.'s use, as they shall direct, and may institute proceedings in the high court of admiralty against any person in possession of such proceeds, for obtaining payment thereof, and may enforce such payment by process of the said court, and may reward the captors in all the above cases by granting to them one moiety of the proceeds of every cargo captured as above, *id. s. 1.*

125. The captors shall not be entitled to any such reward where it has been adjudged by the mixed commission established in *London* for adjudication of the claims of *Portuguese* subjects, under the additional convention with *Portugal*, dated 28th July 1817, that such seizure was wrongfully made; and the remaining moiety thereof shall be paid to such person as the commissioners shall appoint to receive same for H. M.'s use, *id. s. 2.*

126. In every seizure of a ship for being engaged in the illicit traffic in slaves made before passing this act, by any of H. M.'s ships of war, or any vessel duly commissioned by any governor or lieutenant-governor of any of H. M.'s colonies or settlements, in which it appears to satisfaction of treasury, that such seizure has not been improperly made, the treasury may direct that all costs incurred by the seizer in any proceedings, or for any thing relating or arising out of such seizure, shall be paid out of the proceeds thereof, or out of any proceeds of such vessels or cargoes, paid or to be paid to the order of the treasury under this act, *id. s. 3.*

127. Wherever ships and cargoes captured by any of H. M.'s ships, or by any ship commissioned by any governor or lieutenant-governor of any of H. M.'s colonies or settlements, have been in fact condemned for illicit trading in slaves, contrary to the treaties with *Spain*, *Portugal*, or the *Netherlands*, and where distribution of the proceeds has been made prior to 10 July 1821, the captors shall be confirmed in possession of such proceeds, *id. s. 4.*

128. Where any ship employed in illicit traffic in slaves, in violation

of any of the treaties in *s. 4. pl. 127.*, shall be seized by any ship of H. M., duly authorized to make such seizure, and is afterwards condemned by any of the commissioners appointed under the above treaties, there shall be paid to the captors the moiety to which H. M. is entitled under those treaties of the net proceeds of such ship and cargo, to be distributed as in next *pl.* directed for distribution of bounties on slaves taken on board such vessels, *1 & 2 G. 4. c. 99. s. 5.*

129. A bounty of 10*l.* shall be paid out of consolidated fund of U. K. for every man, woman, and child slave, found on board any ship taken, and by any of the above commissions condemned for illicit traffic in slaves, in violation of any such treaties; such bounty to be paid by order of treasury, and distributed to the captors as directed by H. M.'s proclamation of 14th Oct. 1816, for distribution of proceeds, or by any other which he may issue, *id. s. 6.*

130. In all captures of Portuguese vessels made by any of H. M.'s ships, or by any ship duly commissioned by any governor or lieutenant-governor of any of H. M.'s colonies or settlements, between 1st June, 1814, and 28th July, 1817, on account of any treaty with Portugal, there shall be paid a like bounty of 10*l.* for every man, woman, and child slave, so taken; and in all captures of any ship belonging to Spain, Portugal, or Netherlands, captured by any of H. M.'s ships duly authorized under the provisions of the treaties of 28th July 1817, with Portugal, 23d Sept. 1817, with Spain, and 4th May 1818, with Netherlands, prior to passing this act, *viz. 10th July 1821*, and condemned for contravention of its provisions, a like bounty shall be paid, to be distributed to the captors as in last *pl.*; but where the proceeds of any such capture have been distributed among the captors, and allowed to be retained by them under this act, the moiety of the proceeds shall be deducted from such bounties, *id. s. 7.*

131. Where any bounties or proceeds are by virtue hereof given to any capturing vessel, being a vessel duly commissioned by any governor or lieutenant-governor of any of H. M.'s colonies, &c. they shall be distributed as treasury shall appoint, *id. s. 8.*

132. Any party claiming benefit under this act, may resort to the high court of admiralty for obtaining the judgment thereof in that behalf, and the judge thereof may determine thereon, *id. s. 9.*

133. All provisions and penalties respecting delivery by prize agents, of accounts for examination, and the distribution of prize-money, and accounting for, and paying over proceeds of prize, and per centage due thereon to Greenwich hospital, are extended to all bounties and proceeds distributable under this act to the officers and crews of any of H. M.'s ships of war, whether paid to prize agents or to any other person authorized to receive them for their use, *id. s. 10.*

SODOMY.

1. FOR THE PUNISHMENT OF THE VICE OF BUGGERY, 25 H. 8. c. 6. [CON. 28 H. 8. c. 6., 31 H. 8. c. 7. MADE PERP. 32 H. 8. c. 3. AMD. 2 & 3 E. 6. c. 29., both acts REP. 1 M. S. 1. c. 1. s. 5. and REV. 5 EL. c. 17.]

2. Buggery with mankind or beast shall be adjudged felony, and such process used therein as in cases of felony at common law; and the offenders, on conviction, by verdict, confession, or outlawry, shall suffer death without clergy, and losses of goods, debts, and lands, &c. as felons do; and justices of peace shall determine such offence as in cases of other felonies, 25 H. 8. c. 6. The forfeiture of goods, &c. taken away, 2 & 3 E. 6. c. 39.

SOLDIERS.

(STATUTES repealed and expired.)

1. FOR TAKING OF MUSTERS, 4 & 5 P. & M. c. 3. [REP. by general words of 26 G. 3. c. 107. which act is & M. REP. and other regulations made by 42 G. 3. c. 90.]

2. FOR NECESSARY RELIEF OF SOLDIERS and mariners, 35 EL. c. 4., 39 EL. c. 21. [CON. 45 EL. c. 3. s. 1., and 43 EL. c. 9. s. 29. but now EXP. *see* 43 EL. c. 3. *infra*, *pl. 25.*]

3. FOR DISTRIBUTION OF 60,000*l.* among the loyal and indigent commission officers, and for assessing offices, and distributing the monies thereby raised for further supply, 13 & 14 C. 2. c. 8. [AMD. 15 C. 2. c. 3. BOTH EXP.]

4. FOR RELIEF OF POOR AND MAIMED OFFICERS and soldiers who have faithfully served H. M. and his royal father in the late wars, 13 & 14 C. 2. c. 9. [EXP.]

5. FOR MORE EASY AND BETTER RECRUITING H. M.'s forces and marines, 18 G. 3. c. 53. [REP. 19 G. 3. c. 10. s. 1. CON. as to volunteers, 20 G. 3. c. 37. which is REP. 23 G. 3. c. 37.]

(STATUTES in force.)

1. NONE SHALL BE COMPELLED TO GO OUT OF THEIR SHIRES but on sudden coming of strange enemies into the realm, and then it shall be done as used in times past for defence of the realm, 1 E. 3. S. 2. c. 5. [CON. 4 H. 4. c. 13.]

2. NO MAN SHALL BE BOUND BY WRITING to come armed to H. M., 1 E. 3. S. 2. c. 15.

3. MEN AT ARMS, NOBLES AND ARCHERS chosen to go in H. M.'s service out of Eng., shall be at H. M.'s wages from the day they leave their shires till their return, 18 E. 3. S. 2. c. 7. [CON. 4 H. 4. c. 13.]

4. NO MAN SHALL BE OBLIGED TO FIND MEN AT ARMS, &c. except by parliamentary assent, 25 E. 3. S. 5. c. 8. [CON. 4 H. 4. c. 13.]

5. [NOTE. The exception in 25 E. 3. S. 5. c. 8. and 4 H. 4. c. 13. of persons bound to find men at arms, &c. by tenure from the provisions of those statutes, is virtually REP. 12 C. 2. c. 24. s. 1.]

6. NO CAPTAIN WHO SHALL RECEIVE H. M.'s WAGES for his soldiers, shall abate of his soldiers any part of their wages, except for their clothing, *viz.* if they be waged for half a year, 10*s.* for a gown for a gentleman, and 6*s.* 8*d.* for a yeoman; upon pain of 20*l.* for every spearman, and 10*l.* for a bowman to H. M., 18 H. 6. c. 18. [see printed Rot. Parl. 18 H. 6. nu. 62.]

7. If any captain be retained to serve H. M. on or beyond sea in feat of war which hath not his perfect number of men as he shall be retained, or shall not give them their full wages within 6 days after received by him of H. M. for them, without deduction, except for jackets for them that receive land wages, *viz.* 6*s.* 8*d.* for a yeoman, and 13*s.* 4*d.* for a gentleman, he shall forfeit to H. M. all his goods, and be imprisoned; if any soldier, being in wages and retained, or having taken prest to serve H. M. on the sea or on the land beyond it, depart out of H. M.'s service without captain's licence, such departing shall be felony without clergy, determinable by justices in the shire where such soldier is apprehended; no captain shall be charged for soldiers dying or departing, not by his default, if he give notice to the treasurer of the wars if he is at land wages, or admiral of the navy if at sea-wages, 7 H. 7. c. 1.

8. TOUCHING THE TIME SERVICE REQUIRED in captains and soldiers, 2 & 3 E. 6. c. 2. and recital in *ss. 1, 2.* [CON. 4 & 5 P. & M. c. 3. s. 9. QU. if not EXP. since military tenures were abolished by 12 C. 2. c. 24. ?]

9. If any soldier serving H. M. in his wars in his dominions, or on or beyond the seas, do sell, exchange, give or put away, or purloin any horse or harness wherewith he shall be set forth, then every such offender, on proof before the lieutenant, high admiral, H. M.'s deputy, vice-admiral, warden or captain, and in their absence before any of their deputies, shall be imprisoned by the lieutenant, or other before named, till he have satisfied the owner of the horse or harness, 2 & 3 E. 6. c. 2. s. 5.

10. If such soldier escape, then, on complaint and proof made by the party grieved to any justice of peace where such soldier is found, he shall be committed to ward till he has satisfied the party grieved for such horses and harness, *id. s. 4.*

11. If the soldier bring sufficient testimony before the justice from the lieutenant, &c. or any person in *s. 3. pl. 9.* under seal, testifying that the horse or harness were lost in H. M.'s service against the will of the soldier, or that the same was taken by the said lieutenant, &c. from the soldier for any reasonable respect, and appointed to some other to serve in the place of the said soldier, such soldier shall be discharged, and those to whom the said horse or harness shall be appointed, not bringing home to the owner the said horse and harness after he shall be discharged, shall suffer like pain, *id. s. 5.*

12. If any soldier depart without licence of the lieutenant, &c. with booty, or otherwise, being in the enemy's country, or elsewhere in H. M.'s service, or out of any garrison, such soldier shall be judged and executed as a felon without clergy, and the justices of every shire where he is taken shall have power to hear and determine the offence concerning such departure, as in other cases of felony committed in that shire, *id. s. 6.* [REP. as to the felony, 1 M. S. 1. c. 1. s. 5. REV. 4 & 5 P. & M. c. 3. s. 9.]

13. If any commissioner or captain to whom H. M. shall direct his commandment, by commission or letters, for the levying or setting forth of men to serve H. M. in his wars, shall, for gain, discharge any person by him appointed to serve H. M. as a captain, soldier or pioneer, and do assign any other person in his stead, he shall forfeit to H. M. 20*l.* for every such default of every man so discharged, *id. s. 7.*

14. If any captain appointed to have the order of any number of soldiers under any higher officer, license any soldier to depart without the assent in writing of the lieutenant, or the others before named, he shall forfeit 20*l.* to H. M., *id. s. 8.*

15. If any lieutenant, or other in *pl. 9.* named, having the order of any number of soldiers serving as above, shall demand or take of H. M. or his treasurers any wages for more soldiers than served, or for more days than they served, and do not note the day of every such soldier's entry into wages, and that of his death and departure, and deliver the same to such treasurers every month, such offender shall forfeit to H. M. 5*s.* for every default, and be imprisoned one month and lose his office, *id. s. 9.*

16. No captain shall give to any of his soldiers appointed to serve under him in any garrison any licence to depart from his service, but

only the lieutenant, or others in *pl. 9.*, on pain of imprisonment, as well of the captain as soldier, at discretion of the lieutenant, &c., *2 & 3 E. 9. c. 2. s. 10.*

17. Every lieutenant, &c. as in *pl. 9.*, on pain of 10*l.*, shall cause to be proclaimed the effect of this act, *viz.* every lieutenant of any army in every field under his charge, shall proclaim this act every month, and every of H.M.'s deputies of every fortress, and captain of any other fortress, shall proclaim this act once every quarter, *id. s. 11.*

18. Every person giving to the lieutenant, or others above named, information of any of the above offences, shall have one month's wages of him who is found faulty, to be paid by the treasurer upon warrant of the lieutenant, &c. *id. s. 12.*

19. Nothing herein shall extend to any orders established for the government of any place of H.M. to be governed by H.M.'s orders, *id. s. 13.*

20. Every lieutenant, &c. may retain to their use of the wages of their soldiers the sums following, *viz.* 6*s.* 8*d.* for the livery or coat of every yeoman soldier, and 13*s.* 4*d.* for that of every gentleman for a year, *id. s. 14.*

21. No lieutenant, &c. shall be hereby charged for lack of his number for any soldiers as shall die during his service, or be sick, or depart against his will, unless in his default, *id. s. 15.*

22. And this act shall not prejudice any officer for non-payment of H.M.'s wages to their household servants, and other to whom they duly find meat and drink during such service of war, *id. s. 16.*

23. This act shall not charge any person for taking any gift of any of his tenants or friends towards his relief when commanded by H.M. to serve in wars, or to find men on horseback or on foot, nor for aid or reward, covenanted to be paid to any person appointed to serve in wars, or to find horse or man to serve by reason of any grant, covenant or tenure, *id. s. 17.* [*comb. REP.* as to the tenure, *see pl. 5.*]

24. Nor shall this act charge any lieutenant or others for detaining part of the soldiers' wages for payment of victuals, harness, weapons, or for prest money delivered to such soldier, *id. s. 18.*

25. FOR NECESSARY RELIEF OF SOLDIERS AND MARINERS, 43 *El. c. 3. and recital in ss. 1, 2.* [*CON. 3 C. 1. c. 4. s. 22. and indefinitely, 16 C. 1. c. 4.*]

26. Every parish shall be charged to pay weekly such a sum towards the relief of sick, hurt and maimed soldiers and mariners having been prest and in pay for H.M.'s service, as by the quarter sessions after *Easter* yearly, shall be appointed; so as no parish be rated above 10*d.*, nor under 2*d.*, and so as the total sum of such taxation of the parishes in any county where there are above 50 parishes do not exceed 6*d.* per parish, which sums shall be yearly assessed by the parishoners within themselves, or in default thereof by the churchwardens and constables, or in default of their agreement by order of such justice or justices of peace as shall dwell in the parish, or, if none be there dwelling, in the parts next adjoining, 45 *El. c. 3. s. 3.*

27. If any person neglect to pay the churchwardens and constables, or in their defaults, the said justices may levy such sum by distress and sale of goods, *id. s. 4.*

28. The churchwardens and constables shall collect every such sum, and the same pay over to the high constable 10 days before every quarter sessions, who shall pay over the same to such persons as shall be by the justices elected treasurers of the said collection, the same to be such as at the last taxation of the subsidy next before the election, shall be sessed at 10*l.* in land yearly, or at 15*l.* in goods, which treasurers shall continue but one year, and then give up their charge, with a due account of their receipts and disbursements in *Easter* quarter sessions, or in 10 days after, to such others as shall, from year to year, in form aforesaid, be successively elected, *id. s. 5.*

29. Every churchwarden, petty or high constable, or his executors or administrators, who shall fail to make such payments, shall forfeit 20*s.*, and every high constable, his executors, &c. 40*s.*, to be levied by the treasurers by distress and sale, and taken by them in augmentation of their stock to the above uses, *id. s. 6.*

30. If any treasurer, his executors, &c. shall fail to give up his account within the above time, or shall be negligent in executing his charge, the justices in their session may assess such fine as shall seem convenient, so as it be not under 5*l.*, *id. s. 7.*

31. Every soldier or mariner having had his limbs lost or disabled in his body by service, being in H.M.'s pay, or such as shall hereafter return into this realm hurt, maimed or sick, shall, if he can travel, make his complaint to the treasurers of the court out of which he was pressed, or if he was not pressed to the treasurers of the county where he was born or last inhabited for 3 years at his election; and if he cannot travel, to the treasurers of the county where he shall arrive, and shall bring a certificate under the hand and seal of the general of the camp, or governor of the town, and of the captain of the band, or his lieutenant under whom he served, or in the absence of the general or governor, from the marshal or deputy governor, or from any admiral of H.M.'s fleet, or in his absence, from any other general of H.M.'s ships, or, in his absence, from the captain of the ship wherein the said ma-

rinier or soldier did serve H.M., containing the particulars of his hurts and services; which certificates shall be also allowed by the general muster-master resident within this realm, or receiver-general of the muster-roll, the treasurer and comptroller of H.M.'s navy, under his hand, then, upon such certificate, such treasurer shall, according to the nature of his hurt and commendation of his service, assign to him such relief as seems convenient for his present necessity till the next quarter sessions, at which the justices, under their hands, may make an instrument of grant of like relief to endure as long as this act exists, if the soldier, &c. shall so long live, and the pension be not revoked, which shall be sufficient warrant to all treasurers for the county to make payment of such pension quarterly, except the same be afterwards by such trustees revoked or altered, so that the relief so assigned to any such soldier or mariner having not borne office in the wars exceed not the sum in gross or yearly pension of 10*l.*, nor to any that hath borne office under the degree of the lieutenant, 15*l.*, nor to any that hath served in the office of lieutenant, 20*l.*, 43 *El. c. 3. s. 8.*

32. The justices and others having authority by this act to assign pensions to soldiers and mariners, may, upon just cause, revoke or alter the same, in the quarter sessions or general assemblies for cities or towns, where the pension shall be granted, *id. s. 9.*

33. The treasurers of the county where such soldiers and mariners shall arrive upon their certificate, (though not allowed,) may give them any convenient relief for their journey, to carry them to the next county, with a testimonial of their allowance to pass on toward such a place; and so the treasurer of the next county, and so from county to county, till they come to the place where they are to find their maintenance, *id. s. 10.*

34. The treasurers shall keep a true book of computation of all such sums as they levied, and also a register of the names of every person to whom they have disbursed any relief; and shall also preserve or enter every certificate by warrant, whereof such relief hath been by them disbursed; and the muster-master or receiver general of the muster-rolls, shall keep a book, wherein shall be entered, the names of all whose certificates shall be by him allowed, with an abstract thereof; and every treasurer, not accepting the certificate brought to him, shall write the cause of his not allowing thereof, under or on the back of such certificate, *id. s. 11.*

35. If any treasurer shall refuse to give relief, according to this act, the quarter sessions may fine him, the fine to be levied by distress and sale, to be prosecuted by any 2 of them whom they shall authorize, *id. s. 12.*

36. Every soldier or mariner, taken begging or counterfeiting any certificate, in this act expressed, shall for ever lose his pension, and shall be deemed a common rogue or vagabond, and shall have like imprisonment and punishment, *id. s. 13.*; [*but see 17 G. 2. c. 5. s. 3. VAGRANT.*]

37. The surplus of the stock of any county shall, by the quarter sessions, be bestowed on such charitable uses as are limited in the statutes for the relief of the poor, and for punishment of rogues and beggars, *id. s. 14.*

38. The justices of peace, within any county of *Eng.* or *Wa.*, shall not intrmit or enter into any city, borough, place or town corporate, where is any justice of peace for such city, &c. for the execution of this act; but the justices, mayors, and other head officers of the latter, may proceed to its execution within their liberties, shall be finable for offences committed by them, as other justices of the county at large, and may appoint any person to receive and pay such money therein; who shall do the duty, and be subject to all the penalties hereby inflicted on high constables, *id. s. 15.*

39. All forfeitures incurred by any treasurer or other, for any cause herein mentioned, shall be employed to the relief of such soldiers and mariners, and the overplus of the stock shall be employed as in *pl. 37.*, except the justices think meet to keep the same in stock for relief of such soldiers, &c. as out of the same county may afterwards be appointed to receive pensions, and the relief shall be given to soldiers, &c. out of the county or place where they were pressed, so far forth as the taxation will extend; and if the whole taxation there shall be before employed, or if they are not prest-men, then out of the place where they were born or last inhabited, 3 years at their election, *id. s. 16.*

40. If the rate is not sufficient for relief of such soldiers and mariners, as shall be to be relieved within the city of *London*, the mayor, recorder and aldermen, may tax such sums for such relief as shall be convenient, so as they do not exceed 3*s.* weekly out of any parish, and so as the total sum shall not exceed or be under 12*d.* weekly out of every parish, one with another.

41. FOR THE PUNISHMENT OF MUTINY AND DESERTION, 1 & 2 *G. 4. c. 9.* [*NOTE. The following clauses from the mutiny act, 1 & 2 G. 4. c. 9. have been placed here as affecting the liberty of the subject, and being of general interest; viz. those regulating the quartering, and providing carriages for troops, as well as those which prevent their sporting without leave, &c.*]

42. "Whereas by the petition of right, 3 *C. 1.* it is declared, that the people of the land are not by law to be burdened with sojourning of

soldiers against their wills;" and by 51 C. 2. c. 1. s. 54. it is enacted, "that no officer or person soever should, from thenceforth, presume to place, quarter or billet any soldier on any subject of the realm, without his consent, and that the latter may refuse to quarter him:" IT IS ENACTED, that constables, chief officers of all places, tythingmen, headboroughs, and other chief officers and magistrates, of all places in Eng., Wa. or Ber., or in their absence any one justice, living in or near the same, may quarter and billet officers and soldiers in H. M.'s service and persons receiving pay in H. M.'s army, in inns, livery-stables, ale and victualling-houses, and houses of retail sellers of British or foreign wines, to be drank in their own houses or places thereto belonging, except canteens, occupied under authority of the barrack or ordnance commissioners, and except persons keeping taverns only, being freemen of the London vintner's company, though having taken out victualling licences; and all houses of persons selling brandy, strong waters, cyder or metheglin, by retail, to be drank in their own houses, (except houses of distillers of brandy or spirits, or of shopkeepers, whose principal dealings are more in other goods than such brandy, &c., so as they do not suffer tipping in their houses), and in no other or private houses soever, nor shall any more billets at any time be ordered, than there are effective soldiers present to be quartered; all which billets, when made out by such chief magistrates and constables, shall be delivered into the hands of the commanding officer present; and if any such constable, chief officer or magistrate shall presume to billet any officer or soldier in any private house, without consent of the owner or occupier, the latter shall have remedy at law for his damage sustained thereby; and every military officer, taking on him to quarter soldiers otherwise than as by this act limited, or offering or using any menace or compulsion on any mayors, constables, or other civil officers above, tending to discourage them from performing any part of their duty above required, shall, on conviction before 2 or more justices of the county, by oath of 2 credible witnesses, be deemed *ipso facto* cashiered, and shall be disabled to hold any military employment in this kingdom, or in H. M.'s service: provided the conviction is affirmed at the next quarter sessions of the county, and a certificate thereof transmitted to the judge advocate in London, who is hereby obliged to certify the same to the commander-in-chief and secretary at war, 1 & 2 G. 4. c. 9. s. 48.

43. If any person grieved by such constable, &c., chief officer or magistrate, (such chief officer or magistrate, not being a justice,) having billeted in his house a greater number of soldiers than he ought to bear, in proportion to his neighbours, shall complain thereof to one or more justices of the division, city or liberty, where the soldiers are quartered, (or if such chief officer, &c. is a justice,) then to 2 or more like justices, they may relieve him, by ordering such and so many of the soldiers to be removed, and quartered on such other person as they see cause, who shall receive them accordingly, *id. ibid.*

44. The constable or other person, to whom the quartering of soldiers in any place mentioned in any route on the border of any county belongs, shall billet all soldiers and their horses on march, in a just proportion on the keepers of all houses within one mile of the place mentioned in the route, though some of such houses may be in the adjoining county, as if they were locally situate in such place, and all the provisions of this act in relation to quartering soldiers, shall extend to all billets so granted, as fully as if such houses were locally situate as above; but nothing herein shall empower any constable or other person to billet soldiers out of the county to which they belong, in any case where any constable, &c. of the adjoining county is present, and undertakes to billet the due proportion of men in the latter county, *id. s. 51.*

45. Any 2 justices or magistrates, in their respective jurisdictions, may grant or transfer any licence for selling ale by retail, or cyder or perry, to be consumed in any house or premises where more houses or premises than one are held together by the same person, as a canteen or any licence to sell spirits, or wine or liquor by retail, to any person applying for the same, who shall hold any canteen under any lease thereof or authority from any 2 principal officers of the ordnance board, or from any 2 of the late commissioners, or from the comptroller or other proper officer of the barrack department, without regard to the time of year, or any notices or certificates required by law, in relation to applying for or granting such licences; and H. M.'s commissioners of excise in Eng., Scot. or Ire. respectively, or any person employed by them in Eng. or Ire. in that behalf, or any collectors or supervisors of excise, within their respective districts, shall also grant like licences to any such person holding any such canteen, under any such licence or transfer thereof, of any such justice, &c. as above; and any person holding such canteen, under any such lease or authority as above, and having such licences as above, may keep it, and utter and sell therein, and in the premises belonging thereto, and not elsewhere, victuals and all excisable liquors which he may sell by such excise licence, without being subject to any penalty, *id. s. 52.*

46. The officers, men, and horses, of H. M.'s horse or dragoons, and all bat and baggage horses of H. M.'s other forces, and all staff and field

officers' horses, when on actual service, not exceeding for each officer the number for which forage is allowed by H. M.'s regulations, may be billeted in the inns and other places mentioned in s. 48., and they shall be there received and furnished with diet, small beer, and with stables, and hay and straw for such horses, paying for the same the rates established by statute, 1 & 2 G. 4. c. 9. s. 57.

47. When any of H. M.'s horse or dragoons, or other horses are billeted on the owner of any house, subject to quartering soldiers by this act, who have no stables, then, on his complaint to 2 or more justices of the division, &c. where such horse, &c. are so billeted, and on his making such allowance in lieu of his quartering such horse, &c. as the justices think reasonable, the latter may order the men and their horses or horses only, as the case is, to be removed and quartered on some other person liable under this act, to have officers and soldiers billeted on them who have stables, and may order the above allowance to be paid by the person from whom the men and horses are removed, to or amongst those to whom they are removed, or to be applied in furnishing quarters for the reception of such men and horses as the case requires, and the justices think fit, *id. s. 58.*

48. In all places where horse or dragoons shall be billeted for the future, the men and their horses shall be billeted in one and the same house, except in case of necessity, and in no other case shall less than one man be billeted, where there are one or 2 horses, nor less than 2 men where there are 4 horses, and so in proportion for a greater number; and in such case, each man shall be billeted as near his horse as possible, *id. s. 59.*

49. The commanding officers of any regiment, troop or company, may exchange any men or horses quartered in any town or place with another man or horse quartered therein, for the benefit of the service provided the number of men and horses do not exceed the number at that time there billeted at such house; and the constables, &c., chief officers and magistrates of the cities or other places, where any regiment, &c. is quartered, shall billet such men and horses so exchanged accordingly, *id. s. 60.*

50. Every officer, who shall take or cause, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or soldiers, or any of them in any house allowed by this act, shall be cashiered, and be disabled to serve in any military employment, *id. s. 61.*

51. If any constable or other officer, who, under this act, shall billet or be employed in billeting any officers or soldiers in any part of U. K., shall neglect or refuse to billet any officer, &c. on duty, when thereto required, in manner by this act directed, provided sufficient notice be given before the arrival of such troops, or shall receive, demand, or agree for any money or reward, for excusing or in order to excuse any person from quartering any such officer or soldier, or in case any victualler or other, liable by this act, to have the latter billeted on him or her, shall refuse to receive or afford proper accommodation to, or to victual any such officer or soldier so billeted on him or her, or shall refuse to furnish or allow, according to the directions of this act, the things directed to be furnished to non-commissioned officers or soldiers so billeted, or shall not furnish good and sufficient stables, together with good and sufficient hay and straw for each horse so billeted, at the rate established by any statute in force in that respect, and shall be thereof convicted before one or more justices of the county, city or liberty, in which such offence is committed, either by confession or oath of one or more witnesses, (which oath such justice, &c. shall administer,) the offender shall forfeit for every such offence not more than 5*l.*, nor less than 40*s.*, as the justice, &c., before whom the matter is heard shall think fit, to be levied by distress and sale of the offender's goods, by warrant of such justice, &c. before whom such offender is convicted, or of one or more of them to be directed, to any other constable within the county, city or liberty, or to any overseer of the poor of the parish where the offender dwells, which penalty, when levied, shall be applied in the first place in making such satisfaction to any soldier for the expence he may have been put to, by reason of his not being billeted, as such justice shall order, and the remainder to the overseers of the poor, if in Eng., to the churchwardens, if in Ire., of the parish wherein the offence is committed, or to some one of them, for the use of the poor of such parish, *id. s. 62.*

52. Any one or more justices within their respective jurisdiction, in any part of the U. K., by warrant, or order under his hand and seal, may at any time command any constable or other officer, who shall billet any soldier under this act, to give an account in writing to such justice, of the number of officers and soldiers billeted by them, and also the names of the housekeepers or persons on whom every such officer or soldier is billeted, together with an account of the street or place where every such housekeeper dwells, and of the signs (if any) belonging to their houses, that it may appear to such justice, &c. where such officers and soldiers are billeted, and that he may thereby be the better enabled to prevent or punish abuses in billeting them, *id. s. 63.*

53. Any justice of the peace at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, in

any case in which it appears to such officer or justice that better accommodation can be given to the troops by extending any route, or enlarging the district, within which billets are required, may enlarge such route, and extend such billets, as is most convenient to the troops to be billeted, 1 & 2 G. 4. c. 9. s. 64.

54. The officers and soldiers so quartered and billeted shall be received and furnished with diet and small beer, by the owners of the inns, livery stables, ale, and victualling, and other houses, in which they are allowed to be billeted by this act, paying for the same the several rates established by any statute in force in that respect, *id.* s. 65.

55. If any innholder, or other person, on whom any non-commissioned officer or private is quartered by this act, (except on a march, or employed in recruiting, and likewise except the recruits by them raised for 7 days at most, for such officers and soldiers who are recruiting, and the recruits by them raised,) shall be desirous to furnish such officers and soldiers with candles, vinegar, and salt, *gratis*, and allow them the use of fire and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish the same accordingly, then such officer and soldiers so quartered, shall provide their own victuals and small beer, and the officer to whom it belongs to receive, or who does actually receive their pay and subsistence, shall pay them the several sums payable out of the subsistence money for their diet and small beer, and not to the innholder or other person on whom they are quartered, *id.* s. 66.

56. Every officer who receives the pay of subsistence money either for a whole regiment, or particular troops and companies, or otherwise, shall every 4 days, or before the troops quit their quarters, if they shall not remain so long as 4 days, settle the just demands of all persons keeping inns or other places where officers or soldiers are quartered, by virtue of this act, out of their pay and subsistence, before any part thereof is distributed to either of them, and if he shall not pay the same, then on complaint and oath made thereof by any 2 witnesses at the next quarter sessions for the county or city, where such quarters were, (which oath the sessions shall administer,) the secretary at war in *Eng.*, and the chief or, in his absence, the under secretary for the civil department, or the first clerk in the military department in *Ire.*, shall on certificate of the justices before whom such oath was made of the sum due on such accounts, and the persons to whom the same is owing, give orders to the agent of the troop or company to pay the said sums, and charge the same against such officer, *id.* s. 67.

57. Where any troop or company is suddenly ordered to march, and the commanding officer is not enabled to pay the sums due for the lodgings for the men, and stabling for the horses, he shall, before his departure, make up his account with every person with whom such troop, &c. has been quartered, and sign a certificate thereof, which account and certificate shall be transmitted to the agent of the regiment, that immediate payment may be made, which he shall make and charge to such officer's account, *id.* s. 68.

58. If any officer, military or civil, hereby authorized to quarter soldiers in any house hereby appointed for that purpose, shall at any time quarter any of the wives, children, men, or maid servants of any officer or soldier, in any such houses against the owners' consent, the offender, if an officer of the army, shall on conviction thereof before a general court martial be cashiered, and if a constable or other civil officer, shall forfeit to the party grieved 20s. on complaint and proof thereof, made to the next justice of peace, to be levied by warrant of such justice, by distress and sale of the offenders goods, rendering the overplus to the party, after deducting reasonable charges in taking the same, *id.* s. 69.

59. Any justice for the county, town, or place where any non-commissioned officer or soldier is quartered in *Eng.*, in case the latter has either wife, or child, or children, may cause him to be summoned before him, in the town or place where he is quartered, in order to make oath of the place of their last legal settlement, (which oath such justice shall administer) and such officer, &c. shall obey such summons, and make oath accordingly, and such justice shall give an attested copy of such affidavit made before him to the person so making the same, to be by him delivered to his commanding officer, to be produced when required, which attested copy shall be at any time admitted in evidence, as to such last legal settlement before any of H. M.'s justices of peace, or at any general or quarter sessions, provided that in case any such officer or private is again summoned to swear as above, then on such attested copy of the oath by him formerly taken, being produced by him or by any other on his behalf, he shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such attested copy of examination if required, *id.* s. 70.

59 (a). All justices of peace within their several jurisdictions, being duly required thereto by an order from H. M., or the general of his forces, or the master-general, or lieutenant-general of H. M.'s ordnance, if in *Eng.*, *Wa.*, or *Ber.*, or by an order from the lord-lieutenant or other chief go-

vernor of *Ire.* for the time being, or from the commander of H. M.'s forces in *Ire.*, or other person duly authorized in that behalf, shall as often as such order is brought, and shewn to one or more such justices by any officer of the corps so ordered to march, issue out his warrant to the constables in the division of the city, hundred, or place, from, through, or near, to which such regiment, detachment, troop, or company shall be ordered to march, (for each of which warrants 1s. fee only shall be paid,) requiring them to make such provision of carriages, and horses, or oxen, with able men to drive them, as is mentioned in the said warrant, allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burthen, and specifying in such warrants the place or places from and to which the said carriages shall by virtue of such order be required to travel: also specifying the number of miles between the places, for which number of miles only so specified, constables may demand payment: which shall not exceed the day's march of the troops as prescribed in the order produced to the magistrates, unless in case of pressing emergency or necessity, and shall in no case whatever exceed 25 miles from the place at which the march shall commence, and in case sufficient carriages cannot be provided within any such division, &c. then the justice or justices of the next adjoining county or division, on such order as above, being shewn to one or more of them, or any of the above officers aforesaid shall issue warrant to their constables, as is most convenient for the above purposes, according to their respective jurisdictions, to make up such deficiency, and the said officers who, by virtue of the above warrant from the justices, are to demand the carriages therein mentioned of the constable to whom the warrant is directed, shall at the same time pay down in hand to him for the use of the person providing such carriages and men, the sums in s. 72. *pl.* 60. mentioned for which sums so received the constable shall give a receipt in writing (which need not be stamped) to the person paying the same, and shall order such persons having carriages within their respective liberties, as they think proper to provide carriages, horses, oxen, and men, according to the warrant, and they shall furnish the same; and no person owning, or driving, or causing to be driven any such waggon, cart, or other carriage, shall be subject to any penalty, nor shall such waggon, &c. be stopped by reason of any weight thereon, or of being drawn by any number of horses, &c. but the owner may put any additional number of horses, or oxen, to those prescribed or paid for under this act; and every military officer for the use of whose regiment, &c. the carriage was provided, who shall force any such waggon, &c. to travel beyond the distance specified in the magistrate's warrants, or who shall not discharge the same in due time for their return home, in the same day, if it be practicable, or who shall suffer any soldier or servant, (except such as are sick,) or any woman to ride in the waggon, &c. or who shall force any constable, or petty constable, by menacing words, to provide saddle horses for themselves or servants, or who shall force horses from the owners by themselves, servants, or soldiers, shall for every such offence forfeit 5*l.* on proof thereof, on oath, before 2 justices of peace of the same county or riding, who shall certify the same to the secretary at war in *Eng.*, or if in *Ire.* to the chief or in his absence the under secretary for the civil, or the first clerk in the military department, who shall give orders for the payment of the said sum of 5*l.*, according to the order and appointment under the hand and seals of the said justices, and for deducting the same out of such officer's pay, 1 & 2 G. 4. s. 9. s. 71.

60. The sums to be paid into the hands of such constables in *Eng.*, *Wa.*, and *Ber.* shall be these; *viz.* 1s. *per* mile travelled by a waggon with 4 or more horses, or with 6 oxen, or 4 oxen with 2 horses; 9*d.* *per* mile, travelled by any waggon with narrow wheels, or any cart with 4 horses respectively, or carrying not less than 15 *cwt* and the sum of 6*d.* for every mile travelled by any cart or other carriage, with less than 4 horses, and not carrying 15 *cwt.*, and any sum not exceeding 4*d.* for every mile travelled by any waggon with 4 or more horses, or with 6 oxen, or with 4 oxen and 2 horses, and not exceeding 2*d.* for every mile, any cart or carriage with less than 4 horses, and not carrying 15 *cwt.*, as the same shall be fixed by the justices for the county or district, assembled at any general sessions for the same, they having regard to the price of hay and oats at the time of fixing such additional rates; provided that where the day's march exceeds 15 miles, such further compensation shall be paid in like manner to the owners of the carriages, as is deemed reasonable by the magistrates who granted the warrant for impressing them, not exceeding the usual rate and hire thereof, provided that every order of sessions fixing any further sum to be paid for the hire of carriages, in addition to the customary rates of 1s., 9*d.* and 6*d.* *per* mile respectively, shall specify the period for which it shall be in force, and which shall not in any case exceed 10 days beyond the general sessions of the peace for such county, or district, next ensuing the date of such order; and a copy of every such order signed by the chairman, or presiding magistrate, and one other justice, or magistrate of the quarter sessions at which the same is made, shall,

within 3 days after its making, be transmitted to the secretary at war, and no such order shall be valid, unless a copy thereof be so signed and transmitted; provided also, that in every such case the justice granting or signing the warrant shall insert in his own hand the amount of such increased rate for such description of carriage, as so authorized by the quarter sessions, and each warrant shall be given to the officer or non-commissioned officer commanding the corps requiring such carriages, as his voucher for the payment of such increased rate, and no such increased rate shall be demanded but those so inserted by the justice in the warrant, 1 & 2 G. 4. c. 9. s. 72.

61. Any constable duly authorized for that purpose, by warrant under the hand and seal of any justice of peace residing nearest to any place specified in the route, may make and give orders for providing carriages for the baggage of soldiers on march, and may appoint persons, having carriages within their jurisdiction, to furnish them without having any special warrant for that purpose, and all which orders shall be valid; provided, that every such justice shall, at the time of giving such warrant and authority, and thereafter once in each year, or oftener if necessary, cause a list or lists to be made out, of all persons liable to furnish such carriages under such warrant, and of the number and description of carriages belonging to them, respectively; which list, shall at all reasonable hours be open to the inspection of all persons whose names shall be inserted therein; and all orders and appointments for such carriages shall be made and taken from such lists in regular rotation, as far as can be done, so as that the providing such carriages shall be equally distributed among the several persons liable to furnish them under this act, *id.* s. 73.

62. H. M., or the lord lieutenant, or chief governor in *Ire.*, by order, distinctly stating, that a case of emergency exists, which makes it necessary to provide proper means for conveyance of the soldiers themselves, as well as their arms and baggage, signified by the war secretary, if in *Eng.*, or if in *Ire.* by the chief or in his absence by the under secretary for the civil, or by the first clerk in the military department for the time being, to any general or field officer commanding H. M.'s forces, in any district or place, or to the agent for the supply of stores and provisions at home, or person acting as such, by writing under his hand, reciting such order of H. M., or lord lieutenant, or chief governor aforesaid, may require all justices of peace within their several counties, &c. in *Eng.*, *Ire.*, *Wa.*, and *Ber.*, to issue his or their warrants for any of the following purposes; which justice, &c., when such requisition in writing is brought, and shewn to any one or more of them, by the quarter-master, adjutant, or other officer of the regiment, &c., so ordered to be conveyed, or by any officer in commissariat, shall issue his warrant to the high or petty constables of the county, city, &c. through, near, or to which, such troops are so ordered to be conveyed, requiring them to make such provisions, not only of waggons, carts, and cars, kept by any person, and for any use soever, but also of saddle horses, coaches, chaises, and other 4 wheeled carriages, usually let to hire, or kept for that purpose; and also of boats, barges, and other vessels, used for the carriage of coals, stone, lime, manure, or of any other articles soever, upon any canal or navigable river, with able men and horses, to drive, navigate, and draw the same, as shall be mentioned in the said warrant or warrants, therein specifying the place or distance to which such horses, carriages, other vessels and men, shall go and be conveyed; and allowing such constables sufficient time to make such provision, that the neighbouring parts may not always bear the burthen; and in case sufficient horses, carriages, vessels and men, cannot be provided within any such county, &c., then the next justice or justices of the next county, division, city, &c. shall, upon like requisition in writing brought to any one or more of them, by any of the said officers, issue warrants to the constables of such next county, city, or division, &c. for the purposes last aforesaid, to make up such deficiency; and the officers, who by virtue of the said warrant from the justice, are to demand carriages, horses, and vessels, of the constables to whom the warrant is directed, shall at the same time pay down in hand to the said constable for the use of the persons who shall provide such carriages, &c. and men, such reasonable sum of money as the justice shall by his said warrant direct, not exceeding the usual rate and hire of such carriages, horses, or vessels, in each particular case, but making no allowance for post-horse duty, or turnpike, canal, river, or lock tolls, (which duty or tolls are hereby declared not to be demandable or payable in such cases, for any carriages, horses, and vessels, whilst employed in such service, or returning therefrom, for which said respective sums, so received, the said constable shall give a receipt in writing (without stamp) to the person paying the same, and shall order such persons having such horses, carriages, or vessels and men within their respective liberties, as they think proper, to provide the same according to the warrant, who shall so provide the same; and every military officer for the use of whom, or of whose regiment, &c. such horses, carriages, or vessels are provided, in such cases may carry on the same, not only the arms, clothes, accoutrements, baggage, tents,

and other equipage of such corps, but also the officers, soldiers, servants, women, children, and other persons, belonging to the same; but if any officer shall force any horse, carriage, or vessel, to proceed beyond the distance or place specified in such warrant, without the special licence of one or more such justice in that behalf, (which licence, one or more such justices may give at discretion,) he shall forfeit 5*l.* for every such offence, proof thereof being made on oath before 2 justices of the same county, &c., who shall certify the same to the secretary at war, or if in *Ire.* to the chief or in his absence the under secretary for the civil, or the first clerk in the military department, who shall give order for payment of such 5*l.* according to the order under the hands and seals of the said justices, and for deducting the same out of such officer's pay, 1 & 2 G. 4. c. 9. s. 75.

63. But no waggon or carriage impressed by authority of this act, shall be liable to carry above 30 *cwt.*, *id.* s. 76.

64. If any constable shall wilfully neglect, or refuse to execute any warrants of justices of peace directed to them, for providing carriages, horses, and vessels, as above, or shall demand or receive for the use of the owners furnishing such carriages, [*vessels not named here*], more than the rates above allowed, respectively; or if any person appointed by such constable, to provide any carriage, man, horse, or vessel, shall refuse or neglect to provide the same, or if he, or any other person shall wilfully do any thing whereby the execution of such warrant shall be hindered, the offender shall for every such offence, forfeit not more than 5*l.*, nor less than 40*s.*, to the use of the poor of such parish, or parishes adjoining to that parish where such offence shall be committed, as shall be fixed on by the justice by whom such offence shall be determined; and every such offence may be heard and finally determined by any justice dwelling in or near the place where such offence is committed, who may cause the penalty to be levied by distress and sale of offender's goods, rendering him the overplus, *id.* s. 80.

65. All H. M.'s officers and soldiers, and their horses, on duty or march, and all carriages and horses belonging to H. M., or employed in his service, when conveying the officers, soldiers, &c. or other persons belonging to H. M.'s forces, or their arms, baggage, and other equipage, or any ordnance, barrack, commissariat, or other public stores of H. M., for the use of H. M.'s forces, or returning therefrom, shall be exempt from payment of any duties and tolls, otherwise demandable by virtue of any statute, for persons, horses, carriages, or any baggage of any troops embarking or disembarking from, or upon any landing place, or passing turnpike roads, or bridges, unless by such act it is expressly provided, that the said officers, soldiers, carriages, and horses, are liable equally with others, to the duties and tolls therein authorized to be demanded; but nothing herein shall exempt from payment of tolls, any vessels employed in conveying officers, soldiers, or other persons of or belonging to H. M.'s forces, or their arms, baggage, and equipage, or any military stores, along any canal; which shall pay toll as other vessels, *id.* s. 83.

66. "Whereas the sums of money in *pl.* 60. appointed to be paid to the constables by the officers demanding such carriages, horses, or vessels, may not, in many cases, be sufficient to answer the expence of providing the same," the treasurer of each county or riding shall, without fee, pay to such constable all and every such reasonable sum or sums of money so by him paid for the same, out of the public stock of such county, &c. according to such rates as the quarter sessions shall, from time to time appoint, such order being made without fee, regard being always had to the season of year and the length and condition of the ways by which such carriages, horses, and vessels are to pass, *id.* s. 84.

67. If the public stock of the county or riding is not sufficient above the other purposes for which it was raised to satisfy the extraordinary charge of carriages, horses, and other vessels above mentioned, the general quarter sessions may, from time to time, raise monies upon the respective counties or ridings, as they now raise monies for county gaols and bridges, to satisfy such extraordinary charges, *id.* s. 85.

68. Every officer or soldier who shall, without leave of the lord of the manor, under his hand and seal first obtained, take, kill, or destroy any hare, coney, pheasant, partridge, pigeon, or any other sort of fowls, poultry, or fish, or game, within the U. K., and who, on complaint thereof, shall be, on oath of one or more witnesses, convicted before any justice or justices of peace shall, for every such offence, forfeit 5*l.* to be distributed among the poor of the place where such offence is committed; and every officer commanding in chief on the place, for every such offence is committed by any soldier under his command, shall forfeit 20*s.* to be paid and distributed as above; and if on conviction made by the justices of peace, and demand thereof also made by the constable or overseers of the poor, such officer shall refuse or neglect, and does not within 2 days pay the respective penalties, he shall forfeit his commission, and the same is hereby declared void, *id.* s. 89.

69. TO AUTHORIZE THE ALLOWING OFFICERS TO RETIRE ON HALF PAY, or other allowances under certain restrictions, 51 G. 3. c. 103.

70. H. M. may allow any officer, who would be entitled on the reduc-

tion of his corps or of his commission to half pay, and who shall become unfit for service, either from wounds, ill health, infirmity, or age, to be certified to the secretary at war, as in *s.3. pl.72.* such officer shall thereupon be allowed to retire, though his regiment or commission shall not be reduced, and may allow any officer, removed from the permanent staff of the quarter master general, to have half pay of his rank at the time of his removal, *51 G.2. c.103. s.1.*

71. H. M. may allow any officer in any veteran battalion, or any officer, who by length of service or otherwise, would be entitled to be transferred to a veteran battalion, who shall be incapable of serving in the latter, for the reasons in *s.1. pl.70.* to be certified to the secretary at war, as in *s.3. next pl.,* and he shall thereupon be allowed to retire on the full pay of the commission which he then held, *id. s.2.*

72. The secretary at war and the treasury may direct the form and nature of the certificates to be given by medical men, in relation to officers applying to retire on half pay (as in *s.1.*) or full pay from any veteran battalion (as in *s.2.*), provided it be stated therein whether the officer is rendered wholly incapable of serving for life or for only a temporary period, with the other particulars required, which certificates shall be registered at the war office, and an account of the officers so allowed to retire each year shall be laid before parliament, *id. s.3.*

SOUTH SEA COMPANY.

(STATUTES expired.)

1. TO ENABLE H.M. to be governor of the *South Sea* company, *4 G.1. c.2. 1 G.2. St.1. c.2. 1 G.3. c.5. [ALL EXP. See the present act, 1 G.4. c.2. post, pl.55.]*

2. FOR RESTRAINING THE SUB-GOVERNOR, DEPUTY GOVERNOR, directors, treasurer, or cashier, deputy cashier, and accountant of the *South Sea* company from going out of the kingdom for one year, and for recovering their estates and effects, and for preventing the transporting or alienating the same, *7 G.1. St.1. c.1. [EXP.]*

3. TO DISABLE THE PRESENT SUB-GOVERNOR, DEPUTY GOVERNOR, and directors of the *South Sea* company from the times of electing in a new sub-governor, &c. to take, hold, or enjoy any office, place, or employment in such company, or in the *East India* company, or Bank of *Eng.,* and from voting upon elections in such company, *7 G.1. St.1. c.2. [EXP.]*

4. FOR RAISING MONEY ON THE ESTATES OF THE LATE sub-governor, deputy governor, directors, cashiers, deputy cashier, and accountant of the *South Sea* company, and of *John Aislaby, Esq.* and likewise *James Craggs, sen. Esq.* deceased, towards making good the great loss and damage sustained by such company, and for disabling such of such persons as are living, to hold any office or place of trust under the crown, or to sit or vote in parliament for the future, and for other purposes in the said act expressed, *7 G.1. St.1. c.28. [EXP. Made a PUBLIC act, 9 G.1. c.23. s.14.]*

5. TO ENABLE THE *South Sea* COMPANY TO DISPOSE OF THE effects in their hands by way of lottery or subscription, or to sell part of their fund or annuity, payable at the exchequer, in order to pay the debts of such company, and for relief of such who were intended to have the benefit of *7 G.1. St.2. touching payment of 10l. per cent.* therein mentioned, *8 G.1. c.21. [EXP.]*

6. FOR PROLONGING THE TIMES FOR HEARING and determining claims before the trustees, in whom the estates of the late *South Sea* directors and of 2 others are vested, and for other purposes, *8 G.1. c.23., 9 G.1. c.23., 10 G.1. c.14., 13 G.1. c.22. [ALL EXP.]*

7. TO ENABLE THE *South Sea* company, with the licence and consent of the *East India* company, to take in negroes within their limits of trade, and to deliver the same at *Buenos Ayres,* *15 G.1. c.8. [EXP. Slave trade abolished, 47 G.3. S.1. c.36.]*

8. TO DISCHARGE the trustees appointed by *7 G.1. St.1. c.28.* (for raising money on the estates of the late directors of the *South Sea* company and others) of their trusts, and to vest in such company such of the estates which were vested in such trustees, and as remain undisposed of, as also the produce of such estates and effects as have been disposed of by such trustees, *2 G.2. c.8. [EXP.]*

(STATUTES in force.)

1. FOR ERECTING A CORPORATION to carry on trade to the *South Seas,* and for the encouragement of the fishery, *9 A. c.21. ss.24—61. [The South Sea Company Con. for ever, notwithstanding the capital stock shall be redeemed, 10 A. c.30. REP. as to so much as vests in the South Sea Company the exclusive privilege of trading to and from South America, &c., 47 G.3. S.1. c.23., and their exclusive privileges entirely ABOLISHED, 55 G.3. c.57. pl.37.]*

2. Upon one year's notice, upon repayment by parliament of the

principal sum of which the capital stock of the intended company shall consist, and of all arrears of the annuities hereby granted, the duties hereby appropriated may be disposed of by parliament, and the said yearly fund charged thereupon shall cease, *9 A. c.21. s.24.*

3. H. M., by letters patent, may incorporate all persons intitled to any of the public debts, deficiencies, or sums of money provided for by this act, with power to choose their governor, directors, and other officers; and the persons so incorporated shall be capable in law to purchase and retain, to them and their successors, lands and hereditaments not exceeding the yearly value of 1000*l., id. s.25.*

4. H. M., by such letters patent, or by commission under the great seal, may direct how the tallies or debentures, provided for by this act, and the money intended to be made part of the capital stock of the said corporation, shall be subscribed into or made part of the capital stock; and also how the officers of the exchequer may know how much the capital stock of the company doth consist of, that the officers may know whether they are to pay to the cashier of the company the whole annual sum of 568,279*l. 10s.,* or only a proportionable part, *id. s.26.*

5. Regulations as to certain debts due from the navy, victualling, transport, and ordnance boards and commissioners, being deemed part of the capital stock of such company for the use of the public, *9 A. c.21. s.27—33. [seem EXP. Government allowed to borrow money on this stock, 10 A. c.19. s.185.]*

6. If it appears that the joint stock of the company shall amount to more than 9,471,325*l.* so that the annuity for the same shall amount to more than 568,279*l. 10s.,* then there shall be added to such annual sum so much more as shall make the same amount to 6*l. per cent. per ann.* upon the whole capital stock, and such additional annuity shall be chargeable upon such funds, *9 A. c.21. s.34.*

7. Over and above the said annual sum, there shall be paid to the company the further annual sum of 8000*l.* for charge of management out of the same funds, *id. s.35.*

8. H. M. by any commission, or letters patent under the great seal, may direct how the shares of persons in the stock of the company shall be transferable to such persons as shall freely and voluntarily accept of the same; and all transferences made in such manner, and no other, shall be good in law, *id. s.36.*

9. The estates and stock of the company, and the shares of each member therein, shall be personal and not real estate, and shall go to executors or administrators, and not to the heirs, *id. s.37.*

10. The annuities issuing out of such yearly fund, or the shares of any members of the company in the capital stock of the same, or in the benefit of trade to be annexed thereto, or the stock or money to be raised for that purpose, shall be exempted from taxes, *id. s.38.*

11. Guardians of infants, holding orders, bills, &c., and executors and administrators, trustees or mortgagees, who shall be possessed of or entitled to any such orders, bills, &c., shall subscribe the same to the joint stock of such company, *9 A. c.21. ss.39, 40. [seem EXP.]*

12. How bills, &c. coming into H. M.'s hands by extent, &c. and belonging to several persons jointly, shall be put into such joint stock, *id. s.41.*

13. No member of the company shall, in respect of his being a member, governor, or director, or having any stock therein, be disabled from being a member of parliament, or liable to be a bankrupt; and no stock in the company shall be liable to foreign attachment, *id. s.42.*

14. The corporation shall not borrow, owe, or take up, any money on their bills or notes payable on demand, or at any less time than 6 months; nor discount bills or notes, or keep books or notes for any persons other than the books or notes of the corporation, *id. s.43.*

15. Such yearly fund shall (under the penalties aforesaid) be issued at the receipt of exchequer to the company, and the payment thereof shall be made weekly, so as by such payments the whole of the annuities due to the company at the end of any quarter, be not exceeded, *id. s.44.*

16. The corporation to be erected shall have for ever the sole trade to and from all places of *America,* on the east side thereof, from the river of *Aranoco* to the southernmost part of the *Terra del Fuego;* and on the west side thereof, from the southernmost part of the *Terra del Fuego* through the *South Seas,* to the northernmost part of *America;* and to all places within the said limits, reputed to belong to the crown of *Spain,* or which shall hereafter be discovered, not exceeding 300 leagues from the continent of *America,* between the southernmost part of *Terra del Fuego* and the northernmost part of *America* on the west side (except the kingdom of *Brazil,* and such other places on the east side of *America* as are in possession of the crown of *Portugal,* and the country of *Surinam* in the possession of the *States General*) it being intended that it may be lawful for all the subjects of H. M. to trade to any part on the east side of *America,* now in the possession of the crown of *Portugal,* or the *States General,* *id. s.46. [See post, s.58. pl.24. and 55 G.3. c.57. s.1. pl.36.]*

17. So much of *9 A. c.21. s.46. pl.19.* as hath vested in the *South Sea*

Company the sole and exclusive trade and traffic, into, unto, and from all places, havens, creeks, and territories, which shall or may hereafter be under the dominion of H. M. on the east side of *America*, from the river *Aranoco* to the most southern part of the *Terra del Fuego*, and on the west side of *America*, from the southernmost part of *Terra del Fuego* through the *South Seas* to the northernmost part of *America*, and powers and privileges given to such company for carrying on such trade, and all penalties by such act enacted for securing the same, and preventing the traffic of H. M.'s subjects there, shall be *REP.* from 17th Sept. 1806, 47 G. 3. S. 1. c. 23. [See their exclusive privileges entirely abolished, and an equivalent given, 55 G. 3. c. 57. *pl.* 36.]

18. H. M., by her charter of incorporation, may empower the company to make laws for the good government of the said trade, and to inflict punishments by imprisonments, mulcts, fines, and amercements, for breaches thereof; and to levy such mulcts, &c. to the use of the company, 9 A. c. 21. s. 48.

19. All such persons as shall be born on board any of the ships employed about the said trade, or in any the places which shall be discovered or possessed by the company, shall be deemed natural-born subjects, *id.* s. 53.

20. No ship which shall belong to, or be freighted by the company, or persons licensed by them to trade within the limits aforesaid, shall be stopped or detained by any embargo or other restraint, unless such ships be particularly named in such embargo, *id.* s. 54.

21. H. M., by letters patent, may grant to the company such further powers as she shall think fit for the encouraging the said trade, so as such powers, &c. be not contrary to the laws of this realm, or the prerogative of the crown, or the privileges of the bank of *Eng.*, *id.* s. 55.

22. Upon importation of any goods by the company, and in all other cases where security is required to be given by the company to the crown, the commissioners and officers of the customs may take such security by bonds under the common seal of the company, *id.* s. 56.

23. All bonds under the common seal of the company shall charge, as well the annual fund payable to the company, as the other stock and effects of the company; and all bonds under the common seal, whereby the company shall oblige themselves to pay any money, shall be assignable at law, by indorsement upon such bond, under the hand of the person to whom such money shall in such bond be made payable, his executors, administrators, or assigns, and not otherwise; and every such assignee may, on failure of payment, maintain his action of debt against the company, as if such bond had been made to such assignee; and if any person shall counterfeit the common seal of the company or shall forge or alter any bond under the common seal of the company, or shall offer to dispose of any such forged or altered bond (knowing the same to be such), or shall demand the money therein contained, or any part thereof, of the company, or their officers (knowing such bond to be forged, &c.), with intent to defraud the company, or any other person, every person so offending (and being convicted) shall be guilty of felony, and suffer death without benefit of clergy, *id.* s. 57.

24. Neither the company hereby erected, nor their successors, agents, or persons licensed by them, shall proceed into any of the limits (in s. 46. *ante*, *pl.* 16.) mentioned beyond the southernmost part of *Terra del Fuego*, except only through the *Straits of Magellan*, or round *Terra del Fuego*, nor go from thence into any port in the *East Indies*, nor return to *G. B.*, or any port in *Europe*, *Asia*, *Africa*, or *America*, by any other way except through such straits, or by *Terra del Fuego*, under the penalties to be sued as after-mentioned; nor shall such company, &c. trade in any goods, &c. of the growth, product, or manufacture of the *East Indies*, *Persia*, *China*, or any of the countries within the limits of the *East India Company*, or with vessels coming from the places aforesaid, (such *East India* goods, &c. as shall be actually exported from *G. B.*, and also such gold, silver, and wrought plate goods, &c. that are of the growth, produce, or manufacture of the *West Indies*, or continent of *America*, only excepted,) under the like penalties; and such company, &c. shall not send, or employ any vessel within the *South Seas*, from *Terra del Fuego* to the northernmost part of *America*, above 500 leagues to the westward of, and distant from, the countries and shores of *Chili*, *Pernu*, *Mexico*, *California*, or any other lands or shores of *North* or *South America*, contained between *Terra del Fuego* and the northernmost part of *America*, on pain that all such vessels, ships, &c. employed contrary hereto, and all the goods, &c. on board thereof, together with their guns, &c. and also such *East India* goods, &c. shall be seized and forfeited, with double the value thereof, by the owners, masters, or employers, 1-3d to H. M., and 2-5ds to the *East India Company*, to be recovered by action of debt, &c., or information in the courts at *Westminster*, with full costs, *id.* s. 58.

25. H. M., by her said letters patent, may direct a stock of 80s. upon every 100l. of the capital stock of such company, to be raised by the members thereof, as H. M. shall direct, so as no other of H. M.'s subjects be thereby excluded from the fishing trade; such stock to be

kept apart, and always employed in carrying on the fisheries of the realm, 9 A. c. 21. s. 59.

26. The members of this corporation shall not be called on to pay any money for such fishery, but by order of a general court, and on 14 days' notice in the *London Gazette*, *id.* s. 60.

27. No person shall be capable of being elected a governor, deputy-governor, or director of such corporation, during the time he shall be a governor of the Bank of *Eng.*, or the *East India Company*; and vice versa, *id.* s. 61.

28. EVERY PERSON WHO SHALL FORGE, COUNTERFEIT, OR ALTER any receipt, warrant, or any indorsement or writing issued under the hand of any officer of the *South Sea Company*, upon or for any subscriptions for encreasing their capital stock under 8 G. 1. c. 4., or who shall tender any such forged, &c. receipts, &c. or any receipt, &c. with such counterfeit, &c. indorsement, knowing them to be forged, &c. to such company, or any of their officers, or shall offer to dispose of the same, with intent to defraud such company, or any other person or body, shall, on conviction, be adjudged guilty of felony, and shall suffer death without clergy, 6 G. 1. c. 11. s. 50.

29. FOR REDUCING THE INTEREST ON THE CAPITAL STOCK of the *South Sea Company*, and for preventing frauds committed by officers and servants of such company, 24 G. 2. c. 11.

30. The annuity of 4 per cent. heretofore granted on the capital stock of such company, shall be reduced to 3 per cent. per ann., until the redemption thereof, in full discharge of all demands which the company claim against the king of *Spain*, on account of the *asiento*, or annual ship, besides the 100,000l. paid pursuant to treaty, *id.* s. 1.

31. The charges of management on such part of the old and new *South Sea* annuities, as are not redeemed, and on the capital stock of the company, shall be continued to the company, *id.* s. 2. [See guarantee fund established 55 G. 3. c. 57. s. 2. *post*, *pl.* 38.]

32. Every officer or servant of the company entrusted with any note, bill, dividend warrant, bond, deed, or any security, money, or other effects belonging to such company, or having any such bill, &c. of any other person deposited with such company, or with him as an officer or servant of such company, who shall embezzle, secrete, or run away with the same, shall, on conviction, be guilty of felony, and suffer death without clergy, *id.* s. 3.

33. FOR REDUCING THE NUMBER OF DIRECTORS of the *South Sea Company*, and for encouraging the fishery, and for regulating the election of the governors and directors of such company, 26 G. 2. c. 16.

34. The court of directors of the *South Sea Company* shall consist of one governor, one sub-governor, one deputy-governor, and 21 directors only, and the majority of such court, whereof the governor, sub-governor, or deputy-governor (except as in their charter excepted) shall be always one, shall be deemed a court of directors, *id.* s. 1.

35. No more than 15 who were at the last preceding general election of directors, chosen into the office of director, shall be again chosen to such office, *id.* s. 2., provided the salaries of the governors and directors of such company shall continue the same as they now are, *id.* s. 3.

36. TO REPEAL THE PROVISIONS OF FORMER ACTS granting exclusive privileges of trade to the *South Sea Company*, and to indemnify such company for the loss of such privileges, 55 G. 3. c. 57. [AMD. 55 G. 3. c. 141. *REP.* as to certain of the duties, 56 G. 3. c. 77., 1 & 2 G. 4. c. 60., and such duties excepted out of the general repeal of all customs, 59 G. 3. c. 52. s. 4.]

37. So much of 9 A. c. 21. s. 46. *pl.* 16. as vests in the *South Sea Company* the sole and exclusive trade and traffic into, unto, and from all kingdoms, lands, countries, territories, islands, and places within the limits of the charter of the said company, as described by such act, and all powers, privileges and penalties by such act given, and enacted for securing the same shall be *REP.*, 55 G. 3. c. 57. s. 1.

38. In consideration of the surrender of such exclusive privileges a guarantee fund shall be formed under this act in some of the public stocks, bearing interest at the rate of 3 per cent. per ann. and a separate account shall be opened at the bank of *Eng.* in the names of the commissioners for the reduction of the national debt, to be called "The *South Sea Company* Guarantee fund," and when such fund shall amount to a capital stock of 610,464l. 3s., bearing interest at 3 per cent. per ann., such commissioners shall forthwith transfer the same to the *South Sea Company*, in full satisfaction of such exclusive rights, *id.* s. 2.

39. Until such transfer, as in s. 2. *pl.* 38. is made, the court of directors of such company (if their annual income and profits which are applicable to the payment of one half per cent. per ann. on the capital trading stock of such company, in addition to 3 per cent. per ann. payable on such capital, is not sufficient to pay such dividend as heretofore, after all their expences,) shall state to the treasury the amount of such deficiency, and the treasury shall then direct the payment out of the consolidated fund, of a sum sufficient to make good such deficiency, so as

to enable such company, to pay the additional dividend of one-half per cent., 55 G.3. c.57. s.3.

40. In order that the sum applicable to such dividend be not diminished by any unusual increase of expenditure, before any such issue is made to supply such deficiency, such directors shall, on such statement, and when required by the treasury, deliver to them an account of their expences, and the application of such income, &c. for the whole period since any previous delivery of any such account, *id.* s.4.

41. The following duties shall be paid to H. M., without any discount, on all goods, &c. imported into the U. K. from any place within the limits of the South Sea Company, other than blubber, train-oil, head matter, or whale fins, seal skins, and other produce of fish, or creatures living in the sea, caught by the crews of British and Irish built ships, (*viz.*) a custom duty of 2*l.* on every 100*l.* value of all such goods, &c. and a tonnage duty of 1*s.* 6*d.* for every ton burthen of every vessel entering inwards or outwards, to or from any part of the U. K. to or from any place within such limits, and all such duties shall be paid in British currency, *id.* s.5. [REPEAL as to bullion and foreign gold and silver coin imported from such places, 56 G.3. c.77. s.1].

42. Such duty of 2*l.* in the 100*l.* shall not be paid for any goods, &c. which are deposited under any act for depositing goods in warehouses for exportation, and which are taken out for exportation, and duly exported under the regulations applicable to goods taken out of warehouses for exportation, 56 G.3. c.77. s.2.

43. Such duty of 1*s.* 6*d.* by 55 G.3. c.57. granted, shall not be raised and paid on the ton burden of vessels importing only blubber, train-oil, &c. and no other cargo, *id.* s.3.

44. No tonnage duty shall be charged on vessels in ballast only entering outwards or inwards, at any port of the U. K., to or from any port or place within the limits heretofore granted, to the South Sea Company, the 55 G.3. c.57. notwithstanding, 1 & 2 G.4. c.60.

45. All the duties hereby imposed on such goods, &c. shall be ascertained under the rules, and subject to the same penalties as prescribed, for ascertaining and collecting duties to be paid according to the value of the goods by the acts in force in G. B. and Ire., relating to duties of customs, and ascertaining such value for the purpose of payment of duty; and in case any goods shall not be valued according to such acts, the proper officer of customs may detain the same, to be dealt with in the manner by such acts prescribed, 55 G.3. c.57. s.6.

46. The duties of tonnage hereby imposed shall be paid to the proper officer every voyage such vessel shall so enter, as in s.5. *pl.* 42., outwards or inwards; and the tonnage of every British or Irish built or owned ship, shall be computed according to the registers thereof under any act in force in G. B. and Ire. in relation thereto, and the tonnage of every other vessel shall, in case of dispute, be ascertained by admeasurement, in the manner by such acts prescribed, *id.* s.7.

47. The commissioners of customs in Eng. Scot. and Ire., shall manage such duties according as they arise within their respective jurisdictions, *id.* s.8.

48. Every act in force in G. B. or Ire. by which any rules, &c. are established for ascertaining the value of any goods, &c. or for remitting or allowing any deduction of duties on account of damage, or for securing the revenue of customs, or for the regular exportation of any goods, &c. from G. B. or Ire., except where hereby altered, shall be in force and applied in execution of this act, 55 G.3. c.57. s.10., 55 G.3. c.141. s.2.

49. The duties hereby granted on exportation of goods, or the tonnage of vessels, shall be managed, levied, &c. except where hereby altered as former custom-duties in general may be, and also by such special means as such former duties on goods, &c. of the same kind or sort, or tonnage-duties on vessels ought to be managed, levied, &c.; and such goods and vessels shall be liable to all the conditions, rules, seizures, and forfeitures to which goods in general are, and also to such special rules, &c. to which the like goods, &c. or vessels chargeable with tonnage duty were, by any act in force in G. B. or Ire. before this act passed respecting the customs; and all pains, penalties, &c. for any offence against any such act, as well of death as otherwise, and all clauses, &c. therein shall extend to the duties hereby granted, *id.* s.9. [EXT. to such goods imported, 55 G.3. c.141. s.1.]

50. Such commissioners of customs respectively shall keep separate accounts of the produce of such duties, and pay the same into the exchequers of G. B. and Ire., and from the Irish into the British exchequer, and the same shall be applied in raising such guarantee fund; and the auditor of the receipt of the exchequer in G. B. shall keep a book wherein to enter all such duties separately, 55 G.3. c.57. s.11.

51. Such money shall be paid quarterly into the bank of Eng., and to the account of the commissioners for the reduction of the national debt, who shall from time to time lay out the same in the purchase of capital stock in the public funds, bearing an interest transferable at the said bank, of 3 per cent. per ann. until such guarantee fund is complete, *id.* s.12.

52. When such guarantee fund is completed, such last-mentioned commissioners shall certify the same to the treasury in G. B., who shall cause notice thereof to be inserted in the London and Dublin gazettes, and after the time mentioned in such notice, such duties shall cease, and any surplus shall be carried to the consolidated fund of G. B. or Ire., according to where it arises, 55 G.3. c.157. s.13.

53. Actions for any thing done under this act shall be commenced within 3 calendar months after the fact committed, and shall be laid in the proper county, and the defendant may plead the general issue, and give this act and the special matter in evidence; and if the jury find against the plaintiff, or if he is nonsuited or discontinued after appearance entered, or has judgment on demurrer against him, the defendant shall have treble costs, with usual remedy to recover the same, *id.* s.14.

54. TO ENABLE H. M. to be governor of the South Sea company, 1 G.4. c.2.

55. H. M. shall be capable of being governor of the South Sea company for the time prescribed by the charter, and an address of the said company for the purpose (in case H. M. shall be pleased to accept of being their governor), shall be deemed an election of H. M. to be governor within the meaning of their charter, without the forms of balloting, *id.* s.1.

56. The oath prescribed by such charter or law, and all other acts requisite to qualify a subject to be such governor, shall not be deemed requisite for H. M.'s qualification; nor shall such oaths be administered to him, and H. M. in all cases where any act or vote is to be done or given him as governor, may, by warrant under his sign-manual, if he think fit, appoint the sub or deputy governor to act or vote for him, *id.* s.2.

SPIRITUAL PERSONS.

(STATUTES repealed and expired.)

1. THAT THE BAIL of clerks bailed on capital offences shall not be amerced if they have his body before the justices, though he will not answer before them by reason of a clerk's privilege, or cannot by reason of his ordinary, 52 or 54 H.3. c.27, [REPEAL. virtually by 28 H.8. c.1. s.7., 32 H.8. c.3. s.8. *infra*, *pl.* 40.]

2. STATUTUM DE ASPORTATIS (or 'Tributes,' see 1 Stat. 8vo Ed. 309.) *religiosorum*, at Carlisle, 35 E.1. cc.1—4. [CONF. 4 E.3. c.6., 5 E.3. c.3. but *semble* virtually Exp. and obsolete; and see 2 Inst. 586—588.; but its principal provisions are inserted, *infra*.]

3. SPIRITUAL PERSONS shall not be charged with purveyances without their consent, 3 E.1. c.1. s.2. and 14 E.3. s.4. c.1. [*semb.* Exp. since the general abolition of purveyance by 12 C.2 c.24. ss.1—2.]

4. IN CONSIDERATION of the tenth granted to H. M. by the clergy, archbishops, and bishops, are exempted from secular jurisdiction, 18 E.3. s.3. c.1. [Exp. *comm.* *semb.* & *semb.* REP. 28 H.8. c.1. s.7., 32 H.8. c.3. s.8., *infra*, *pl.* 30.]

5. IN COMMISSIONS made for purveyance, the fees of the church shall be excepted, 18 E.3. c.4. [*semb.* REP. since the general abolition of purveyance by 12 C.2. c.24. ss.1—2.]

6. CONCERNING stipends and wages of priests, and priests passing from one diocese to another, 36 E.3. c.8. [REP. 21 J.1. c.28. s.11.]

7. CONCERNING dismes granted to H. M. by the clergy, and their collection, 1 R.3. c.14. [*semb.* Exp.]

8. TO ENABLE H. M. to nominate 32 persons of clergy and laity for making ecclesiastical laws, 27 H.8. c.15. [REP. 1 & 2 P. & M. c.8., and 35 H.8. c.16., 3 & 4 E.6. c.11., both Exp.]

9. TO COMPEL spiritual persons to reside on their benefices, 28 H.8. c.1. [REP. 57 G.3. c.99. s.1.]

10. FOR ABOLISHING diversity of opinions of certain articles in the Christian religion, 31 H.8. c.14. [REP. 1 E.6. c.12. s.3. It is usually known by the name of the act of the six articles: or the bloody statute, from the capital punishment of priest's incontinency therein enacted.]

11. FOR MODERATING the punishment of incontinency of priests, and the women offending with them, inflicted by 31 H.8. c.14. [REP. see last *pl.*] 32 H.8. c.10. [Exp.] and 35 H.8. c.5. [REP. 1 E.6. c.12. s.3.]

12. THAT SUCH as were religious persons may purchase, sue, and be sued in all manner of actions, 31 H.8. c.6. [EXPL. 5 & 6 E.6. c.13. both Exp.]

13. H. M. shall be reputed supreme head of the church of Eng., and shall correct all errors, heresies, abuses, and offences in the same, 26 H.8. c.1. [REP. 1 & 2 P. & M. c.8. s.12—20., which was REP. by 1 E.1. c.1. ss.1—2. except in certain particulars (see s.13.) under which this act is included, and is therefore not. REV.; but more effectual provision is made for asserting the ecclesiastical supremacy of the crown by 1 E.1. c.1. ss.16—23. note, in 3 Stat. 8vo Ed. 188.]

14. CONCERNING archbishops, bishops, their chancellors, commissaries, archdeacons, and their officials, to be in the commission of 31 H.8. c.14., concerning the abolition of erroneous opinions in the Christian

religion, 32 H. 8. c. 15. [Virtually REP. by 1 E. 6. c. 19. s. 3., or EXP. since the repeal of 31 H. 8. c. 14. by that statute.]

15. THE SUBSIDY of the clergy of the province of Canterbury, 32 H. 8. c. 23. [EXP.]

16. TO ENABLE persons late religious to sue and be sued, 33 H. 8. c. 29. [EXP.]

17. FOR ADVANCEMENT of true religion and abolition of the contrary, 34 & 35 H. 8. c. 1. [REP. 1 E. 6. c. 19. s. 3.]

18. FOR BREAKING of prison by clerks convict, 23 H. 8. c. 11. [REP. 1 E. 6. c. 42. s. 4.]

19. That H. M. may appoint 32 persons to peruse and make ecclesiastical laws, 3 & 4 E. 6. c. 12. EXP. [See 25 H. 8. c. 19. s. 7. *infra*, 37.]

20. TOUCHING LEASES of benefices and other ecclesiastical livings with cure, 13 Ed. c. 20. [REP. 57 G. 3. c. 99. s. 1. EXPL. 18 Ed. c. 11. which seems also REP. as above.]

21. FOR DISENABLING all persons in holy orders to exercise any temporal jurisdiction or authority, 16 C. 1. c. 27. [REP. 15 C. 2. c. 2.]

22. FOR CONFIRMING and restoring ministers, 12 C. 2. c. 17. EXP.

23. FOR THE FURTHER support and maintenance of curates within the church of Eng., and for regulating their appointment, and the admission of persons to cures augmented by Queen Anne's bounty with respect to the avoidance of other benefices, 36 G. 3. c. 83. [SUSPENDED 47 G. 3. S. 2. c. 75., and REP. 57 G. 3. c. 99. s. 1.]

24. TO AMEND THE LAWS relating to spiritual persons holding of farms, and for enforcing the residence of spiritual persons on their benefices in Eng., 43 G. 3. c. 84. [REP. 57 G. 3. c. 99. s. 1.]

25. TO RECTIFY a mistake in 43 G. 3. c. 84., and to remove a doubt respecting the title of the statute of 21 H. 8. c. 13. therein recited, 43 G. 3. c. 109. [REP. 57 G. 3. c. 99. s. 1.]

26. FOR PERMITTING persons in holy orders to keep one riding-horse, without being subject to the duty charged by 38 G. 3. c. 41. under certain limitations, 41 G. 3. U.K. c. 40. [semb. EXP. as 38 G. 3. c. 41. is REP. 43 G. 3. c. 141. s. 84.]

27. FOR GRANTING 8000*l.* to H. M. for present relief of certain curates in Eng. deprived of their cures by the effect of 43 G. 3. c. 84. (*The residence act*), 44 G. 3. c. 2. [EXP.]

28. FOR SUSPENDING THE OPERATION of 36 G. 3. c. 83. for the further support of curates in the church of Eng., so far as relates to avoidance of benefices by the incumbents thereof having accepted augmented curacies, 47 G. 3. S. 2. c. 75. [REP. by 48 G. 3. c. 5.]

29. FOR FURTHER SUPPORT AND MAINTENANCE OF STIPENDIARY curates, 53 G. 3. c. 149. [REP. 57 G. 3. c. 99. s. 1.]

30. TO STAY (till 20th April 1814) PROCEEDINGS IN ACTIONS UNDER 43 G. 3. c. 84. to amend the laws relating to spiritual persons, 54 G. 3. c. 6. [CON. 54 G. 3. c. 44., and to 20th July 1814., 54 G. 3. c. 54. s. 13. all EXP.]

31. TO DISCONTINUE PROCEEDINGS IN CERTAIN ACTIONS already commenced, and to prevent vexatious suits against spiritual persons, under 43 G. 3. c. 84., 54 G. 3. c. 54. [REP. virtually *comm. semb.* by 57 G. 3. c. 99. s. 1., which expressly repeals 43 G. 3. c. 84.]

32. TO EXPLAIN AND AMEND 43 G. 3. c. 84., 21 H. 8. c. 13., 53 G. 3. c. 149. relating to spiritual persons holding of farms, and for enforcing their residence on their benefices in Eng., 54 G. 3. c. 175. [CON. 56 G. 3. c. 6., and (till 5th April 1817), 56 G. 3. c. 123. ALL EXP.]

(STATUTES in force.)

1. THE CHURCH of Eng. SHALL BE FREE, AND SHALL HAVE HER right and liberties inviolable, 9 H. 3. *Magna Charta*, c. 1., [CON. 15 E. 3. S. 1. c. 1., 25 E. 3. S. 3. c. 1., 50 E. 3. c. 1., 1 R. 2. c. 1., 2 R. 2. S. 2. c. 1., 3 R. 2. c. 1., 5 R. 2. c. 1., 6 R. 2. S. 2. c. 1., 7 R. 2. c. 1., 8 R. 2. c. 1., 12 R. 2. c. 1., 21 R. 2. c. 1., 1 H. 4. c. 1., 2 H. 4. c. 1., 4 H. 4. c. 1., 7 H. 4. c. 1., 9 H. 4. c. 1., 13 H. 4. c. 1., 5 H. 5. S. 2. c. 1., 2 H. 6. c. 1., 6 H. 6. c. 1. See LIBERTIES and RIGHTS.]

2. THE PEACE of HOLY CHURCH, AND OF THE LAND SHALL BE kept, and common right done to all, and no demands, overcharges, or trespasses shall be committed on religious persons, 3 E. 1. West. 1. c. 1.

3. NO RELIGIOUS PERSON SHALL CARRY OR SEND ANY TAX imposed by their superiors, wardens of religious houses, or in any way assessed among themselves out of this kingdom, under the name of rent, tallage, or tribute, or otherwise, neither shall depart on any visitation, or other colour by that means, to carry their goods away; and if any offend herein, he shall be grievously punished, 33 E. 1. recited and CON. 35 E. 1. S. 1. Stat. at Large, 8vo. ed. vol. i. 311.

4. No governors of religious houses, being aliens, shall impose any tallages, &c. on any monasteries, or other religious houses, on pain to forfeit all they can forfeit, *id.* s. 2.

5. The abbot shall keep the common seal of the abbey, and all writings sealed with any other seal than such common seal shall be void, (s. 3.) and abbotts, aliens, may execute their visitations in this kingdom, *id.* s. 4. [but see Inst. 588.]

6. NO PRIESTS OR OTHER PERSON SHALL PRESUME TO TAKE any goods, &c. from the clergy, on any pretence against their will, or make

any extortion, on pain of 3 E. 1. West. 1. c. 1. pl. 2., 2 E. 2. Stat. at Large, 8vo. ed. vol. i. 317. to 325.

7. IF ANY LAY VIOLENT HANDS ON A CLERK, THE AMENDS FOR the peace broken shall be before H. M. and for the excommunication, before a prelate, in order to bodily penance, and money offered to the prelate or the party grieved by way of redemption may be demanded before the prelate, 9 E. 2. c. 3., *articuli cleri*.

8. WHEN THE SAME CAUSE IS BROUGHT BEFORE COURTS ecclesiastical and secular, on divers accounts, the latter shall discuss the same, notwithstanding the former judgment, 9 E. 2. c. 6. *art. cler*.

9. H. M.'s letters to discharge an excommunicate, shall not go forth unless H. M.'s liberty is prejudiced by the excommunication, 9 E. 2. c. 7. and H. M.'s tenant being excommunicate, may be taken from the parish where he dwells, *id.* c. 12. *art. cler*.

10. Clerks in H. M.'s service in his exchequer, shall be exempted from residence, but shall be corrected by the ordinary, 9 E. 2. c. 8.

11. Distresses on the clergy shall not be taken in the highways, nor the ancient fees of the church, *id.* c. 9. *art. cler*.

12. The examination of the fitness of a person presented to a benefice belongs to the ecclesiastical judge, 9 E. 2. c. 13. *art. cler*.

13. A CLERK FLEEING INTO A CHURCH FOR FELONY, TO OBTAIN the privilege of the church [*sanctuary* REP. by 1 J. 1. c. 25. s. 34. and 21 J. 1. c. 28. ss. 6—7.] if he affirm himself to be a clerk, shall not be compelled to abjure the realm, but yielding himself to the law of the realm, shall enjoy his privilege of clergy, according to the custom of the realm heretofore used, 9 E. 2. c. 15. *art. cler*.

14. THE PRIVILEGE OF THE CHURCH BEING DEMANDED BY THE ordinary, shall not be denied to a clerk who hath confessed felony, 9 E. 2. c. 16. *art. cler*. [semb. REP. as to sanctuary, as in last pl.]

15. MINISTERS OF THE CHURCH SHALL NOT ANSWER BEFORE H. M.'s justices, for money taken for redemption of corporal penance, nor for proof and account of testaments, nor for labour therein, nor for solemnity of marriage, or other things touching jurisdiction of holy church, and thereupon the officers of holy church shall have writs in chancery to the justices, and other officers at all times when they demand the same, 15 E. 3. S. 1. c. 6. [See *quare* EXP.]

16. BIGAMY OF A CLERK, SHALL BE SENT BY THE JUSTICES TO be tried by the ordinary as hath been done in bastardy, and not tried by inquest, 18 E. 3. S. 3. c. 2.

17. COMMISSIONS TO JUSTICES TO MAKE INQUIRIES ON ecclesiastical judges, as to their process, in causes testamentary, and others, notoriously belonging to their cognizance are forbidden, saving the article in eyre, 18 E. 3. S. 3. c. 6.

18. NO WRITS of *scire facias* SHALL BE GRANTED TO SWORN clerks, to answer of tithes in chancery, and to shew if they can say any thing wherefore the same should not be restored to demandants, and to answer as well to H. M. as to the party of such tithes, saving to H. M. his right, 18 E. 3. S. 3. c. 7.

19. H. M. SHALL NOT PRESENT TO ANY BENEFICE IN ANOTHER'S right, of any time of his progenitors, nor shall any prelate of his realm be bound to receive, or to cause execution of any such presentation, and no justice of K. B. or C. P. may hold plea or give judgment thereon, but H. M. shall be barred thereof, saving to H. M. all such presentations in another's right of all his time, and of that to come, 25 E. 3. S. 3. c. 1.

20. CLERKS CONVICTED OF FELONY OR TREASON, SHALL BE delivered to their ordinaries, 25 E. 3. S. 3. c. 4.

21. A CLERK SHALL BE ARRAIGNED OF ALL HIS OFFENCES AT once, 25 E. 3. S. 3. c. 5.

22. Clerks convict for treason, or felony touching other persons than the king, or his royal majesty have privilege of holy church, 25 E. 3. S. 3. c. 4. [rest *seems* REP., 18 Ed. c. 7. s. 2.]

23. A clerk arraigned of felony ought not to be remanded to gaol for other things surmised against him, but should be presently arraigned of all or otherwise delivered to the ordinary, 25 E. 3. S. 3. c. 5.

24. INDICTMENTS OF ORDINARIES FOR EXTORTION SHALL BE put in certainty, and of what thing, and in what manner such extortions have been made, 25 E. 3. S. 3. c. 9.

25. CLERKS, WHILST ATTENDING DIVINE SERVICE IN CHURCHES, church-yards, and in other places, whilst bearing the body of our Lord Jesus Christ to sick persons, shall not be arrested, unless they keep themselves within the churches, [or sanctuaries, taken away, SANCTUARY.] by fraud, or collusion; and if any person soever cause any such clerk to be so arrested, and is thereof convict, he shall be imprisoned, and fined at H. M.'s will, making satisfaction to the party arrested, 50 E. 3. c. 5., 1 R. 2. c. 15.

26. THE CLERGY CALLED TO CONVOCATION BY H. M.'s writ, and their servants, shall enjoy such liberty in coming, tarrying, and returning as the peers and commonalty of the realm ought to enjoy, 8 H. 6. c. 1.

27. FOR BISHOPS TO PUNISH PRIESTS AND OTHER RELIGIOUS men for dishonest life, 1 H. 7. c. 4.

28. All archbishops, bishops, and other ordinaries having episcopal jurisdiction, may punish and chastise such spiritual persons, within their jurisdiction, as are convicted by due proof, according to the law of the church, of adultery, fornication, incest, or other fleshly incontinency, by committing them to prison for such time as such archbishop, &c. may deem fit; and the latter shall not be chargeable in any action of false imprisonment for the same, 1 H. 7. c. 4.

29. ALL LETTERS PATENTS TO SPIRITUAL PERSONS DISCHARGING them from paying tithes, are made void, 4 & 5 H. 7. c. 5.

30. FOR SUBMISSION OF THE CLERGY TO H. M., 25 H. 8. c. 19. [CON. as to ss. 1—2. and s. 7., 27 H. 8. c. 15. for H. M.'s life, 35 H. 8. c. 16. REP. 1 & 2 P. & M. c. 8. but REV., 1 EL. c. 1. s. 10.]

31. The clergy shall not presume to claim or put in use any constitution, canons, or ordinances provincial: nor shall enact, promulgate, or execute any such in their convocations, (which shall always be assembled by authority of H. M.'s writ,) unless the clergy have H. M.'s royal assent and licence to make, promulgate, and execute the same on pain that every one of them being convict of doing contrary, shall suffer imprisonment, and make fine at H. M.'s will, 25 H. 8. c. 19. s. 1.

32. No canons shall be made or put in execution in this realm, by authority of convocation, which shall be repugnant to H. M.'s prerogative, or to the customs, laws, or statutes of the realm, id. s. 2.

33. No appeal shall be made out of H. M.'s dominions to the bishop or sec of Rome in any causes beginning in any courts within H. M.'s dominions, but all appeals, what cause soever they concern, shall be made as is limited for appeals in causes of matrimony, tythes and oblations, by 24 H. 8. c. 12., id. s. 3.

34. For lack of justice in the court of the archbishops it shall be lawful to appeal to chancery, on which appeal, a commission [court of delegates] shall be directed to persons named by H. M., as in appeal from the admiralty, [see ADMIRALTY.] to hear and determine such appeals, and the commissioners' sentence shall be definitive, and no further appeal had, id. s. 4.

35. Every person suing any appeals to the bishop or sec of Rome, or procuring or executing any process therefrom in derogation of this act, shall, with their aiders, counsellors or abettors, incur the penalties in the acts of provisors and *præmunire* 16 R. 2. c. 5., id. s. 5.

36. Where appeals from the jurisdictions of any heads of houses, or places exempt, might, before this act, be made immediately to Rome, they may now be taken immediately to H. M. into chancery, and shall be definitively determined by authority of H. M.'s commission, as in s. 4. pl. 34., id. s. 6.

37. Provided that such canons, constitutions, ordinances, and synodals provincial already made not repugnant to the laws of this realm, nor to the damage of H. M.'s prerogative, shall be used, as before this act, till otherwise ordered by the 32 persons appointed by this act, id. s. 7.

38. NO SPIRITUAL PERSON having benefice within the archdeaconry of Richmond, co. York, shall take after the decease of any person any duty in the name of a pension or portion, on pain of the statute of provisors, 25 E. 3., but shall administer his goods as in 24 H. 8. c. 5., 26 H. 8. c. 15. ss. 1, 2.

39. PERSONS IN HOLY ORDERS shall be subject to the same pains for the offences contained in 22 H. 8. c. 14. (SANCTUARY), 25 H. 8. c. 3. (BENEFIT OF CLERGY, pl. 9, 10.) and id. c. 6. (SODOMY), as other persons, 28 H. 8. c. 1. s. 7. [MADE PERP. 32 H. 8. c. 3. s. 1. and EXT., id. s. 8. next pl.]

30. PERSONS IN ORDERS guilty of clerigable offences, and admitted to the benefit of clergy, shall be burnt in the hand as lay clerks, 32 H. 8. c. 3. [But see 19 G. 3. c. 74. s. 3., BURNING IN THE HAND, pl. 8. where it is provided that that punishment may be changed to fine or whipping. And see also note in Index, tit. BENEFIT OF CLERGY, Div. I. at the end.]

41. DOCTORS OF THE CIVIL LAW, made ecclesiastical judges or officers, may exercise ecclesiastical jurisdiction, though married, 37 H. 8. c. 17. ss. 1, 4. [REP. 1 & 2 P. & M. c. 8. s. 22. REV. 1 E. c. 1. s. 12.]

42. TO TAKE AWAY ALL POSITIVE LAWS made against marriage of priests, 2 & 3 E. 6. c. 21. and recital in s. 1. [CONF. 5 & 6 E. 6. c. 12.]

43. All laws and ordinances made by man's authority forbidding marriage to any ecclesiastical person who by God's law may marry are void, 2 & 3 E. 6. c. 21. s. 2.

44. The matrimony of ecclesiastical persons is lawful, and their issue legitimate; they may be tenants by the curtesy, and their wives are dowerable of their lands, 5 & 6 E. 6. c. 12. s. 2., 1 J. 1. c. 2. ss. 50, [REP. 1 M. S. 2. c. 2. (which is REP. 1 J. 1. c. 25. s. 48.) and REV. and MADE PERP., 1 J. 1. c. 25. ss. 49, 50.]

45. Nothing in these acts shall give liberty to marry without asking in the church, or without the ceremonies in the common prayer book, or make any matrimony good which is prohibited by the law of God, or other cause, 2 & 3 E. 6. c. 21. s. 3. and 5 & 6 E. 6. c. 12. s. 3.

46. FOR PLURALITIES OF benefices, 21 H. 8. c. 15. ss. 9—11. 15—25. 29. 31. 33. [rest of this act is REP. and EXP.; see Tab. of Stats. Exp., &c.]

47. If any person having one benefice with cure of souls, being of 21. yearly value, or above, accept any other with cure, and is instituted and inducted in possession thereof, the first benefice is void, 21 H. 8. c. 15. s. 9; and the patron thereof may present another, as if the incumbent had died or resigned, any dispensation to the contrary notwithstanding, id. s. 10.; and every license, union or dispensation contrary to this act, shall be void, id. s. 11.

48. Every person procuring at the court of Rome, or elsewhere, any licence, union, toleration or dispensation to take more benefices with cure than above limited, or putting in execution any such licence, shall lose the whole profits of every benefice taken by force of such licence, &c. and shall incur penalty of 20*l.*, one half to H. M., and the other to him that will sue by original writ, bill, plaint of debt or information in any H. M.'s courts, without essoin, &c. allowed, id. s. 12.

49. All spiritual men of H. M.'s council may purchase dispensation, and take 3 parsonages or benefices, with cure of souls; and all H. M.'s chaplains not sworn of the council, and those of the queen, or any of H. M.'s children, brothers, sisters, uncles or aunts, may, in like manner, purchase dispensation, and keep two benefices with cure of souls, id. s. 13.

50. Every archbishop may have 8 chaplains; duke or bishop, 6; marquis or earl, 5; viscount, 4; duchess, marquis, countess or baroness, being widow, or marrying below the degree of a baron, 2; lord chancellor, baron, or knight of the garter, 3; treasurer and comptroller of the household, H. M.'s secretary, dean of H. M.'s chapel, H. M.'s amner, master of the rolls, 2; C. J. of K. B., 1; warden of cinque ports, 1; which chaplains may respectively purchase dispensation, and have two benefices with cure of soul, id. ss. 14—19. 24. 33. [And see 57 G. 3. c. 99. s. 10. *infra*, pl. 100.]

51. The brothers and sons born in wedlock of all temporal lords and knights may purchase dispensation, and have two benefices with cure of souls, id. ss. 20, 21.

52. Such chaplains so having plurality of benefices with cure, shall be bound to have and exhibit where need is, letters under sign or seal of H. M., or other their master, testifying whose chaplains they are, or else shall not enjoy such plurality, id. s. 22.

53. Doctors and bachelors of divinity, doctors of law and bachelors of law canon admitted to such degrees by any of the universities of the realm, and not by grace only, may purchase dispensation, and have two benefices, id. s. 23.

54. Number of chaplains so limited shall not be exceeded, and any spiritual person advanced above it shall incur the penalty of this act, id. s. 25.

55. H. M., notwithstanding this act, may give any number of benefices to his chaplains without their incurring its penalty, id. s. 29.

56. Provided no deanery, archdeaconry, chancellorship, treasurer'ship, chauntership or prebend in any cathedral that hath a vicar endowed, nor any benefice perpetually appropriate, be comprehended under the term 'benefice having' cure, id. s. 31.

57. EVERY JUDGE OF K. B. and C. P., and every chancellor and chief baron of exchequer, and H. M.'s attorney and solicitor-generals for the time being, may retain and have singularly to every of them in his house, or attendant on his person, one chaplain, having one benefice with cure of souls, who may be non-resident on such his benefice, 25 H. 8. c. 16. s. 1. [sem. CONF. 57 G. 3. c. 99. s. 10. *infra*, pl. 100.]

58. Chancellors of the court of the duchy of Lancaster, general surveyors of H. M.'s lands, treasurer of H. M.'s chamber, and the groom of the stole, may retain each one chaplain, having one benefice with cure, who may be non-resident thereon, 33 H. 8. c. 28. ss. 1, 2. [Sem. CONF. 57 G. 3. c. 99. s. 16. *infra*, pl. 107.]

59. Every such chaplain must repair twice a-year to his benefice, and tarry 8 days to visit and instruct his cure, on penalty of 40*s.*, to be recovered and disposed of as in 21 H. 8. c. 13. s. 26., id. s. 3.

60. SUCH FORM OF CONSECRATING archbishops, and other ministers of the church, as shall be devised and set forth under great seal before 1st April next, shall be lawfully exercised and used, and none other, 3 & 4 E. 6. c. 12. [REP. 1 M. S. 2. c. 2. but that act is REP. 1 J. 1. c. 25. s. 48.]

61. FOR REPEAL OF A BRANCH (viz. s. 18.) of 1 EL. c. 1. concerning commissioners for causes ecclesiastical, 16 C. 1. c. 11. s. 5. and 13 C. 2. S. 1. c. 12. s. 3. [The rest of 16 C. 1. c. 11. is REP. 13 C. 2. S. 1. c. 12. s. 2.]

62. The high commission court abolished, and no new court shall be erected with its powers, 16 C. 1. c. 11. s. 3. [and see pl. 66.]

63. Archbishops, bishops and other persons exercising ecclesiastical jurisdiction, may exercise all manner thereof, and all censures and coercions belonging thereto in all matters belonging to ecclesiastical jurisdiction, according to H. M.'s ecclesiastical laws, as amply as before 16 C. 1. c. 11. passed, 13 C. 2. S. 1. c. 12. s. 1.

64. No person having ecclesiastical jurisdiction may tender to any person the oath usually called the oath *ex officio*, or any oath whereby he may be charged to confess, accuse or purge himself of any criminal

matter, whereby he may be liable to censure or punishment, 16 C. 2. s. 1. c. 12. s. 4.

65. Nothing herein shall give any new ecclesiastical jurisdiction, or diminish H. M.'s supremacy, *id.* s. 5.

66. FOR PREVENTING ECCLESIASTICAL PERSONS from buying the next avoidance of any church preferment, 12 A. S. 2. c. 12. s. 2. [s. 1. as AMD. by 36 G. 3. c. 83. is with that act, REP. 57 G. 3. c. 99. s. 1.]

67. If any person shall, for any money or profit, in his own name, or in that of any other, take, procure or accept the next presentation to any benefice with cure of souls, dignity, prebend or living ecclesiastical, and shall be presented or collated thereupon, such presentation, &c. and every induction thereon shall be void, and the agreement simoniacal, H. M. presenting for that one term; and the person so corruptly taking such benefice, &c. shall be disabled to hold the same, and shall be subject to any ecclesiastical punishment, as if such corrupt agreement been made after a vacancy in the benefice, 12 A. S. 2. c. 12. s. 2. [See SIMONY.]

68. FOR ORDINATION OF FOREIGN CLERGYMEN, 24 G. 3. S. 2. c. 35. [Framed; as the original title repeats s. 1.]

69. The bishop of London for the time being, or any other bishop by him to be appointed, may admit to the order of deacon or priest persons being subjects or citizens of countries out of H. M.'s dominions, without requiring them to take the oath of allegiance, *id.* s. 1.

70. No person so ordained shall be thereby enabled to act as deacon or priest in H. M.'s dominions, *id.* s. 2.

71. In the letters testimonial of such orders, the name of the person so ordained shall be inserted with the addition of the country, whereof he is a subject or citizen, and the further description of his not having taken the said oath of allegiance being exempted therefrom by this act, *id.* s. 3.

72. THE ARCHBISHOPS of Canterbury and York, WITH ANY OTHER bishops they may call to their assistance, may consecrate subjects of countries out of H. M.'s dominions to the office of bishops therein, without H. M.'s licence for their election, or the royal mandate under the great seal for confirmation and consecration, and without requiring them to take the oaths of allegiance and supremacy, and of due obedience to the archbishop, 26 G. 3. c. 84. s. 1. [This act CONF. 59 G. 3. c. 60. s. 6.]

73. No such consecration shall be made till the royal licence by warrant under sign-manual is obtained by either archbishop, empowering him to perform it, and expressing the names of the persons to be consecrated, nor until the archbishop is fully satisfied of the sufficiency of their learning, the soundness of their faith, and the purity of their manners, 26 G. 3. c. 84. s. 2.

74. No person so consecrated bishop, or desiring consecration from any bishop so consecrated or ordained by such bishop or his successor, shall be enabled to exercise their respective offices in H. M.'s dominions, *id.* s. 3.

75. A certificate of such consecration under hand and seal of the archbishop who consecrates, containing the name, addition, and country of which such person is a subject, the church in which he is made bishop, and the further description of his not having taken the oaths in s. 1., being exempt therefrom by this act, shall be given, *id.* s. 4.

76. THE ABOVE ARCHBISHOPS, OR BISHOP of London, OR ANY bishop authorized by any or either of them, may admit to the holy orders of deacon or priest *especially for the colonies* any person whom on examination he shall deem duly qualified, *especially for the purpose* of taking on himself the cure of souls, or officiating in any spiritual capacity in H. M.'s colonies or foreign possessions, and residing therein; and a declaration of, and written engagement to perform such purpose under the hand of such person, being deposited in the hands of such archbishop, &c. shall be held a sufficient title with a view to such ordination; and it shall be distinctly stated in his letters of ordination, that he has been ordained for cure of souls in H. M.'s foreign possessions, 59 G. 3. c. 60. s. 1.

77. No person so admitted into holy orders for the purpose in last *pl.* shall be capable of holding or of being admitted to any benefice or other ecclesiastical dignity soever within the U. K., or of acting as curate therein, without the previous consent and approbation in writing, under hand and seal of the bishop of the diocese, in which any such benefice, &c. is locally situate, nor without like consent, &c. of such one of the said archbishops or bishop of London, by whom or by whose authority he has been originally ordained, or in case of the demise or translation of such archbishop or bishop of his successor in the same see; provided that no such consent, &c. shall be given, unless the applicant first produces a testimony of his good behaviour during his residence abroad from the bishop in whose diocese he has officiated, or if no such bishop, from the governor in council of the colony in which he may have been resident, or from the colonial secretary of state, *id.* s. 2.

78. No person admitted into holy orders by the bishops of Quebec, Nova Scotia, or Calcutta, or by any other bishop or archbishop than those of Eng. or Ire., shall be capable of officiating in any church or chapel of Eng. or Ire., without special permission from the archbishop of the

province where he proposes to officiate, or of holding, or being admitted to any ecclesiastical preferment in Eng. or Ire., or acting as curate therein, without consent and approbation of the archbishop and of the bishop of the diocese wherein any such preferment or curacy is situate, 59 G. 3. c. 60. s. 3.

79. No person after 2 July 1819, ordained deacon or priest by a colonial bishop, who, at the time of such ordination, did not actually possess episcopal jurisdiction over some diocese, district, or place, or was not actually resident therein, shall be capable of at any time holding preferment within H. M.'s dominions, or of being stipendiary curate, or chaplain, or of officiating in any place or manner as a minister of the established church of Eng. and Ire., *id.* s. 4.

80. And all admissions, inductions, and appointments to curacies made contrary to this act shall be void, *id.* s. 5.

81. TO REMOVE DOUBTS RESPECTING THE ELIGIBILITY OF persons in holy orders to sit in the house of commons, 41 G. 3. (U. K.) c. 63.

82. No person ordained a priest or deacon, or being a minister of the church of Scot., shall be capable of being elected a member of the house of commons, *id.* s. 1.

83. The election of such person shall be void; and if any person after his election is ordained a priest, deacon, or minister of the church of Scot., his seat shall be void, and he shall incur a penalty of 500*l.* for every day he shall sit or vote in the house, recoverable with full costs by any informer suing for the same in any of the courts at Westminster, by action of debt, bill, plaint, or information, in which no essoin, &c. and only one imparance shall be allowed; and every person against whom such penalty, &c. shall be recovered under this act, shall be incapable of holding any ecclesiastical preferment, or any office of profit under H. M., *id.* s. 2.

84. No person shall be liable to the penalty under this act, unless prosecution is commenced within 12 calendar months after it is incurred, *id.* s. 3.

85. Proof of celebration of divine service according to the rites of the churches of Eng. or Scot. in any church or chapel consecrated for public worship, shall be *prima facie* evidence of the party's ordination or ministry, *id.* s. 4.

86. TO ENFORCE DUE OBSERVANCE OF THE CANONS AND rubrics respecting the ages of persons to be admitted into the sacred orders of deacon and priest, 44 G. 3. c. 43.

87. No person shall be admitted a deacon till he has attained 25 years, nor a priest till 24 years of age complete, and any admission before those ages is void in law, and the person shall be incapable of holding any benefice or spiritual promotion soever in respect of such admission; but no title by lapse shall accrue by any avoidance, &c. under this statute, till after 6 months' notice given by the ordinary to the patron, *id.* s. 1.

88. Nothing herein shall affect the right of granting faculties by the archbishops of Canterbury and Armagh, *id.* s. 2.

89. TO CONSOLIDATE AND AMEND THE LAWS RELATING TO spiritual persons holding of farms, and for enforcing the residence of spiritual persons on their benefices, and for the support and maintenance of stipendiary curates in Eng., 57 G. 3. c. 99. [does not extend to Ire., *id.* s. 85.]

90. The 21 H. 8. c. 13. ss. 1—8. 26—28. 30. 32. 34. 35., 28 H. 8. c. 13. 13 El. c. 20., 14 El. c. 11. ss. 14—16., 18 El. c. 11., 43 El. c. 9. s. 8., 3 C. 1. c. 4. s. 2. relating to spiritual persons, holding of farms, and to leases of benefices and livings, and to buying and selling, and to residence of spiritual persons on their benefices, and 12 A. S. 2. c. 12. s. 1. and 36 G. 3. c. 83. ss. 1—2. relating to maintenance of curates within the church of Eng., and making provision for appointing them stipends, as well as 43 G. 3. cc. 84. 109. and 53 G. 3. c. 149. shall be REP., *id.* s. 1.

91. No spiritual person having any dignity, prebend, canonry, benefice, or stipendiary curacy, or lectureship, shall take to farm for occupation by himself by lease, grant, words, or otherwise, for term of life or years, or at will, any lands exceeding in the whole 80 acres, for the purpose of occupying, using, or cultivating the same, without the special consent in writing of the bishop of diocese wherein such dignity, &c. is locally situate; and such permission shall specify the number of years (not beyond seven), for which the same is given; and every such spiritual person, who without permission shall take any more land than 80 acres, shall forfeit 40*l.* per acre above that number for every year during which he shall occupy the same, to be recovered by and to the use of party suing, *id.* s. 2.

92. No such spiritual person shall, by himself, or another to his use, engage in, or carry on any trade or dealing for gain, or deal in any goods or merchandize by buying and selling for profit in any fair or market, on pain of forfeiting the value of such goods bargained or bought to sell again contrary to this act; and every bargain or contract so made by him, or by any person to his use contrary to this act, shall be void, and the forfeiture go one moiety to H. M. and the other to the informer, *id.* s. 3.

93. Nothing herein relating to being engaged in trade or dealing, or

buying, or selling, shall extend to, or subject to any penalty, any spiritual person for keeping a school, or acting as a schoolmaster or tutor, or being in any way engaged in giving instruction or education for profit or reward, or for buying or selling, or doing any other act in relation to managing such school or employment; nor to any spiritual person for buying any goods or merchandize for the purpose of *bonâ fide* employing same for his family or household, and afterwards selling the same, or any parts thereof, which he may not want, or choose to keep, though at an advanced price; nor for buying or selling again for profit any kind of cattle, corn, or other things, necessary for the occupation, manuring, improving, pasturage, or profit of any glebe, demesne, farms, lands, tenements, or hereditaments, which may be lawfully held by such spiritual person, or by some other to his use; but nothing herein shall authorize such persons to sell such cattle, corn, &c. in person in any market, fair, or place of public sale, 57 G.3. c.99. s.4.

94. All spiritual persons holding any benefice, who shall, without any licence or exemption as by this act allowed, wilfully absent himself therefrom for 3 months together, to be accounted at several times in one year, and abide elsewhere than at some other benefice, donative, &c. of which he may be possessed, shall, when his absence shall exceed such period and not 6 months, forfeit one third of the annual value (deducting thereout all outgoings except curates' salary) of the benefice, &c. from which he shall absent himself, *id.* s.5.

95. When such absence shall exceed 6 months but not 8, he shall forfeit one half of such values, and when it shall exceed 8 months 2 thirds, and when the whole year 3 fourths thereof, to be recovered by action of debt, &c. in H.M.'s courts of record at *Westminster*, or of great sessions in *Wa.*, and no essoin, &c. allowed. The whole of penalty shall go to party suing, with such costs of suit as are allowed according to practice of the court where action brought, *id.* s.5.

96. Every spiritual person having any benefice and no house of residence thereon, and who has resided 9 months of the year within the limits of his benefice, or of the city, town, place, or parish, where his benefice is situate, (provided such residence be within 2 miles from the church or chapel of his benefice,) shall not be liable to any penalties for non-residence, nor obliged to take out any licence in respect thereof, but same shall be deemed a legal residence, and in all returns made by bishops, persons so residing shall be returned as resident, *id.* s.6.

97. Houses purchased by governors of Queen Anne's bounty, though not situate within the parishes for which they are purchased, approved by the bishop, by writing under his hand and seal, and duly registered in the registry of the diocese, shall be deemed houses of residence appertaining to such benefices, *id.* s.7. [See BENEFICE, *pl.* 34. 57.]

98. In cases of rectories having vicarages endowed, the residence of the vicar in the rectory house shall be deemed a legal residence, provided the vicarage house be kept in proper repair to satisfaction of the bishop, *id.* s.8.

99. The bishop in every case where there is not a house of residence belonging to any benefice within the diocese, may allow any fit house within, or if convenient without, the limits of the benefice, to be the house of residence thereof; and such allowance and adjudication in writing under hand and seal of bishop, shall be registered in the registry of the diocese; and such house shall be thenceforth deemed the house of residence for time being, *id.* s.9.

100. No spiritual person being chancellor, vice-chancellor, or commissary of either university of *Oxford* or *Cambridge*, or being warden, or other head of any college within such universities, or holding any professorship or public readership within such universities, being actually resident within the precincts of such universities, or actually residing and reading lectures therein; no scholar under 30 years of age abiding for study without fraud at either university; no chaplain of the king or queen, or their children, brethren, or sisters, during so long as he shall actually attend in discharge of his duty as such chaplain in the household to which he belongs; no chaplain of any archbishop or bishop, or temporal lord of parliament, or other person authorized by law to appoint chaplains [see 21 H.8. c.13. s.14., &c. *pl.* 51.] for so long as such chaplain, &c. shall abide and dwell, and daily attend in actual performance of his duty as such, in the household to which he so belongs; and no chaplain to house of commons, clerk or deputy-clerk of H.M.'s closet, or clerk or deputy-clerk of the closet of the heir-apparent, or chaplain-general of H.M.'s forces by sea or land, or chaplain of H.M.'s dock-yards, while actually attending and performing the duties of such office respectively; no chaplain of the household of *British* ambassadors abroad; no chancellor, or vicar-general, or commissary while performing the duties of their offices; no archdeacon while on visitation or otherwise engaged in his functions; no minor, canon, vicar choral, or priest vicar, or any other such like officer in any cathedral or collegiate church, during his actual residence within precincts thereof, or of the town, &c. where the same is situated, or its suburbs, and actually performing the duties of his office; no dean, subdean, priest, or reader, in H.M.'s chapels at *St. James* or *Whitehall*, or reader in H.M.'s private chapels at *Windsor*,

or elsewhere, while residing and actually performing the duty of any such office respectively; no preacher in any inn of court or at the rolls; no bursar, treasurer, dean, vice-president, subdean, or public tutor, or chaplain, or other such public officer in any college or hall in *Oxford* or *Cambridge*, during his official and actual residence to perform the duties of any such office; no public librarian, public registrar, proctor, or public orator, or such like public officer in either *Oxford* or *Cambridge*, during like official and actual residence; no fellow of any college in such universities, during the time for which he may be required to reside by charter or statute, and shall actually reside therein; no warden, provost, or fellow, of *Eton* or *Winchester* colleges, or master of charterhouse, during the time he is required to, and shall actually reside therein, or within the city, or town, or suburbs thereof, within or near which the colleges are respectively situate; and no proctor or usher in the colleges of *Eton*, *Winchester*, or *Westminster* school, or as principal or professor of *East India* college; and no persons specially exempt from residence under any acts of parliament not hereby repealed, shall be liable to any of the penalties of this act for any non-residence, during the above period on any benefice; but every such spiritual person with respect to residence under this act shall be entitled to account such period, as if he had legally resided on some other benefice, 57 G.3. c.99. s.10.

101. Any dean, during residence on his deanery, or being prebendary or canon, or holding any other dignity in any cathedral or collegiate church, who shall reside any period not exceeding 4 months within the year upon such dignity, may account such residence as a legal residence on some benefice; provided, that any spiritual person holding any prebend, canonry, or dignity in any cathedral or collegiate church in which the year for the purposes of residence is accounted to commence at other period than 1st Jan., and who may keep the periods of residence required for 2 successive years at such cathedral, &c., in whole or in part between 1st Jan. and 31st Dec. in any one year, may account such residence, though exceeding 4 months in the year, as reckoned from 1st Jan. to 31st Dec. in any one year, as if he had legally resided on some benefice, *id.* s.11.

102. The bishop of the diocese in which any benefice is locally situate may license any longer period of non-residence thereon of any prebendary, canon, or other person holding any dignity in a cathedral or collegiate church, in cases where, from his own knowledge (if such cathedral is within his own diocese, or if not, by certificate of the bishop of diocese where it is locally situate,) it shall appear necessary; provided every such person shall in any such period reside on such dignity, *id.* s.12.

103. No person appointed to any such dignity before this act passed shall be subject to any penalty for non-residence on any benefice during his actual residence on such dignity, *id.* s.13.

104. Persons having houses of residence on their benefices, but not resident thereon, shall, during period of non-residence, whether for the whole or part of a year, keep the same in good repair; and if they neglect so to do, and on monition from the bishop shall not put it in repair according to and within the time therein mentioned, to the satisfaction of the bishop, and to be certified to him upon such survey and report as are required by the bishop in that behalf, shall be liable, to the penalties of non-residence notwithstanding exemption or licence during the time such house is out of repair, and until it has been put in good repair to the satisfaction of the bishop, *id.* s.14.

105. Any bishop, on application by petition in writing by any spiritual person, or by any fit person on behalf of any such person having any benefice locally situate within his diocese, upon such proofs as to any facts stated in such petition, as such bishop may think necessary and shall require by affidavit made before any ecclesiastical judge or his surrogate, or any justice of peace or magistrate, or master extraordinary in chancery, (which oath they are hereby respectively required to administer,) may grant in the cases herein enumerated, on due consideration of all the circumstances stated in any such application, and verified to his satisfaction as above, a licence in writing under his hand expressing the cause of granting it to such person to reside out of parish or proper house of residence, in order to exempt him from penalty of non-residence, *id.* s.15.

106. Such licence may be granted, 1st, to any spiritual person prevented from residence in the proper house of residence or in the parish by a actual illness of himself, wife, or child, making part of his family, and residing with him as such; 2dly, to persons holding any benefice wherein there is no house of residence, or where it is unfit for residence, such unfitness not being occasioned by default of such person, and same being kept in repair by him to satisfaction of the bishop; 3dly, to such persons holding any benefice and occupying in the parish thereof respectively any mansion or messuage, he keeping in repair such house of residence and producing proof thereof to satisfaction of the bishop at the time when the licence is granted or renewed; 4thly, to such persons holding any benefice of small value, and serving as stipendiary curate elsewhere, and providing for serving his own benefice to satisfaction of

bishop; *5thly*, to any master or usher of any endowed school licensed by bishop and actually employed in teaching therein; *6thly*, to any master or preacher of any hospital or incorporated charitable foundation during the period of residence required by charter or statute of such hospital, &c. or other lawful authority therein; and shall actually reside and do duties therein; *7thly*, to persons holding any endowed lectureship, chapelry, or preachingship, and executing the duties thereof respectively, with licence of the bishop in whose diocese he so officiates; *8thly*, to any spiritual person holding any benefice of small value and serving as preacher in any proprietary chapel in any city or town, with like licence of the bishop; *9thly*, to any person actually serving as a chaplain in any of H.M.'s garrisons, or to the royal military asylum at *Chelsea*, college at *Sandhurst*, or royal hospitals at *Greenwich* or *Chelsea*, *Haslar* or *Plymouth*, or to the *Naval Asylum*, or in H.M.'s navy, the gaol of *Newgate*, or *Penitentiary* at *Milbank*, or to any *British factory*, or as teacher at the *Royal Military Academy* at *Woolwich*, or as principal surrogate or official in any ecclesiastical court of a diocese, or as librarian of *British museum*, or *Sion college*, or as trustee of lord *Crewe's* charity, during the time of their personal attendance on the duties of such offices respectively; provided the persons obtaining such licence shall pay to bishop's secretary or officer 10s. only besides stamp duty; and if such applicant is aggrieved by the refusal of such licence, he may apply to the archbishop of the province; who shall forthwith either by himself or some commissioners, appointed from among the bishops of his province under his hand make enquiry into the same, and by writing signed by himself confirm such refusal or grant a licence under this act, as seems just; provided that such appellant shall give security to the bishop to pay reasonable expenses attending such appeal as the archbishop or his commissioners shall award, *57 G.3. c. 99. s. 15.*

107. Such bishop in any cases not above enumerated, may grant a licence to any person to reside out of the parish or proper house of residence, if he deems it expedient, and may assign, in cases where stipendiary curates are employed, such salary as he deems fit, having respect to the value of the benefice and all other circumstances of the case; and may grant such licence without application made for that purpose, in case of absence from the realm of any spiritual person, and may renew same, and in every such case shall appoint a stipendiary curate, in case none duly licensed is there employed in serving such benefice, and may assign him a salary, or if any curate already employed may encrease his salary, and in every such case may order the same to be paid by sequestration of the profits of the benefice; provided that the nature and special circumstances thereof, and the reasons which induced the bishop to grant such licence, shall be forthwith transmitted to the archbishop of the province; who shall forthwith, by himself or some commissioner appointed from his bishops by writing under his hand (and who are therefore authorized to execute such commission), examine into the case, and make such enquiries as to any particulars relating thereto as he may think necessary; and after such enquiries made by himself, or where made by commissioners after return of the substance thereof in writing to such archbishop, he shall thereupon allow or annul such licence or alter same in whole or in part as to the period for which the same has been granted or otherwise, and likewise as to the curate's stipend, as seems fit to him; and no such licence shall be good unless it is allowed by such archbishop, such allowance being signified by his signing the same, and the cause of granting the same need not be stated, *id. s. 16.*

108. The death or removal of the bishop shall not void any licences by him granted, but the same shall be good unless revoked by any successor, *id. s. 17.*

109. Every application to the bishop for licence for non-residence shall be in writing, signed by the applicant, and shall state whether the party will perform the duty himself, and if so, where and at what distance he intends to reside; or if he intends to employ a curate it shall state the salary to be given him, and whether curate will reside in the parish; and if so, whether in the parsonage house; and if he does not intend to reside therein, shall state at what distance therefrom, and at what place he will reside, and whether such curate serves any other parish as curate or incumbent, or has any ecclesiastical preferment, or holds any donative perpetual curacy or chapelry, or officiates in any other church or chapel, and also the gross annual value of the applicant's benefice, and such licence shall not be granted unless the application contain a statement of the above particulars; and all such applications and specifications shall be filed by the registrar in a separate book, of which no inspection or copies shall be made except by leave in writing from the bishop, *id. s. 18.*

110. During the vacancy of any see, such licences may be granted by the vicar-general of the diocese; or in case the bishop cannot exercise in person the functions of his office, the same shall be exercised by the person lawfully empowered to exercise his general jurisdiction in the diocese, *id. s. 19.*

111. Any bishop who has granted any licence for non-residence, as above, or his successors, may revoke the same if he thinks fit; but the spiritual person may appeal, as in *s. 15. pl. 107.* and the archbishop appealed to may order such reasonable fees and charges to be paid by the appellants, for any such proceedings, as in his discretion he shall deem fit; but no licence for non-residence shall continue in force above 3 years from its being granted, or after *31st Dec.* in the second year after that in which it is granted, *57 G.3. c. 99. s. 20.*

112. Every bishop granting or revoking any licence for non-residence, under this act, shall, within one month after, cause a copy of every such licence or revocation to be filed in the registry of his diocese, and the registrar shall make an alphabetical list, to be entered in a book, and inspected by all persons, on payment of 3s. only: and a copy of every such licence, with respect to any benefice, shall be transmitted by the spiritual person to whom it was granted, to the churchwardens of the parish, &c. to which it relates, within one month after grant thereof, and every bishop revoking any licence shall cause such revocation to be transmitted to a churchwarden of the parish or place to which it relates, to be deposited in the parish chest, and every registrar neglecting to enter the same, shall forfeit for each neglect *5l.* to be recovered

imposed may be, and a copy of every such licence or revocation, shall likewise be produced by the churchwardens, and publicly read at the visitation for the district, next succeeding such grant or revocation, *id. s. 21.*

113. Every archbishop who shall in his own diocese grant, or allow, or approve, as herein directed, any licence in cases not enumerated herein, shall annually, before *31st Jan.*, transmit to H. M. in council, a list of all such licences so granted, allowed, or so approved, in the year ending on *31st Dec.* preceding, and shall specify therein the reasons that induced him to grant or approve the same, with the reasons transmitted to him by the bishops for granting same: and H. M. may, by order in council, revoke and annul any such licence, and if it is so revoked, a copy of any such order shall be sent to the archbishop granting or approving such licence, who shall transmit a copy thereof to the bishop of the diocese where the licence was granted, who shall file a copy of the mandatory part, in the registry of his diocese, and deliver a like copy to the churchwardens of the parish to which it relates, as in *s. 21. pl. 113.* and if granted by archbishop, he shall file and deliver such copies in his own diocese, but such licence, although so revoked, shall be deemed valid, for the period between its grant and revocation, *id. s. 22.*

114. On or before *25th March*, in every year, every bishop shall make a return to H. M. in council, of every benefice within his diocese, and the name of the several persons holding the same, specifying those who have and those who have not resided, by reason of any exemption under this act, or of any licence granted by such bishop, for any, and what causes, enumerated by this act, and also of all persons not having any such exemption or licence, who have not resided on their respective benefices, as far as the bishop is informed thereof, and also the names of all curates licensed to serve the benefice of any non-resident incumbent, and whether the gross annual value of any benefice amounts to or exceeds *300l. per ann.* or not, the amount of the curate's salary, and his place of residence; and every spiritual person non-resident by reason of exemption, or resident on another benefice, for which they need not take out any licence under this act, shall within 6 weeks after *1st Jan.* in every following year, notify the same in writing, under his hand, to the bishop of his diocese, specifying the nature of such exemption, and whether the gross annual value of the benefice on which he is non-resident, amounts to or exceeds *300l. per ann.* or not, and every spiritual person having more than one benefice, and residing on one of them, or residing during any part of the year on any dignity, or in performance of the duties of any office in any cathedral or collegiate church, or who are non-resident for any period of the year, for any of the causes of temporary exemption specified in this act, shall, in like manner, and within like period in each year, notify the same, *id. s. 23.*

115. Persons neglecting to make such notification within the time, in last *pl.*, shall forfeit *20l.* for each offence, to be levied by order of the bishop, by sequestration, (if not paid after monition to pay same) out of the profits of the benefice, in respect of which such neglect is incurred, to be applied according to direction of the bishop in charity, provided he may remit or order repayment of any part of the penalty (in same way as in *pl. 119.* allowed) for non-compliance with order for residence, *id. s. 24.*

117. Nothing in this act shall exempt any spiritual person from ecclesiastical censures for non-residence, without licence, or affect any proceedings hereinafter to be instituted in any ecclesiastical court, in relation to non-residence of any person holding any benefice; who is not licensed for nor has other lawful cause for absence, in order to inflict

same, provided no proceedings be admitted in any ecclesiastical court, against such spiritual person for such non-residence, not exceeding 3 months in one year, except at instance of the bishop of the diocese where the benefice not resided on is situated, 57 G. 3. c. 99. s. 25.

118. If any person holding any benefice, and not being licensed, or having other lawful cause of absence, does not sufficiently reside on the same, the bishop may issue a monition to him forthwith to reside thereon, and perform the duties thereof, and to make a return to such monition within a time therein limited; so as there be 30 days between the time of delivering the same to such person, or leaving it at his then usual or last abode, or if not there to be found, then with the officiating minister, or one of the churchwardens, and also at the house of residence (if any) belonging to such benefice, whither such person is required by such monition to go and reside, and the time for making a return thereto; on issuing a monition, a copy shall be filed in the registry of the bishop's court, and open for inspection on payment of 3s.; the person to whom such monition is directed shall make return into such registry, within the time specified, there to be filed, and the bishop may require such return to be verified on oath of such person, and others, before some surrogate, justice of peace, or master extraordinary in chancery, who shall administer the same, on application for that purpose; and in every case where no such return is made, or where it does not state satisfactory reasons for non-residence, or where the same or any of the facts therein shall not be so verified on oath when required, the bishop may issue an order in writing, under his hand and seal, requiring such spiritual person to reside as aforesaid, within 30 days after such order in writing, or delivery of a copy thereof, as hereinbefore required in case of monitions, *id.* s. 26.

119. In case of non-compliance with such order, such bishop may sequester the profits of the benefice of such spiritual person, till complied with, or good reasons stated and proved for non-residence, and may, by order under his hand, filed as in *pl.* 118., apply such profits after deducting the expences of serving the cure, in such way as he deems fit, in the first place, to pay the expences of such monition and sequestration; in the next, towards augmentation and improvement of any such benefice, or the house of residence, buildings, appurtenances, or glebe thereof; and may direct the same, or part thereof, to be paid to the governors of queen Anne's bounty, for augmentation of the maintenance of poor clergy, to be applied for the purposes of such augmentation, as such bishop shall under all circumstances think fit; and any such bishop, within 6 months after such order for sequestration, or after any money actually levied, may remit to such spiritual person any part of such sequestered profits, or cause any part thereof that has been paid to such governors of queen Anne's bounty, to be repaid him by order under the hand of such bishop, out of any money then or next coming into their hands, in any case where by reason of subsequent obedience to monition or order, or of the stating and proving sufficient reasons as above, such bishop shall think the same proper; provided such spiritual person may, within one month after order made, appeal against such sequestration to the archbishop of the province, who by himself, or his commissioner, or commissioners appointed from among his bishops, under his hand and seal, shall forthwith enquire into same, and make such order therein relating thereto, or to the profits so sequestered for the return of the same, or any part thereof, or otherwise, as under all circumstances he shall deem fit, after such inquiry made by himself, or the substance thereof returned in writing to him by such commissioner, &c. provided such appellant shall give security to bishop for payment of such reasonable expences of appeal, as the archbishop or his commissioners &c. shall award, and provided that no order for sequestration shall be put in force pending such appeal, *id.* *ibid.*

120. Every person who shall forthwith return to residence in obedience to monition, and the profits of whose benefice are not sequestered, shall nevertheless pay all costs attending the same, to be levied in same way as any costs may be levied on any spiritual person under this act, *id.* s. 27.

121. If any person, not licensed under this act for non-residence, or not having lawful cause of absence therefrom, shall, in obedience to any such monition or order, and before or after sequestration, begin to reside in his benefice, and shall within 6 months after such commencement to reside without leave of bishop, begin to absent himself, such bishop may again sequester, and apply the profits of his benefice as in s. 26. *pl.* 119. without issuing any other monition or order, and may so proceed in like cases from time to time, as occasion requires: provided that such party may again appeal against it, in like manner as before directed; but such sequestration shall nevertheless be in force during such appeal, *id.* s. 28.

122. Where any spiritual person has become subject to any penalty for non-residence, the bishop of the diocese within which the same has arisen, may proceed against him for such past non-residence, and levy the penalties incurred thereby by monition and sequestration, and direct application thereof in like manner, and with like regulations and powers

of remitting or ordering repayment of any part of such penalties, as directed in cases of non-compliance with any order of residence, 57 G. 3. c. 99. s. 29.

123. Where any archbishop or bishop has proceeded by monition to recover the penalties of more than one-third the value of such benefice for any non-residence exceeding 6 months in the year, and has remitted the same in whole or in part, such archbishop, &c. shall forthwith transmit to H. M. in council, and such bishop to the archbishop of his province, a list of such cases as have occurred in his or their dioceses, specifying the nature and special circumstances of each case, and reasons for the remission, as in s. 16. *pl.* 107., and H. M. or the archbishop, as the case is, may allow or disallow such remission, in same way as licences for non-residence, [see s. 15. *pl.* 106.], but the archbishop's decision in cases transmitted to him from any bishop is final, *id.* s. 30.

124. If the benefice of any spiritual person shall continue for 2 years under any sequestration made under this act, for disobedience to the bishop's monition, requiring him to reside on his benefice, or shall incur under this act, 3 such sequestrations in 2 years, (such spiritual person not being relieved therefrom on appeal) the benefice not resided on shall be void, and the bishop shall give notice thereof to the patron, who may present any other than the same spiritual person, *id.* s. 31.

125. All contracts for letting the house of residence, or buildings, gardens, orchards, and appurtenances, necessary to the convenient occupation thereof, belonging to any benefice, to which house any spiritual person is required by order of the bishop to proceed and reside therein, or which is assigned as a residence to any curate by the bishop, shall, on serving a copy of such order or assignment on the occupier thereof, or left at the house, be void; and a copy of such order, &c. shall immediately on its issue, be transmitted to one of the churchwardens, or such other person as the bishop thinks fit, and by him forthwith served on such occupier, or left at the house; and any person continuing to hold the same after the day appointed by such order for the residence therein of such spiritual person, or specified in any such assignment, and after service or leaving such copy as above, shall forfeit 40s. for every day which he shall, without permission of the bishop in writing, wilfully continue to hold the same, together with the expense of serving such order, if specially served, to be allowed by the bishop, and recovered and applied as the non-residence penalties, under this act; and the spiritual person so directed to reside, or curate to whom such residence is assigned, may apply to any justice or magistrate for a warrant for taking possession thereof, who, on production of the order for such possession, shall thereupon give a warrant for the same, and possession may thereupon be taken at any time in the day-time, by entering it by force, if necessary, without other proceeding by ejectment or otherwise, *id.* s. 32.

126. No spiritual person is liable to any penalties for non-residence during such time as such tenant shall occupy such house of residence and building, &c., *id.* s. 33.

127. After passing this act, no oath shall be required to be taken by any vicar in relation to residence on his vicarage, *id.* s. 34.

128. No penalty shall be recovered against any spiritual person under this act, other than such as were incurred within a year, ending 31st Dec. immediately preceding the commencement of any proceeding or action for recovery thereof, *id.* s. 35.

129. No action of debt for recovery of penalties under this act, shall be commenced or filed in H. M.'s courts of record at Westminster, or great sessions in W'a., until 1st May after expiration of the year in which the offence took place, *id.* s. 37.

130. For purposes of this act, the year shall commence 1st Jan. and conclude the 31st Dec. both inclusive, *id.* s. 38.; and the months herein named shall be deemed calendar months, except in any case where a month is to be made up of different periods less than a month, in every which case 30 days shall be a month, *id.* s. 39.

131. No writ shall be sued out, nor copy of any process served at suit of any informer on any spiritual persons, for any penalty incurred under this act, till a notice in writing of such intended writ or process shall have been left at the usual or last place of his abode, and also to the bishop of the diocese, by leaving it at the registry by the attorney or agent of the party intending to sue the same out, one calendar month before suing out or serving the same, in which notice shall be clearly expressed the cause of action, and the penalty to be sued for, and indorsed with name and abode of the attorney; and no such notice shall be given before 1st April, in the year next after any penalties have been incurred, *id.* s. 40.

132. No plaintiff shall recover in such action without proof made that such notices were given, and in default thereof, defendant shall have a verdict with double costs, *id.* s. 41.

133. No evidence shall be permitted to be given by plaintiff at trial of any such action of any cause of action, except that contained in his notice, *id.* s. 42.

134. Any spiritual person sued for such penalties may, with leave of

the court, at any time before issue joined, pay into court such sum as the court deems fit, whereupon proceedings thereon shall be had, as in other actions, where defendant is allowed to pay money into court, 57 G.3. c.99. s.43.

135. The court where such action is pending for recovery of any penalty for non-residence under this act, shall, on application made for that purpose, require by rule or order of the court, or of any judge thereof, the bishop of the diocese within which the benefice is locally situate, or to whom the same is subject, according to this act, to certify in writing under his hand, to such court, and also to the party named for that purpose, in such rule or order, the reputed annual value of such benefice; and upon such rule or order being left with such bishop or his registrar, he shall certify accordingly, and such certificate in all subsequent proceedings on such action or information, shall be received as evidence of the annual value of the benefice for the purposes of this act, but without prejudice to the admissibility or effect of other evidence, respecting the real value thereof, *id.* s.44.

136. A licence for non-residence, and other licences granted under this act, may be pleaded in bar of any action for penalties under this act; and if after such plea pleaded, plaintiff discontinues, defendant shall have full costs of suit; and if a verdict is given for defendant, or plaintiff is nonsuited, defendant shall have double costs, with usual remedy to recover same, and the court, or a judge thereof may, on application, order that plaintiff shall give security for payment of such costs, and that proceedings shall be staid till such security is given as the court, &c. thinks fit, *id.* s.45.

137. Provided, that if at the time of filing any monition requiring any spiritual person to reside on his benefice, or to recover the penalties for past non-residence, no notice of action for any penalty shall have been already given as above, then no such action or information shall afterwards be brought for any penalty incurred before monition issued, or during proceedings had under it: and if any such action, &c. is so brought, defendant may plead in bar a monition, issued for the same benefice, and unless it is dispensed with on application to court, shall, on pleading such matter, file an affidavit, stating the period specified in such monition, and that he believes bishop is proceeding thereon to make it effectual, otherwise the plea shall be bad, *id.* s.46.

138. No penalty or costs incurred by any spiritual person for non-residence, shall be levied by execution on the body, whilst they hold the same or another benefice out of the profits of which it can be levied by sequestration within 3 years; and in case the body is so taken, the court or judge thereof shall, on application made, discharge the party, if it appears to his satisfaction that the penalty and costs can be so levied, *id.* s.47.

139. If any spiritual person holding any benefice, who does not actually reside thereon 9 months in the year, (unless he shall do the duty of the same, or has a legal exemption from residence,) or a licence to reside out of same, or out of the usual house of residence thereof) shall for exceeding 3 months absent himself therefrom, without leaving a curate duly licensed, or other spiritual person to, and who shall duly perform the ecclesiastical duties of such benefice, or shall for 3 months after the death or removal of any curate who has served his church, neglect to notify same to his bishop, or to nominate to him a proper curate, then the bishop may appoint and license one to serve such church, with salary as herein directed; provided that in every case the licence shall specify whether the curate is to reside within the parish or place, or not; and if he is permitted by the bishop to reside out of the parish, &c. the grounds of such permission shall be set forth therein; and the distance of his residence shall not exceed 5 statute miles from the church he is to serve, except in cases of necessity, approved by bishop, and specified in the licences, *id.* s.48.

140. Where a curate is appointed to serve the benefice of any incumbent who is non-resident for more than 3 months in the year, from exemption, licence, or otherwise, such curate shall reside within the parish, provided the gross annual value of the benefice amounts to, or exceeds 300*l.* and the population 300; or provided the population amounts to 1000 persons or more, whatever may be the value of the benefice; provided that where it is made out to bishop's satisfaction, that from peculiar circumstances great inconvenience would arise from such curate being compelled to reside in the parish, he may allow him to reside in some convenient place near; but such circumstances shall be specified in the licence, and entered and filed in the registry of the diocese, *id.* s.49.

141. Whenever it appears to satisfaction of the bishop, either of his own knowledge, or on proof by affidavit laid before him, that, by reason of the number of churches or chapels belonging to any benefice, locally situate within his diocese; their distance from each other, or from the residence of the clergyman serving them, or any, or either of them, or from the negligence of the incumbent, the ecclesiastical duties of such benefice are inadequately performed, the bishop may, by writing

under his hand, require the incumbent to nominate to him a fit person, with sufficient stipend to be licensed by him to perform such duties, or assist therein, specifying the grounds of such proceeding; and if the incumbent neglects to comply with such requisition for 3 months after it is made, the bishop may appoint a curate or curates, as the case requires, with such stipend as the bishop thinks fit to appoint, not exceeding in any case in the whole the stipends by this act allowed, nor, except in case of negligence, exceeding one-half of the gross annual value of the benefice, though the incumbent may actually reside or serve the same; provided, that such requisition, and any affidavit made to found same, be forthwith filed in the registry of the bishops' court, and that such incumbent may appeal to archbishop of the province, in same way, [see *pl.* 119.] as in case of sequestration issued by the bishop, 57 G.3. c.99. s.50.

142. Bishops may enforce the performance of the morning and evening service on *Sundays*, or other service required by law, in any parish church or chapel, or extra-parochial church, by monition and sequestration, issued as in *pl.* 119. provided, *id.* s.51.

143. A statement of all particulars, by this act required to be stated by the applicant for a licence for non-residence, shall be given on application for any licence for a curate to serve for a non-resident incumbent, and none shall be granted till such statement is given; and such statement shall be kept filed and preserved for public inspection, as in s.18. *pl.* 109., *id.* s.52.

144. Every bishop shall (subject to the restrictions of this act) appoint to every curate the salary hereby allowed, and his licence shall contain the amount thereof; and such licence or a copy of the registry thereof, signed by the registrar, shall be evidence in all courts of its amount; in case of disputes between persons holding benefices and their curates, touching such salary, the bishop may, on complaint, summarily determine the same; and in case of wilful neglect or refusal to pay same, may proceed by monition to sequester the profits of the benefice, until payment of the stipend and its arrears is made; the curate obtaining such licence shall pay bishop's secretary or officer 1*l.*, exclusive of stamp duty, which fee shall go in lieu of all fees now demandable by such secretary, &c. for obtaining such licence, or for signature of any declaration by the curate in consequence of such licence, or of any certificate that such curate signed such declaration; provided, that as often as any person shall be licensed to 2 or more curacies within the same diocese at one time, one declaration only need be signed, as appointed by 13 & 14 C.2. c.4. s.3., [comm. *semb.*]; and one certificate of such signing is sufficient, *id.* s.53.

145. The bishop may appoint for the curate any stipend not exceeding 75*l.* per ann.; and also the use of the house of residence with its gardens and stables, or a further sum of 15*l.* in lieu of the use of such house or other house of residence, in case there is no house, or it shall appear inconvenient to assign the same to the curate, in respect of any benefice to which the incumbent was instituted before 20th July, 1813; but the bishops shall not appoint any greater stipend, in respect of such benefices, during the incumbency of such spiritual person, unless with his consent, or in case of neglect to nominate a proper curate to the bishop, *id.* s.54.

146. When any person shall, after 20th July, 1813, become incumbent of any benefice, and shall not duly reside thereon, (unless he shall do duty of the same, having a legal exemption from residence, or a licence to reside out of same, or out of the usual house of residence,) the bishop shall appoint the salary of the licensed curate, as follows: no such salary shall be less than 80*l.* per ann., or the annual value of the benefice, its gross value does not amount to that sum; nor less than 100*l.* per ann. or the whole value as above if the value shall not amount to 100*l.* per ann., in any parish or place, where according to the last parliamentary returns, the population amounts to or exceeds 300; and not less than 120*l.* per ann., or the whole value as above, if it does not amount to 120*l.* per ann., in any parish or place, where the population ascertained as above, amounts to or exceeds 500; and not less than 150*l.* per ann., or the whole value as above if it does not amount to 150*l.* per ann., in any parish or place where the population ascertained as above, amounts to or exceeds 1000; provided, that the annual value of all benefices, of which the value estimated as herein does not amount to 150*l.* per ann., shall be estimated from the returns made by the bishops of the several dioceses to the governors of queen Anne's bounty, or from any future like returns respecting places omitted in former returns, or in the actual income whereof, it is made appear to the bishops, that any considerable variation has taken place, either by augmentation by queen Anne's bounty or otherwise, *id.* s.55.

147. Where it appears to the bishop, that the actual annual value of any benefice, clear of all deductions, exceeds 400*l.*, he may assign to the curate resident within the parish and serving no other cure, a salary of 100*l.* per ann., though the population does not amount to 300; or where the actual income exceeds 400*l.* per ann., and the popu-

lation shall also amount to or exceed 500, any larger salary, not exceeding by more than 50*l. per ann.*, those in *s. 55. pl. 146.* respectively appointed, *57 G. 3. c. 99. s. 56.*

148. Smaller salaries fixed at discretion of the bishops may be assigned to curates, in cases where by reason of sickness, age, or other unavoidable cause, any incumbent has become non-resident, or incapable to perform the duties of his benefice; but all licences granted in such case shall specify, that for special reasons the bishop hath not assigned the full salary hereby required, which special reasons shall be entered in a book and deposited in the registry, which book shall not be inspected, except by leave of the bishop or other proper authority, as in *s. 18. pl. 109., id. s. 57.*

149. If any incumbent of 2 or more benefices, *bonâ fide* residing on one of them in different proportions of each year, shall employ a curate to perform the duties thereof, interchangeably on the one from which he is absent whilst he resides on the other, the salary to be assigned to such curate shall not exceed that allowed under the act for the largest of such benefices, nor less than that for the smallest, as the bishop shall deem proper; but if any incumbent shall employ a curate or curates for the whole year, on each or any of such benefices the bishop may assign a salary to either or each of such curates less than the amount above fixed, as he thinks fit, *id. s. 58.*

150. No spiritual person shall serve more than 2 churches or chapels, or one church and one chapel in one day, unless from their local situation, or the value of the benefices, or other special causes, the bishops may deem it expedient to license a person to serve 3 churches or chapels, then he may grant a licence accordingly, the same not being distant from each other more than 4 measured miles; provided, that the reasons for granting such licence shall be stated in it, and shall not be good, unless they are so stated; and provided, that such person's residence is so placed, that he need not travel more than 16 measured miles in one day, to do the duties of such churches, &c., *id. s. 59.*

151. Where the bishop finds it expedient for proper performance of ecclesiastical duties, he may license any person holding a benefice, to serve as curate of an adjoining or other parish, with a salary less by a sum not exceeding 30*l. per ann.*, than that, in the several cases herein specified, *ss. 55, 56. pl. 146, 147.*; and where he finds it expedient to license any such person to serve as curate for more than one parish or place, he may direct his salary for serving each to be less by a sum, not exceeding 30*l. per ann.* than those in *pl. 146, 147., id. s. 60.*

152. All contracts between incumbents and their curates, in fraud or derogation of this act, whereby any curate in any manner undertakes or binds himself to accept or be content with any salary less than that stated in his licence, as allowed him, shall be void at law, and not pleaded or given in evidence at law or equity; and notwithstanding payment and acceptance in pursuance of any such contract, of any sum less than that specified in the licence, or any receipt given for such payment, &c., the curate or his representatives shall be entitled to the full amount of what remains unpaid of the salary specified in his licence; and payment thereof, with treble costs of recovering same, shall be enforced by monition, on proof of what remains so unpaid, to satisfaction of the bishop, and by sequestration of the benefice; provided the application of the curate be made to bishop within 12 months after quitting his curacy, or by representative within 12 months after his death; and provided that no sequestration shall, by virtue hereof, affect the profits of any benefice beyond the time during which it is held by the person liable to make the payment, *id. s. 61.*

153. Where a bishop appoints for a curate a salary equal to the whole annual value of the benefice, the same shall be subject to deduction for all charges and outgoings legally affecting such value, and to any loss or diminution therein, without wilful default of the incumbent, *id. s. 62.*

154. The bishop, on application of any spiritual person holding any benefice, the whole profit of which has been allotted to the curate, may allow such incumbent to deduct therefrom, in each year, any sum not exceeding one-fourth of such profit as has been actually laid out, during the year, in repair of the chancel, house of residence and its appurtenances, in respect of which such incumbent, or his executors, &c. would be liable for dilapidations to the successors; and may allow the incumbent of any benefice the profits of which do not exceed 150*l. per ann.* to deduct from the curate's salary, in each year, so much money as shall have been actually laid out in such repairs, above the surplus remaining of such profits, after paying such salary, so as it does not exceed one-fourth of the latter, *id. s. 63.*

155. The bishop who shall grant any licence to any curate to serve the church of an incumbent non-resident for 4 months during each year, may allot for his residence the house of residence, with the offices, gardens, and appurtenances, during the time he shall serve the cure, or during incumbent's non-residence; and may sequester the profits of such benefice in any case in which possession shall not be given up to the curate, and till such possession is given, and may apply or remit the profits of such sequestration as he thinks fit, *id. s. 64.*

156. Where a curate is assigned a salary not less than the gross annual value of the benefice he serves, and in addition thereto is directed by bishop to reside in the house of residence thereof, he shall, during such residence, pay the said taxes and parish assessments, in respect of such house and its appendages, which he may occupy as if he had been inducted to the benefice, *57 G. 3. c. 99. s. 65.*

157. The bishop at any time, on 3 months' notice in writing, may direct any such curate to give up possession of such house of residence with the appurtenances, who shall accordingly do so; and in case of refusal shall forfeit to the incumbent of the benefice 40*s.* for each day of such wrongful possession, to be recovered by such rector, &c. in action of debt, in any court of record at Westminster, as any penalties for non-residence under this act may be recovered, *id. s. 66.*

158. The incumbent of any benefice, the house of residence wherein has been assigned to curate as a residence, shall not dispossess him of such house until the permission of bishop is given in writing, with 3 months' notice to the curate of such his intention, who shall thereupon quit the same according to notice; and every curate residing in such house of any benefice which becomes vacant, shall quit same within 3 months after appointment of any spiritual person thereto, on being required so to do by the new incumbent, and on having one month's notice to quit, *id. s. 67.*

159. No curate shall quit any benefice to which he is so licensed, until after 3 months' notice of his intention to quit, given to the person holding such benefice, and to the bishop of the diocese, unless with consent of the latter; on pain to forfeit to such incumbent a sum not exceeding six months' salary, which may be retained out of the stipend when paid, or if it cannot be so retained, it may be recovered as other penalties under this act, *id. s. 68.*

160. The bishop may license any curate who is actually employed by any incumbent, though not expressly nominated to him by the latter; and the bishop may summarily revoke all licences granted to any curate employed in his diocese, or subject to his jurisdiction therein, and remove such curate for reasonable cause, subject to appeal to archbishop of the province, to be determined in a summary way, *id. s. 69.*

161. Every bishop who shall grant or revoke any licence to any curate, under this act, shall cause a copy of such licence or revocation to be entered in the registry of his diocese; and an alphabetical list thereof shall be made out by the registrar, and kept for public inspection on payment of 3*s.* only; and a copy of every such licence and revocation shall be transmitted by the registrar to the church or chapel wardens of the parish, &c. to which it relates, within one month after the grant or revocation thereof, to be deposited in the parish chest; and the registrar neglecting to make such entry, or transmit such copy, shall forfeit for each offence 5*l.*, to be recovered as any other penalty under this act; and every registrar shall be entitled to demand of such church, &c. wardens, a fee of 10*s.* only for each copy transmitted, which shall be allowed in the churchwardens' accounts, *id. s. 70.*

162. All the powers, provisions, and penalties contained in this act, in relation to bishops in their dioceses, shall extend to archbishops in their dioceses of which they are bishops, and also in their own peculiar jurisdictions, as fully as if named with the bishops in every such case, *id. s. 71.*

163. In all cases wherein the term '*benefice*' is used in this act, it shall mean *benefice with cure*, and shall comprehend therein all donatives, perpetual curacies, and parochial chapels, *id. s. 72.*

164. Every archbishop or bishop, within the limits of whose province or diocese respectively any benefice, exempt or peculiar, shall be locally situate, shall exercise all the powers of this act therein as if it were not exempt or peculiar, but was subject in all respects to the jurisdiction of such archbishop or bishop; and where any such benefice is locally situate within the limits of more than one province or diocese, or between the limits of the two provinces, or of two or more such dioceses, the archbishop or bishop of the cathedral church to whose province or diocese the parish church is locally nearest, shall have and use all the powers necessary for due execution of this act, and enforcing it with regard thereto respectively, as he could have used if the same were not exempt, &c. and the same for all purposes of this act, shall be deemed within the limits of such province or diocese; provided that peculiars belonging to any archbishopric or bishopric, though locally situate in another diocese, shall continue subject to the person to whom they belong as well for the purposes of this act, as for all others of ecclesiastical jurisdiction, *id. s. 73.*

165. In every case where jurisdiction is given to the bishop of the diocese, or to any archbishop under this act, all other and concurrent jurisdiction in respect thereof shall cease; save such jurisdiction given under this act, *id. s. 74.*

166. In all cases where proceedings under this act are directed by monition and sequestration, such monition shall issue under hand and seal of the bishop, and being duly served, shall be returned with a certificate of service into the registry of the consistorial court of such bishop; whereupon the party monished may shew cause by affidavit or otherwise, against the sequestration issuing, and unless good cause is shewn

to the contrary, sequestration shall issue under seal of such consistorial court in the usual form, 57 G.3. c.99. s.75.

167. The bishop of any diocese in which any spiritual person shall hold any dignity or benefice, or serve as stipendiary curate, may recover any penalty incurred under this act, in a summary way, by monition and sequestration issued as in s.26. pl. 119, with like powers of remission and repayment, as in case of penalties for non-residence; provided the party against whom such proceedings are had by the bishop, shall not be subject to any action at law by any informer or other person for recovery of any penalty for the same offence for which such proceeding has been so had by the bishop, *id.* s.76.

168. Any fees or costs incurred or directed to be paid by any spiritual person under this act, and remaining unpaid for 21 days after demand in writing left at the usual or last place of abode of the spiritual person liable to payment thereof, may be recovered by monition and sequestration, to be issued as by this act directed, *id.* s.77.

169. No commission issued by any bishop to any commissary to administer the oaths required to be taken by any curate for the purpose of any licence granted under this act, shall be subject to stamp duty, *id.* s.79.

170. Nothing herein shall affect H. M.'s present prerogative in granting dispensations for non-residence on benefices, *id.* s.80.

171. No parsonage that hath a vicar endowed, or a perpetual curate, and without cure of souls, shall be deemed a benefice within this act, *id.* s.81.

172. No archbishop or bishop having any benefice shall be liable to penalties for non-residence thereon; provided that if he hold any benefice in commendam with his archbishopric or bishopric, he shall appoint a resident curate under this act, *id.* s.82.

173. This act shall not affect any right, powers, or authority already vested in any archbishop or bishop, under any statute, canon usage, or otherwise howsoever, *id.* s.83.; or any act or other law for due celebration of divine service in any church or chapel, or for discharge of any other duty of any rector, vicar, or person holding any benefice by himself or his curate, *id.* s.84.

SPIRITOUS LIQUORS.

1. TO REGULATE THE USE OF SPIRITS, [Framed] 24 G.2. c.40. s.12.

2. From 1st July 1751, no person shall be entitled to or maintain any action for, or recover either in law or equity, any sum of money, debt, or demand soever, for or on account of any spirituous liquors, unless the debt has been *bonâ fide* contracted at one time to the amount of 20s. or upwards; nor shall any item in any account or demand for such liquors be allowed, where the liquors delivered at one time, and mentioned in such item, do not amount to 20s., and that without fraud or covin; and where no [QU. any] part of the liquors so sold or delivered are returned, or agreed to be returned, directly or indirectly; and every retailer of spirituous liquors, with or without licence, who shall take any pawn or pledge from any person, as security for payment of any sum owing by him for such liquors, shall forfeit 40s. for each pawn so taken, to be recovered by warrant under hand and seal of one justice of the place where the offence is committed, one moiety to the use of the poor of the parish, and the other to the informer. And the person to whom such pawn belongs, shall have the same remedy for recovering the same, or its value, as if it had never been pledged, 24 G.2. c.40. s.12. [And see ss. 13—17. ante, PRISON, &c. pl. 138, &c.]

ST. HELENA.

1. FOR THE MORE EFFECTUALLY DETAINING *Napoleon Buonaparte*, 56 G.3. c.22. [Exp.]

2. FOR REGULATING THE INTERCOURSE WITH THE ISLAND OF *St. Helena* during the time *N. Buonaparte* shall be detained there, and for indemnifying persons in the cases therein mentioned, 56 G.3. c.23. [Both these acts EXP. with the death of *Napoleon*, in May, 1821.]

STAGE-COACHES.

(STATUTES repealed.)

FOR LIMITING THE NUMBER OF PERSONS to be carried on the outside of stage-coaches, or other carriages, 28 G.3. c.50. [AMD. 30 G.3. c.36., 46 G.3. c.136. ALL REP. by 50 G.3. c.48. s.1.]

(STATUTES in force.)

1. FOR REGULATING THE NUMBER OF PERSONS to be carried on the outside of stage-coaches, or other carriages, 57 G.3. c.48. [PUBLIC clause, *id.* s.26.]

2. The 28 G.3. c.57., 30 G.3. c.36., 46 G.3. c.136. are REP. *id.* s.1. Any coach, berlin, landau, chariot, diligence, calash, chaise marine, or other carriage, with 4 or more wheels, by whatever name called or known, and employed as a public stage-coach, or carriage for conveying passengers for hire, to and from different places in G. B., and

drawn by 4 or more horses, shall be allowed to carry 10 outside passengers only, exclusive of the coachman, but including the guard (if any): one passenger may sit on the box, 3 on the front of the roof, and 6 behind, in the manner most safe for the passengers; but no passenger shall be allowed to sit on the luggage, or that part of the roof allotted thereto; and all stage-coaches, &c. above described, drawn by 2 or 3 horses, shall be allowed 5 outside passengers, and no more, exclusive of coachman: and all stage-coaches called long or double-bodied coaches, may carry 8 outside, exclusive of coachman, and including guard (if any), under the fines by this act imposed, where more outside passengers are carried than allowed by this act; such fines to be imposed and levied on the proprietor of any such coach, or any one or more of them, or on the driver, as in s.16. pl. 16.; but no child in lap, nor under 7 years old, shall be counted as one of such number, unless there are more than one; and if more than one, 2 such children shall be accounted equal to one grown person; and no person paying as outside passenger shall be permitted to sit or remain as an inside passenger, unless by consent of one inside passenger at least, and next to whom he shall be placed. Provided that where such coach being found peculiarly commodious, is licensed for the purpose, 4 instead of 5 outside passengers may sit on the front of such coach, so that the number does not exceed 10 in all, 50 G.3. c.48. s.2.

3. No driver or proprietor of any coach, mail-coach, &c., as in s.2. pl.2. described, travelling for hire, shall suffer in any way any luggage to be carried on the roof thereof, or any passenger to ride on the outside of such coach, the top of which shall be more than 8 feet 9 inches, from the ground, or the bearing of which on the ground shall be less than 4 feet 6 inches from the center of the track of the right or off-wheel to that of the track of the left or near wheel, under the penalty of 5*l.* for each offence, *id.* s.3.

4. No driver or proprietor of any such coach, mail coach, or other carriage above described, travelling for hire, shall carry or suffer any luggage whatever, exceeding 2 feet in height, to be conveyed on the roof of any such coach, &c., drawn by 4 or more horses, and where drawn by 2 or 3 horses, then not to exceed 18 inches above the roof; and every driver so offending, and any coach proprietor where such driver cannot be found, being convicted thereof, either by confession, view of a justice, or other magistrate, or oath of one or more witnesses, before any justice, or other magistrate acting for the county, &c., or place where any offence shall be committed, shall pay 5*l.* for every inch above the said heights of 2 feet or 18 inches; and in case the driver so offending is the owner of such coach, &c., he shall forfeit 10*l.* for every such inch; and such offenders shall, in default payment, be committed to the common gaol or house of correction of the same county, &c. or place, for 2 months, unless such penalties be sooner paid; provided that all such packages shall be so placed on the roof of such coach, &c. that no passenger shall sit thereon, on penalty of 50*s.* for each offence, to be paid by such passenger; and the space on the top allotted for luggage shall be distinctly separated from the other part of the top, by railing or otherwise; and any driver, owner, or part-owner, who shall refuse to allow any justice, magistrate, surveyor of road, inspector of coaches, authorized by stamp office, or passenger, to measure such carriage and luggage, when required so to do, shall forfeit the like penalty, *id.* s.4.

5. Any luggage may be carried of a greater height from the roof than 2 feet, provided it be not higher than 10 feet 9 inches from the ground, including the height of the coach, *id.* s.5.

6. In every licence to be taken out by any person keeping any carriage to be employed as a public stage-coach, or other carriage as above, for conveying passengers for hire, to and from different places in G. B., shall be specified the number of out as well as inside passengers to be carried therein; and such licence shall not be granted for more than the legal number, and shall contain the names and abodes of every proprietor of the coach, a copy of which licence shall be accessible at the board or office where such licence is issued, to any person applying either for a copy or perusal thereof, *id.* s.6.

7. Every person licensed to keep any such coach, &c. as in pl.2. conveying passengers for hire in G. B., (except mail coaches) shall paint on the outside of each door, or in some other conspicuous part thereof, in legible characters, of at least one inch long, and in a different colour from the ground on which they are painted, and in words at length, the number of out and inside passengers which the licence thereof shall specify, with the names of the persons, or firm of proprietors, to whom such coach, &c. shall belong; provided that the board of commissioners granting such licence may require, instead of such inscription, that a brass or metal plate shall be fixed on the side of each coach, with such names, and a distinct number for each, with intent to know the owner and driver of such coach, &c. And if any person or firm shall be licensed to keep more than one coach, every one of them shall have several numbers. And any person who shall obliterate or deface such number, &c., shall forfeit 5*l.*, and every

person who shall employ any such carriage for carrying passengers for hire, in G. B. without licence, or without having such words, number, and name, so painted as above, or who shall at any time carry more outside passengers than are expressed in the licence, and by the words so painted as above, shall for each offence forfeit 10*l.* for every extra outside passenger, and 20*l.* if the driver be also owner or part owner; and every such inscription or plate shall be evidence of the parties to whom such coach, &c. doth belong being owners, &c. thereof, 50 G. 3. c. 41. s. 7.

8. In case the driver of any such coach or carriage above described, [QU. if the exception of mail coaches in s. 7. pl. 7. extends to this?] travelling for hire, and conveying a greater number of persons, in any manner, inside or outside thereof, than by the act allowed, or permitting more than one passenger to sit on the box, is not known, or cannot be found, then the proprietor of the coach shall be liable to all such fines. Provided that if he make out to satisfaction of the justice, or other magistrate, by sufficient evidence, not resting on his own testimony, that the offence was committed by such driver without his privity, and that no benefit hath directly or indirectly accrued to him therefrom, such justice shall discharge him from such penalty, and lay it on the driver only when found, who, in default payment thereof, shall be committed to the gaol or house of correction of the county or place for not more than 6 nor less than 3 months, at discretion of such justice, &c. *id.* s. 8.

9. Any summons issued by any such justice, &c., commanding any driver or coach proprietor to appear before him, at a fixed time and place, for any offence against this act, or a copy thereof, shall be deemed well served if either the original, or a copy of such summons, be left with the acting book-keeper for such coach, &c., in any town or place into or through which any such driver shall drive the same, *id.* s. 9.

10. The driver of any such coach, mail coach, or other carriage travelling for hire, stopping at any place where assistance can be procured, shall not quit his horses, or the box, till a proper person be employed to hold the horses, or fore-horses, while the carriage stops, so as to prevent them from running away, and shall have actual hold of them till the driver has returned to his box, or till the post-boy is mounted with the reins in his hand; and any driver neglecting so to do, shall, on conviction by confession, view of the justice or magistrate, or oath of one witness, before the latter, forfeit not less than 10*l.*, nor more than 5*l.* for each offence, but this section shall not extend to hackney-coaches drawn by 2 horses only, *id.* s. 10.

11. In case the driver or guard of any such coach, mail coach, or other carriage as above described, as in pl. 2. shall, by intoxication, negligence, or misconduct, (except unavoidable accident) endanger the passengers' safety, in their lives, limbs, or property, or shall not give due care and protection to any other property with which they may be entrusted; or if any driver or guard of any mail-coach shall loiter or mispend time, so far as to retard the arrival of H. M.'s mail, at the next stage; or if such driver shall not, if possible, convey the mail, at so many miles per hour as are fixed by the post-master-general, unless prevented by weather, bad roads, or accident to coach or horses; or if any driver or guard of any such coach, mail-coach, or other carriage, shall not duly account to his employers, or their authorized agents, for all monies received by them for any passenger or parcel taken by such carriage, the offender on conviction, as in s. 10. pl. 10., shall forfeit not less than 5*l.* nor more than 10*l.* for such offence, and shall return the money embezzled; and in case of non-payment shall be committed to gaol [as in s. 8. pl. 8.] for not more than 6 nor less than 3 months, at discretion of such justice, *id.* s. 11.

12. Any driver or guard of such coach or other carriage above-described, who shall use insulting language to any passenger, or shall exact more than the legal sum, shall, on conviction thereof, as in s. 10. pl. 10., forfeit not more than 40*l.*, nor less than 5*l.*, and in case of non-payment shall be committed, as in s. 8., for not more than one month, nor less than 3 days, *id.* s. 12.

13. Every constable or peace officer who shall refuse or neglect to execute any warrant granted by any justice or magistrate, in pursuance hereof, shall forfeit 5*l.* on conviction by confession, or oath of one witness, before one such justice or magistrate; and in case of non-payment shall be committed, as in s. 8., for not exceeding one month, unless the penalty be sooner paid, *id.* s. 13.

14. If the driver of any coach or other carriage above described, [QU. if mail-coach included? see pl. 3—4, 7.] drawn by 2 or more horses, and travelling for hire, shall suffer more than one person on the box besides himself, and more outside than in this act allowed, any outside or inside passenger, who has been regularly booked, and has paid for his place, may require the driver to stop such coach, &c. at any turnpike, and require the toll collector to count the passengers, or measure the height of the luggage, and any driver refusing to stop, shall forfeit 5*l.* for such refusal; and if more than the right number of passengers

have been carried, or if the luggage exceeds the given height, shall forfeit double the penalty above imposed for such offence, in moieties to the toll collector and passenger; and every toll collector who, when so required, shall not make such examination as above, shall forfeit 5*l.* for each offence; and every person endeavouring to evade such examination by descending before the coach reaches the turnpike, and re-ascending after its passing it, shall forfeit 10*l.*, recoverable as above, 50 G. 3. s. 48. s. 14.

15. If the coachman or person having the care of any coach, mail coach, or other carriage above described, shall permit any other person, without a proprietor's consent, or against that of the passengers, to drive the same, or shall quit the box without a reasonable occasion, or for a longer time than such occasion may require, (though the reins be left in the hands of a passenger on the box) or if he shall by furious driving, or any negligence or misconduct overturn the carriage, or endanger the persons or property of the passengers or proprietors, he shall forfeit not more than 10*l.*, nor less than 5*l.*, *id.* s. 15.

16. Where any penalties incurred for offences against this act are recoverable before any one or more justices or magistrates, the latter shall administer an oath, and on proof of such offence, shall give judgment for the penalty incurred, with reasonable costs of prosecution, and if the same be not paid, shall commit the offender, as in s. 8. pl. 8., for not less than one month, nor more than 3 months, at discretion, unless such person shall enter into such recognizances, with such surety before him or them, as herein-before [QU. after? see s. 25. pl. 25.] mentioned, *id.* s. 16.

17. If any such convicting justice, or other magistrate shall see cause, he may mitigate any penalty incurred under this act, to not exceeding one moiety thereof, above costs of prosecution, and one half of the whole, or of the moiety of such penalty, with the said costs shall be paid to the informer, for his own disposal, except as above specially provided, and the other half to the trustees of the roads where such offence is committed, who shall direct their surveyors to watch over the due execution hereof in the roads under their superintendence, *id.* s. 17.

18. Every guard to any such coach, mail coach, or other carriage, above described, who shall fire his arms while the coach is on the road, or going through or standing in any town, except for defence of such coach or passengers, shall forfeit 5*l.*, to be recovered and applied as above, *id.* s. 18.

19. Every person who shall commit any offence against this act, for which no specific penalty is provided, shall forfeit and pay at discretion of any one such justice or magistrate as above, not exceeding 10*l.* nor less than 50*l.* on conviction on oath of one witness, before any justice or other magistrate acting for the county or place where the offence is committed, or by any other justice residing in any county or place where the offender is actually present, on satisfactory proof on oath of one witness, (to be administered by any such justice, &c.) and in default payment of the penalty awarded, he shall, on conviction, for every such offence, be committed as in s. 8. pl. 8., for not more than 3 calendar months, nor less than 5 days, *id.* s. 19.

20. Every person who shall receive any money for conniving at any offence prohibited by this act, either for any single offence or for a number of them, or by stipulation, by the day, week, year, or other period of time, and be duly convicted thereof before a justice or other magistrate as above, shall forfeit 50*l.* for each offence, and in default of payment, shall be committed to the house of correction, for not exceeding 3 months nor less than one month, *id.* s. 20.

21. All stage coaches (long coaches included) carrying no parcels or luggage soever except in the inside or front boot thereof, or in a boot behind or under the body, and where the top of such hind boot when the coach is empty is not more than 6 feet from the ground, having obtained a special licence for the purpose, and having the name of the owner and number of the passengers allowed painted thereon, shall be permitted to carry 2 more outside than above limited, *id.* s. 21.

22. Any prosecution for offences under this act shall be commenced within 14 days after the offence committed, and there shall be but one recovery for the same offence, except where the owners of stage coaches or other carriages above described, are required to paint their names or name, or sign, and to preserve the same in a legible state; for which prosecution may be commenced at any time, and one month's neglect to remedy the same shall be considered a new offence, *id.* s. 22.

23. This act shall not affect such hackney coaches, their owners or drivers, as are licensed by the commissioners of hackney coaches, whether licensed to be used in the ordinary work of hackney coaches, or as hackney coach stages between the metropolis and villages in its vicinity, *id.* s. 23. [But see such hackney coaches placed on same footing as stage coaches, 55 G. 3. c. 185. s. 11. STAMPS (Stage Coach).]

24. The forms of proceedings relative to the several matters in this act expressed, in the schedule annexed, may be used on all occasions, with variations adapted to the particular case or place where the prosecution shall take place, and no objection shall be taken for want of

form therein; and every conviction, unless appealed from within 14 days, as in *s. 25. pl. 28.* shall be final, *30 G. 3. c. 44. s. 24.*

25. Any party grieved by any judgment or conviction of any justice or other magistrate, made in any of the above cases, entering into a recognizance before such justice, &c. with one sufficient surety, the condition whereof shall be that such person shall appear before the next quarter sessions of the county or place, there to abide the final order of such sessions on the matters aforesaid; such person may appeal to such next quarter sessions, who, on hearing the appeal, shall finally determine it, and award such costs to the appellant, prosecutor, or informer, as they think fit, which proceedings shall not be removeable by *certiorari* or otherwise into any other court, *id. s. 25.*

26. FOR PUNISHING CRIMINALLY DRIVERS OF STAGE COACHES and carriages for accidents occasioned by their wilful misconduct, *1 G. 4. c. 4.*

27. If any person is maimed or otherwise injured, by the wanton and furious driving or racing, or wilful misconduct of any coachman, or other person having charge of any stage coach or public carriage, such wanton and furious driving or racing, or wilful misconduct of such coachman shall be deemed a misdemeanor, and punishable by fine and imprisonment; but this shall not extend to hackney coaches not plying as stage coaches, *id. ibid.*

STAMPS.

(STATUTES repealed and expired.)

1. FOR GRANTING TO H. M. SEVERAL DUTIES upon paper, &c. and to encourage the bringing of plate and hammered money to the mint to be coined, *8 W. 3 c. 7. [Exp.]*

2. TO LIMIT TIMES FOR PROSECUTIONS UPON BONDS for exporting cards and dice, *5 G. 1. c. 19. s. 41. [Rep. 48 G. 3. (U. K.) c. 86. s. 8.]*

3. FOR GRANTING TO H. M. CERTAIN DUTIES ON LICENCES to be taken out by all persons letting horses to hire for travelling in the manner therein mentioned, and certain duties on all horses let to hire for the purposes of travelling post, and by hire, and on certain carriages therein mentioned, *19 G. 3. c. 51. [Rep., 20 G. 3. c. 51. which is also Rep. 26 G. 3. c. 51. s. 1.]*

4. FOR CHARGING A STAMP DUTY ON INLAND BILLS of exchange, promissory notes, or other notes payable otherwise than on demand, *22 G. 3. c. 33. [Rep., 23 G. 3. c. 49.]*

5. FOR REPEALING *22 G. 3. c. 33.*, AND FOR GRANTING NEW stamp duties on bills of exchange, promissory, and other notes, and also stamp duties on receipts, *23 G. 3. c. 49. [AMD., 24 G. 3. S. 1. c. 7. and Rep. 31 G. 3. c. 25. s. 1.]*

6. FOR GRANTING TO H. M. A STAMP DUTY ON LICENCES TO BE taken out by certain persons uttering or vending medicines, and certain stamp duties on all medicines sold under such licences, on the authority of H. M.'s letters patent, *23 G. 3. c. 62. [Rep. 25 G. 3. c. 79. which is also Rep., 42 G. 3. c. 56. s. 1.]*

7. FOR GRANTING TO H. M. AN ADDITIONAL DUTY ON STAGE coaches, and other carriages therein mentioned, *23 G. 3. c. 63. [Rep., 25 G. 3. c. 51. s. 1.]*

8. FOR GRANTING TO H. M. A STAMP DUTY ON THE REGISTRY OF burials, marriages, births, and christenings, *23 G. 3. c. 67. [Ext. to protestant dissenters, 25 G. 3. c. 75. both acts Rep., 34 G. 3. c. 11.]*

9. TO EXPLAIN AND AMEND *23 G. 3. c. 49.*, AND FOR indemnifying all persons who have written or signed any bill of exchange, promissory or other note, or any receipt not stamped according to law, *24 G. 3. S. 1. c. 7. [Rep. in consequence of the 23 G. 3. c. 42. being Rep. by 31 G. 3. c. 25. s. 1. rest Exp.]*

10. FOR GRANTING TO H. M. CERTAIN DUTIES ON LICENCES TO BE taken out by persons vending gloves or mittens, and also certain duties on gloves and mittens sold by retail, *25 G. 3. c. 55. [Rep. as to the licences, 36 G. 3. c. 80., and as to gloves, &c. by 34 G. 3. c. 10.]*

11. TO EXTEND THE PROVISIONS OF *23 G. 3. c. 67.* TO THE registry of burials, births, and christenings of protestant dissenters from the church of *Eng.*, *25 G. 3. c. 75. [Rep. 34 G. 3. c. 11.]*

12. FOR GRANTING TO H. M. CERTAIN STAMP DUTIES ON perfumery, hair powder, and other articles therein mentioned, and on licences to be taken out by persons uttering or vending the same, *26 G. 3. c. 49. [Rep., 39 & 40. G. 3. c. 69.]*

13. FOR ENABLING THE COMMISSIONERS OF STAMPS to stamp bills of exchange and promissory notes in certain cases, *34 G. 3. c. 58. [Exp.]*

14. TO AMEND *34 G. 3. c. 14.* for granting duties on indentures of clerkships to solicitors, &c., *37 G. 3. c. 60., 39 G. 3. c. 59. [Both acts Exp.]*

15. FOR GRANTING TO H. M. an additional duty on stage coaches, *37 G. 3. c. 16. [Rep. 44 G. 3. c. 98., because the duty was placed under the commissioners of stamps. See HACKNEY COACH.]*

16. TO RENDER VALID INDENTURES OF APPRENTICESHIP OF poor

children and others, made upon improper stamps, upon certain conditions, and to indemnify all persons who have incurred penalties thereby, *41 G. 3. U. K. s. 22. [Exp.]*

17. FOR GRANTING TO H. M. a duty on certificates for using hair powder, *35 G. 3. c. 49. [Time allowed for taking out such certificates, 35 G. 3. c. 112. Exp. In part Rep. 38 G. 3. c. 85. s. 2., and the duties made to cease, and transfer to the commissioners of taxes, 41 G. 3. U. K. c. 69.]*

18. FOR LETTING TO FARM THE POST-HORSE DUTIES, *54 G. 3. c. 174. [Rep. 57 G. 3. c. 52. s. 8.]*

19. FOR APPROPRIATING part of the surplus of the stamp-duties granted by *48 G. 3. c. 149.* for defraying the charges of the loan made and stock created in the present session of parliament, *50 G. 3. c. 71. [QU. Rep. in consequence of the repeal of the duties granted by 48 G. 3. c. 149., by 55 G. 3. c. 184. s. 1., and see now, 55 G. 3. c. 185. s. 14. post, pl. 17.]*

17. FOR LETTING TO FARM THE DUTIES ON HORSES HIRED by the mile or stage, to be used in travelling, and on horses hired for a less period than 28 days, for drawing carriages used in travelling post or otherwise in G. B., and for facilitating the recovery of such duties, *48 G. 3. c. 29., 51 G. 3. c. 76. [Both acts Rep. 57 G. 3. c. 59. s. 8.]*

18. FOR ENLARGING THE TIME FOR WHICH HORSES MAY BE LET to hire, without being subject to any annual duty; for explaining and amending several acts relating to the duties on horses, servants, and carriages, and for authorizing the allowance in the accounts of the receiver-general, of several sums advanced by them in pursuance of acts for raising a provisional force of cavalry, and not reimbursed to them by assessment, *42 G. 3. c. 100. [Rep. as to assessed taxes by 43 G. 3. c. 161. s. 84., and to post-horse duties, 57 G. 3. c. 59. s. 8.]*

(STATUTES in force.)

1. FOR GRANTING SEVERAL DUTIES ON VELLUM, PARCHMENT, and paper, *5 & 6 W. & M. c. 21. [CON. 8 & 9 W. 3. c. 20. s. 12., 1 A. St. 2. c. 13. s. 10., 5 & 6 A. c. 19. s. 3., 6 A. c. 5. s. 3. MADE PERP. 1 G. 1. St. 2. c. 12. s. 8. EXPL. as to certain exemptions from duty, 6 & 7 W. 3. c. 12. ss. 1—9.] Further DUTIES GRANTED 9 & 10 W. 3. c. 25., for PREVENTING frauds on the stamp-duties, 1 A. St. 2. c. 22. [which is AMD. 4 & 5 A. c. 12. ss. 7—9., 5 & 6 A. c. 19. s. 20., 6 G. 1. c. 21. s. 54.] Further DUTIES GRANTED, 8 A. c. 9. ss. 32—45. [MADE PERP. 9 A. c. 21. s. 7.] 9 A. c. 23. ss. 23—43. 52—53., 10 A. c. 19. ss. 100—182., 10 A. c. 26. ss. 67—75., 12 A. St. 2. c. 9. ss. 21—30. [These last four acts MADE PERP. 6 G. 1. c. 4. s. 1.] Certain stamp acts EXPLD. 12 A. St. 1. c. 2. s. 48., 6 G. 1. c. 21. ss. 55—60. Further duties granted, 11 G. 1. c. 8. ss. 13—15. Stamp insurance laws AMD. 11 G. 3. c. 30. s. 44. Further DUTIES GRANTED 12 G. 1. c. 33. ss. 1—14. [which is CON. 9 G. 2. c. 32. s. 1. MADE PERP. 23 G. 2. c. 25. s. 2.] Acts touching newspapers AMD. 16 G. 2. c. 26. s. 5.; and apprentices, 20 G. 2. c. 45. ss. 4—8. Further DUTIES GRANTED, 29 G. 2. c. 12. ss. 1—9. 20. 25. 27. [On ale and beer licences. This duty is REP. and the new duties transferred to the excise by 48 G. 3. c. 143.] 29 G. 2. c. 13., 30 G. 2. c. 19. ss. 16—27., 32 G. 2. c. 35., 2 G. 3. c. 36., 5 G. 3. c. 35. ss. 4—6. 10—12., 5 G. 3. c. 46. ss. 1—10. 38—44. [which is AMD. 6 G. 3. c. 40. ss. 3—4.] 5 G. 3. c. 47. The act touching INSURANCES AMD. 7 G. 3. c. 44. ss. 1—9., 8 G. 3. c. 25. ss. 4—6. For PREVENTING frauds in the stamp duties, 12 G. 3. c. 48. Further DUTIES GRANTED, 16 G. 3. c. 34. [The duties on carriages by this act imposed are REP., and the new ones transferred to the commissioners of taxes, by 25 G. 3. c. 47.] 17 G. 3. c. 50. ss. 16—28., 19 G. 3. c. 66. [Rep. as to ss. 12, 13. by 37 G. 3. c. 19. s. 12.,] 20 G. 3. c. 28., 21 G. 3. c. 56., 22 G. 3. c. 48. [which is AMD. 50 G. 3. c. 35.,] 23 G. 3. c. 58., 24 G. 3. S. 2. c. 30. [See the note to 29 G. 2. c. 12. above.] 25 G. 3. c. 48., 25 G. 3. c. 57., 25 G. 3. c. 58. Scotch stamp laws AMD. 26 G. 3. c. 48. The stamp laws further AMD. 26 G. 3. c. 82. For EXEMPTING certain curates' licences from duty, 28 G. 3. c. 28., 38 G. 3. c. 56. Further DUTIES GRANTED, 29 G. 3. c. 50., 29 G. 3. c. 51., 31 G. 3. c. 25. Certain agreements EXEMPTED from duty, 32 G. 3. c. 51. Further DUTIES GRANTED, 34 G. 3. c. 14. Regulations as to stamping newspapers, 34 G. 3. c. 72. Further DUTIES GRANTED 35 G. 3. c. 30., 35 G. 3. c. 55., 35 G. 3. c. 63., 36 G. 3. c. 52. [which is AMD. 37 G. 3. c. 135.] The stamp laws again AMD. 37 G. 3. c. 19. Further DUTIES GRANTED 37 G. 3. c. 90. [Rep. as to ss. 11—13. by 44 G. 3. c. 98. s. 25.] 37 G. 3. c. 111. Rep. as to ss. 7—10. in consequence of the repeal of the duties which were additional, and these sections related to imposing the stamps denoting such additional duties. Regulations as to stamping instruments after engrossed, &c. 37 G. 3. c. 136. Stamp laws further AMD. 38 G. 3. c. 85. [Rep. as to s. 1. by 44 G. 3. c. 98. s. 25., and as to s. 2. by 41 G. 3. U. K. c. 69.] certain legacies EXEMPTED from duty, 39 G. 3. c. 73. Stamp accounts REGULATED, 39 G. 3. c. 92. Further DUTIES GRANTED 39 G. 3. c. 107. Stamp laws again AMD. and further DUTIES GRANTED, 39 & 40 G. 3. c. 72. [Rep. as to ss. 9. 11. by 54 G. 3. c. 133. s. 1.] Further DUTIES GRANTED 41 G. 3. U. K. c. 10., 41 G. 3. U. K. c. 86. Laws regarding the stamp duty on medicines AMD. and new duties granted, 42 G. 3.*

c.56. Stamp laws AMD. 49 G.3. c.99., as to medicines 45 G.3. c.75. All the duties on receipts REP. and new ones granted, 45 G.3. c.126. All the stamp duties CONSOLIDATED 45 G.3. c.127. Laws regarding attorneys' certificates AMD. 44 G.3. c.89. s.3. All duties by former stamp acts granted REP. and new ones given, 44 G.3. c.98. Further DUTIES GRANTED 45 G.3. c.38., 46 G.3. c.45.. Stamp accounts REGULATED 46 G.3. c.76. All the duties by 44 G.3. c.98. *sch.* (A.) with certain exceptions, and all the duties by 45 G.3. c.28., and 46 G.3. c.45. granted, REP. and new ones IMPOSED, 48 G.2. c.149. Newspaper stamp laws AMD. 49 G.3. c.50. Further DUTIES GRANTED 50 G.3. c.35. Duties APPROPRIATED 50 G.3. c.71. All the duties by 48 G.3. c.149., and certain other of the duties REP. and new ones GRANTED, 55 G.3. c.184., 55 G.3. c.185. [which is AMD. 56 G.3. c.107.] POST HORSE duties let to farm, 57 G.3. c.59. [which is AMD. 1 G.4. c.88.] Stamp accounts again regulated 59 G.3. c.39. Stamp laws regarding pamphlets AMD. 60 G.3. c.9., and 1 G.4. and regarding conveyances, &c. in G. B. or Ire. AMD. 1 & 2 G.4. c.55.

[NOTE. The foregoing is a list of all the statutes in force relating to the stamp duties, and in digesting their complicated and extended provisions it has been found necessary to arrange the subject in the following divisions:]

- | | |
|---|------------------------------|
| I. The Duties. | VII. General Issue. |
| II. The Exemptions. | VIII. Altering Stamps [Dies] |
| III. The Accounts. | by H. M. |
| IV. General Regulations. | IX. Calculation of Stamps. |
| V. Penalties. | X. Spoiled Stamps. |
| VI. Forgery. | |
| XI. Stamping Instruments before or after ingrossed, &c. | |

Advertisements.
Agreements.
Ale and Beer Licences.
Almanacks.
Appraisers.
Apprentices.
Articled Clerks.
Attorneys' Certificates.
Bills and Notes.
Cards and Dice.
Charter-party.
Conveyancers and Pleadors.
Conveyances.
Copyholds.
Insurances.
———, Fire.

Insurances, Sea.
———, Spoiled Stamps.
———, Contracts.
Law Proceedings.
Legacies.
Medicines.
Newspapers.
Notaries.
Pamphlets.
Pawnbrokers.
Plate.
Post-horses.
Probates.
Receipts.
Stage Coaches.

I. Duties.

1. The stamp duties shall be redeemable by parliament, 9 & 10 W.3. c.25. s.47.
2. Stamp duties granted 5 & 6 W. & M. c.21. ss.1—3., 9 & 10 W.3. c.25. ss.1—40. [Both acts in part REP. 5 G.3. c.46. s.1.] 8 A. c.9. s.32., 9 A. c.23. ss.23, 39., 10 A. c.19. ss.100, 101., 10 A. c.26. s.67., 12 A. St.2. c.9. s.21., 11 G.1. c.8. ss.14, 15., 12 G.1. c.33. ss.1—3., 29 G.2. c.12. s.1., 29 G.2. c.13. s.1., 30 G.2. c.19. s.1., 32 G.3. c.35. s.1., 2 G.3. c.36. s.1., 5 G.3. c.35. ss.4—10., 5 G.3. c.46. s.2., 5 G.3. c.47. s.1., 7 G.3. c.44. s.1., 16 G.3. c.34. ss.5—7., 17 G.3. c.50. ss.16, 17., 19 G.3. c.66. s.1., 20 G.3. c.28. s.1. [which is REP. 56 G.3. c.52. s.1.] 21 G.3. c.56. s.1., 22 G.3. c.48. s.1. [REP. 26 G.3. c.82. s.9.] 23 G.3. c.58. s.1. [which is REP. 36 G.3. c.58.] 25 G.3. c.48. s.1., 25 G.3. c.51. s.4., 25 G.3. c.80. s.1., 29 G.3. c.50. s.1., 29 G.3. c.51. s.1. [which is REP. 36 G.3. c.52. s.1.] 31 G.3. c.25. ss.2, 3. 12. [which is REP. 43 G.3. c.126. s.1.] 34 G.3. c.14. s.1. 35 G.3. c.50. s.1., 35 G.3. c.55. s.1. [which is REP. 43 G.3. c.126. s.1.] All duties on sea insurances REP. and new ones given, 35 G.3. c.63. ss.1, 24. All duties on legacies REP. and new ones given, 36 G.3. c.52. ss.1, 2., 57 G.3. c.90. ss.1—3. 19., and certain stamp and customs duties on gold and silver plate, *id.* s.16.; and all duties on fire policies REP. and new ones given, *id.* ss.23, 24. [which is REP. in part, 39 & 40 G.3. c.72. ss.2, 3., 37 G.3. c.111. s.1., 39 G.3. c.107. s.1., 39 & 40 G.3. c.72. s.4., 41 G.3. U.K. c.10. ss.1, 2., 41 G.3. U.K. c.86., 42 G.3. c.56. s.2. [which is REP. 46 G.3. c.43.] All duties on receipts REP. and new ones given, 45 G.3. c.126. ss.1, 2. ALL DUTIES by any FORMER ACT granted REP. and new ones given, 44 G.3. c.98. ss.1, 2., 45 G.3. c.25. ss.1, 2., 46 G.3. c.43. s.1. Both these last two acts, and all the duties in *sch.* (A.) of 44 G.3. c.98., with certain exceptions, REP. and new ones given, 48 G.3. c.149. ss.1, 2., 50 G.3. c.35. s.2. ALL the duties by 48 G.3. c.149. ss.1, 2., and the duties on pawnbrokers' licences by 44 G.3. c.98., and on insurances in the *West Indies* by 50 G.3. c.35. s.2. granted, REP. and new ones given by 55 G.3. c.184. ss.1, 2. Duties on newspapers, almanacks, pamphlets, advertisements, gold and

silver plate, and on stage coaches and stage coach licences REP. and new ones given, 55 G.3. c.185. Pamphlet duty EXTD. 60 G.3. & 1 G.4. c.9. s.1.
3. All the duties, allowances, discounts, compensations, and drawbacks of stamp duties, and other duties under the commissioners of stamps granted by any act of parliament, shall cease except as to arrears; but this act shall not affect the Union act, 39 & 40 G.3. c.67. 44 G.3. c.98. s.1.

4. All the duties granted by 44 G.3. c.98. *sch.* (A.) [except licences for selling beer and exciseable liquors [since REP. by 49 G.3. c.143.], hats [since REP. by 51 G.3. c.70. s.1.], and medicines; for exercising the trade of pawnbroker [since REP. by 55 G.3. c.184. s.1.], and legacies, for letting to hire horses [and stage coaches, and the duties on newspapers, pamphlets, almanacks, and calendars, and books or pamphlets serving as such, since REP. 55 G.3. c.185. s.1.]; and all the duties granted by 45 G.3. c.28. and 46 G.3. c.43. REP. except as to arrears, 48 G.3. c.149. s.1., and new ones granted, *id.* s.2.

5. All the duties granted by 48 G.3. c.149. and also all the duties on pawnbrokers' licences by 44 G.3. c.98. *Sched.* (A.) granted, and also all the duties granted by 50 G.3. c.35. s.2. on insurances from loss by fire on property in the *West Indies*, shall cease, and the yearly *per centage* duty on insurances against fire, granted by 44 G.3. c.98. *Sched.* (B.) shall also cease, except as to arrears, &c., 55 G.3. c.184. s.1.

6. All the duties on advertisements, almanacks, newspapers, pamphlets, and gold and silver plate, and on licences to keep stages, and on stage coaches, granted by 44 G.3. c.98. shall be REP. except as to arrears, 55 G.3. c.185. s.1.

7. The above duties shall be under the commissioners of stamps, 8 A. c.9. s.53., 9 A. c.23. s.31., 10 A. c.19. s.103., 10 A. c.26. s.69., 12 A. St.2. c.9. s.23., 12 G.1. c.33. s.1., 29 G.2. c.13. s.2., 30 G.2. c.19. s.17., 32 G.2. c.35. s.2., 2 G.3. c.36. s.2., 5 G.3. c.47. s.2., 7 G.3. c.44. s.3., 16 G.3. c.34. s.8., 17 G.3. c.50. s.18., 19 G.3. c.66. s.3., 20 G.3. c.28. s.2., 21 G.3. c.56. s.2., 22 G.3. c.48. s.3., 23 G.3. c.58. s.6., 25 G.3. c.48. s.2., 25 G.3. c.51. s.5., 25 G.3. c.80. s.2., 29 G.3. c.50. s.2., 29 G.3. c.51. s.3., 31 G.3. c.25. s.18., 34 G.3. c.14. s.9., 35 G.3. c.30. s.2., 35 G.3. c.55. s.3., 35 G.3. c.63. s.3., 36 G.3. c.52. s.3., 37 G.3. c.90. ss.4, 18, 20., 37 G.3. c.111. s.4., 39 G.3. c.107. s.23., 39 & 40 G.3. c.72. s.5., 41 G.3. (U.K.) c.10. s.4., 41 G.3. (U.K.) c.86. s.2., 42 G.3. c.56. s.7., 43 G.3. c.126. s.9., 44 G.3. c.98. s.6., 45 G.3. c.28. s.6., 46 G.3. c.43. s.2., 48 G.3. c.149. s.3., 50 G.3. c.35. ss.4—5.

8. The duties hereby granted shall be under the management of the commissioners of stamps for the time being, who, or the major part of whom, shall employ and appoint such officers, and allow such salaries and incidental charges as may be necessary, and provide such marks, stamps, and dies in order to denote any duty payable by this act, as have heretofore been used, or cause new stamps to be made, and may alter and renew the same, and do all other acts for the execution of this act, in as ample a manner as they are authorized to execute any law concerning stamps, 44 G.3. c.98. s.6.

9. These duties shall be under the management of the commissioners to be appointed by H. M. called "The Commissioners of Stamps in G. B." and the major part of them shall provide stamps or dies for expressing the duties hereby granted, and denoting their payment, and they may alter and renew such stamps or dies as they think fit, and employ such officers, and do all other acts as may be necessary for collecting such duties, and executing this act, 55 G.3. c.184. s.3. and c.185. s.3.

10. Duties to be raised as by FORMER ACTS, and the powers of such acts extended to the duties under this act, 10 A. c.26. s.73., 12 A. St.2. c.9. s.28., 11 G.1. c.8. s.15., 12 G.1. c.33. s.13., 29 G.2. c.13. s.4., 30 G.2. c.19. s.25., 32 G.2. c.35. s.7., 2 G.3. c.36. s.7., 5 G.3. c.35. s.5., 5 G.3. c.46. s.2., 5 G.3. c.47. s.7., 7 G.3. c.44. s.4., 16 G.3. c.34. s.16., 17 G.3. c.50. s.26., 19 G.3. c.66. s.9., 20 G.3. c.28. s.7., 21 G.3. c.56. s.8., 23 G.3. c.58. s.12., 25 G.3. c.58. s.11., 28 G.3. c.80. s.31., 29 G.3. c.50. s.14., 29 G.3. c.51. s.9., 31 G.3. c.25. s.30., 34 G.3. c.14. s.15., 35 G.3. c.30. s.5., 35 G.3. c.55. s.18., 55 G.3. c.63. s.22., 36 G.3. c.52. s.42., 37 G.3. c.19. s.8., 37 G.3. c.90. ss.6, 18, 20, 24., 37 G.3. c.111. s.6., 39 G.3. c.107. s.24., 41 G.3. (U.K.) c.10. s.9., 41 G.3. (U.K.) c.86. s.17., 42 G.3. c.56. s.21., 42 G.3. c.126. s.12., 43 G.3. c.127. s.7., 44 G.3. c.98. s.8., 45 G.3. c.28. s.9., 46 G.3. c.43. s.3., 48 G.3. c.149. s.8., 50 G.3. c.35. s.7.

11. The sums set forth in the schedules A. & B. as duties payable to H. M. and the allowances, drawbacks, and sums in respect of the articles and things set forth in the *sch.* C. shall be levied and mitigated, and allowed in the manner by which the commissioners of stamps might raise or allow the former duties and allowances, and all persons, and all vellum or other material on which any thing is written, &c. and hereby made liable to duty, or which is entitled to any allowance, shall be liable to all rules, &c. of any former stamp act, and to all penalties (except where hereby altered) for any offence against the stamp acts, and all the clauses, &c. in such acts shall extend to and be applied in execution of this act, 44 G.3. c.98. s.8.

12. All the powers, regulations, pains, and penalties of former stamp acts shall be of full force with respect to the duties hereby granted, and the vellum &c. instruments and things charged therewith, and shall be observed and put in execution for raising, collecting, and securing such duties, 55 G.3. c. 184. s. 8. and c. 185. s. 4.

13. The money arising by stamp duties shall be paid to the receiver-general, and by him kept in a separate account, and paid into the exchequer, 8 A. c. 9. s. 34., 9 A. c. 23. s. 30., 10 A. c. 19. s. 108., 12 G. 1. c. 33. s. 11., 23 G. 2. c. 25. s. 3., 29 G. 2. c. 13. s. 3., 30 G. 2. c. 19. s. 23., 32 G. 2. c. 35. s. 5., 2 G. 3. c. 36. s. 5., 5 G. 3. c. 67. s. 5., 16 G. 3. c. 34. s. 11., 17 G. 3. c. 50. s. 22., 19 G. 3. c. 66. ss. 10, 11., 20 G. 3. c. 28. ss. 8, 9., 21 G. 3. c. 56. s. 11., 22 G. 3. c. 48. s. 26., 23 G. 3. c. 58. ss. 15, 16., 25 G. 3. c. 48. s. 15., 25 G. 3. c. 51. s. 64., 25 G. 3. c. 80. s. 32., 29 G. 3. c. 50. s. 15., 29 G. 3. c. 51. s. 10., 31 G. 3. c. 25. s. 31., 34 G. 3. c. 14. s. 16., 35 G. 3. c. 30. s. 6., 35 G. 3. c. 55. s. 19., 35 G. 3. c. 63. s. 25., 36 G. 3. c. 52. s. 45., 37 G. 3. c. 90. ss. 21, 25., 39 G. 3. c. 107. s. 26., 41 G. 3. U. K. c. 10. s. 11., 41 G. 3. U. K. c. 86. s. 18., 42 G. 3. c. 56. s. 29., 43 G. 3. c. 126. s. 13., 43 G. 3. c. 127. s. 3., 44 G. 3. c. 98. s. 26., 45 G. 3. c. 28. ss. 10, 11., 46 G. 3. c. 43. s. 12., 48 G. 3. c. 149. s. 46. [also under the following clause the duties on thread lace, 46 G. 3. c. 81. s. 15.], 50 G. 3. c. 35. s. 9., the surplus duties of 48 G. 3. c. 149., appropriated 50 G. 3. c. 71. [QU. if repealed since the duties of 48 G. 3. c. 149. are REF. by 55 G. 3. c. 184. s. 1.]

14. Appropriation of the duties, 10 A. c. 19. s. 165., 3 G. 1. c. 7. s. 1., 12 G. 1. c. 33. ss. 14—28. (for which see CHANCERY), 29 G. 2. c. 13. s. 12., 2 G. 3. c. 36. s. 9., 5 G. 3. c. 46. s. 43., 5 G. 3. c. 77. s. 9—11., 7 G. 3. c. 44. s. 6., 16 G. 3. c. 34. s. 18., 17 G. 3. c. 50. s. 27., 19 G. 3. c. 66. s. 11., 20 G. 3. c. 28. s. 9., 21 G. 3. c. 56. s. 11., 22 G. 3. c. 48. s. 26., 23 G. 3. c. 58. ss. 16.—19., 25 G. 3. c. 48. s. 13., 25 G. 3. c. 51. s. 65., 25 G. 3. c. 80. ss. 32—35., [all duties to go to the consolidated fund, 27 G. 3. c. 13. s. 47.], duties under 25 G. 3. c. 80., appropriated 37 G. 3. c. 90. s. 32., 29 G. 3. c. 50. s. 15., 29 G. 3. c. 51. s. 10., 31 G. 3. c. 25. ss. 31—34., 34 G. 3. c. 14. s. 17., 35 G. 3. c. 30. s. 7., 35 G. 3. c. 55. s. 25., 35 G. 3. c. 63. s. 26., 36 G. 3. c. 52. s. 46., 37 G. 3. c. 19. s. 11., 37 G. 3. c. 90. s. 22., 37 G. 3. c. 111. ss. 11, 12., 39 G. 3. c. 107. s. 27., 41 G. 3. U. K. c. 110. s. 12., 41 G. 3. U. K. c. 86. s. 19., 42 G. 3. c. 56. s. 29., 43 G. 3. c. 126. s. 14. [44 G. 3. c. 98. s. 26., this clause is virtually REF. by 55 G. 3. c. 184. s. 55.], 45 G. 3. c. 28. ss. 10—11., 46 G. 3. c. 43. ss. 12—13., 48 G. 3. c. 149. s. 47., 50 G. 3. c. 35. s. 10.

15. All the monies arising by the duties hereby imposed, shall be paid into the hands of the receiver-general of stamp duties, who shall pay the same into the receipt of the exchequer, and such money shall be carried to the consolidated fund of G. B.; and on the 5th Jan., 5th April, 5th July, and 10th Oct. yearly, there shall be set apart a sum of 769,365*l.* 19*s.* 6*d.* being one-fourth of the sum of 3,077,463*l.* 18*s.* being the yearly produce of the duties hereby repealed, and the residue shall be deemed an addition to the public revenue, to defray the charge of any loan or stock to be made or created this session; and during 10 years next ensuing, a book shall be kept in the office of the auditor of the receipt of the exchequer, in which all such surplus monies shall be entered apart from all other monies payable to H. M., 44 G. 3. c. 98. s. 26.

16. The monies arising under this act, and from the several other duties under the management of the commissioners of stamps, shall be paid to the receiver-general of stamp duties in G. B., and by him into the bank of Eng., pursuant to 46 G. 3. c. 76., and shall afterwards pay the same (after deducting the charges of raising and accounting for the same, and all others payable hereafter, except the duties on any lottery licences and shares of tickets) into the receipt of the exchequer at Westminster, in one sum at the usual times, and such monies shall be carried to the consolidated fund of G. B., and be apportioned in the accounts of the consolidated fund, and of the public debt of G. B., as by 55 G. 3. c. 185. s. 14. directed, 55 G. 3. c. 184. s. 55. and c. 185. s. 13.

17. Out of the money so to be paid into the exchequer, there shall be set apart annually on the 5th Jan. so much of the duties on advertisements, almanacks, newspapers, pamphlets, gold and silver plate, and stage coaches, and of the yearly *per centage* duties on fire insurances, and the augmented legacy duties granted by this act, and the 55 G. 3. c. 184., as shall be a just proportion in respect of the augmentations so made; and there shall also be set apart at the same time, the surplus of the net produce of the duties on stage coach licences, and of the duties granted by 55 G. 3. s. 184., except the said *per centage* duties, and the legacy duty, after deducting thereout yearly, and so in proportion, for less than a year, the sum of 3,333,642*l.* 3*s.* 5*d.* being the aggregate of the net yearly produce of the duties on stage coach licences hereby repealed, and of the duties by 55 G. 3. c. 184. repealed, except such *per centage* duties, and there shall be also set apart at the same time so much of the bank composition as exceeds the sum hitherto paid by them, and the sums so set apart shall be deemed an addition to the public revenue of G. B. for defraying the increased annual charge occasioned by any loan made or stock created by any act passed, or to be passed in this session; and after setting apart such sum, the residue, (excluding the said 3,333,642*l.* 3*s.* 5*d.*) shall be considered as the produce of the duties granted for defraying the annual charge of the public debt, and

be apportioned accordingly in the accounts of the consolidated fund of G. B. in such manner as the net proceeds of the duties now under the commissioners of stamps would have been, in case this act or the 55 G. 3. c. 184. had not been made, 55 G. 3. c. 185. s. 14.

18. The duties payable in Scot. upon charters of resignation, instruments of seisin, and other instruments in use there for completing or renovating of titles to lands and other heritable subjects, hereby reduced from 1*4s.* to 7*s.* shall not be at any time added to in any greater degree than the duties of 1*5s.* charged in the schedule hereto annexed on surrenders and other instruments of copyhold in Eng.; and if such last-mentioned duties, shall be at any time diminished, the duties on charters, &c. shall be diminished in proportion, 48 G. 3. s. 149. s. 48.

19. Instead of the duties imposed by several acts on the same piece of vellum, &c. being levied in distinct sums, the commissioners of stamps may consolidate the money arising from the said several duties into one sum, and collect the same accordingly, and may keep one distinct account of the monies so arising, 43 G. 3. c. 127. s. 2.

20. Instead of the duties hereby repealed, there shall be raised and levied in respect of the several matters and things enumerated in the schedules hereto annexed, marked (A) and (B) the sums respectively set forth herein, 44 G. 3. c. 98. s. 2. [The schedules A. and B. of 44 G. 3. c. 98. s. 2. have been REF. by 48 G. 3. c. 143. s. 1., 48 G. 3. c. 149. s. 1., 51 G. 3. c. 70. s. 1., 52 G. 3. c. 150. s. 2., 55 G. 3. c. 184. s. 1., 55 G. 3. c. 185. s. 1., except the duties here following.]

The schedule (A.) of 44 G. 3. c. 98. containing all the stamp duties thereof now remaining unrepealed.

MEDICINE AND LOTTERY OFFICE LICENCES.	England.		Scotland.	
	L.	s. d.	L.	s. d.
LICENCE to be taken out by the owner, proprietor, maker, and compounder of, and by every person uttering, vending, or exposing to sale, or keeping ready for sale, any drugs, herbs, pills, waters, essences, tinctures, powders, or other preparations or compositions whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure or relief, of any disorder or complaint incident to or in anywise affecting the human body, or any packets, boxes, bottles, pots, phials or other inclosures with any contents, subject to the duties by this act granted on certain medicines, within the cities of London or Westminster, or within the limits of the twopenny post, or within the city of Edinburgh, each licence, yearly	2	0 0	2	0 0
FOR EACH such licence in any other city or borough, or in any town corporate, or in the towns of Manchester, Birmingham, or Sheffield, yearly	0	10 0	0	10 0
FOR EACH such licence in any other part of Great Britain yearly	0	5 0	0	5 0
LICENCE to any person or persons who shall publicly or privately, within the cities of London or Edinburgh, or within 20 miles of either of the said cities, set up, exercise, or keep by himself, or herself, or any other person or persons, any office for buying, selling, or otherwise dealing in any tickets in any LOTTERY which is or shall be authorized by any act of parliament made or to be made, or who shall, by writing, printing, or otherwise, publish the setting up or using any such office, yearly	50	0 0	50	0 0
LICENCE to any person or persons who shall publicly or privately in, in any part of G. B., not being within the cities of London or Edinburgh, or within 20 miles of either of the said cities, open, set up, exercise or keep by himself or herself, or any other person or persons, any office for buying, selling, or otherwise dealing in any tickets in any lottery which is or shall be authorized by any act of parliament made or to be made, or who shall by writing, printing, or otherwise, publish the setting up or using any such office, in case such person or persons shall not have taken out or paid the duty of 50 <i>l.</i> for a licence for the said purposes in some other part of the U. K., yearly	50	0 0	50	0 0
LICENCE to any person or persons, for the like purposes, in any part of G. B., not being within the cities of London or Edinburgh, or within 20 miles of either of the said cities, who shall have taken out and paid the duty of 50 <i>l.</i> for a licence for the said purposes in some other part of the U. K., yearly	10	0 0	10	0 0

POST-HORSE LICENCE.

LICENCE to be taken out by every postmaster or other person in G. B., who shall let to hire any horse, mare, or gelding, for the purpose of travelling post by the mile, or from stage to stage, or who (being a

	England. £ s. d.	Scotland. £ s. d.
person usually letting horses to hire), shall let to hire for a day or any less period of time than 28 successive days, any horse, mare, or gelding, for drawing any coach or other carriage used in travelling post, or otherwise, by whatsoever name such carriage now is or hereafter may be called or known, yearly	0 5 0	0 5 0

SCHEDULE (B.) of 44 G. 3. c. 98.

DUTIES ON CARDS AND DICE.

Playing-cards, for every pack which shall be made fit for sale or use in G. B.	0 2 6	0 2 6
Dice, for every pair which shall be made fit for sale or use in G. B.	1 0 0	1 0 0

DUTIES ON POST HORSES.

Horse, mare, or gelding, hired by the mile or stage, to be used in travelling in G. B., for every mile such horse, mare, or gelding shall be hired to travel	0 0 1½	0 0 1½
--	--------	--------

Horse, mare, or gelding, hired for a less period of time than 28 successive days, for drawing on any public road any coach or other carriage used in travelling post, or otherwise, by whatsoever name such carriage now is or may be hereafter called or known (if the distance at the time of hiring such horse, mare, or gelding shall be ascertained), for every mile such horse, mare, or gelding shall be hired to travel	0 0 1½	0 0 1½
---	--------	--------

Horse, mare, or gelding so hired as last above mentioned, in any case where the distance shall not, at the time of such hiring, be ascertained, for each day for which such horse, mare, or gelding shall be so hired	0 1 9	0 1 9
---	-------	-------

Commission to collect these duties by 57 G. 3. c. 59. s. 6.	1 15 0	
---	--------	--

SPECIAL EXEMPTIONS.

Horses, mares, or geldings, used in hackney coaches licensed pursuant to the several acts of parliament made for that purpose, where the horses, mares, or geldings drawing such hackney coaches shall be employed to go no greater distance than 10 miles from the city of London or Westminster, or the suburbs thereof.

Horse, mare, or gelding, entered to start or run for any plate, prize, sum of money, or other thing whatsoever, over and above all other duties chargeable by this or any other act or acts of parliament	2 2 0	2 2 0
---	-------	-------

DUTIES ON MEDICINES.

Medicines, for and upon every packet, box, bottle, pot, phial, or other inclosure, containing any drugs, herbs, pills, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to or in anywise affecting the human body; which shall be uttered or vended in G. B., where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed the price or value of 1s.	0 0 1½	0 0 1½
---	--------	--------

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 1s. and not exceed the price or value of 2s. 6d.	0 0 3	0 0 3
--	-------	-------

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 2s. 6d. and not exceed the price or value of 4s.	0 0 6	0 0 6
--	-------	-------

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 4s., and shall not exceed the price or value of 10s.	0 1 0	0 1 0
--	-------	-------

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 10s., and shall not exceed the price or value of 20s.	0 2 0	0 2 0
---	-------	-------

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 20s., and shall not exceed the price or value of 30s.	0 3 0	0 3 0
---	-------	-------

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 30s. and shall not exceed the price or value of 50s.	0 10 0	0 10 0
--	--------	--------

	England. £ s. d.	Scotland. £ s. d.
Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the price or value of 50s.	1 0 0	1 0 0

See the Schedule of MEDICINES liable to the duties of stamps, 52 G. 3. c. 150., post, STAMPS, (Medicines).

21. There shall be raised and levied to H. M. throughout G. B., for and in respect of the several instruments and things mentioned in the schedule next annexed, (except the exceptions,) or for the vellum, &c. upon which any such instruments, &c. shall be written or printed, the several duties set down in figures against the same, [and the yearly percentage duty on insurances from loss by fire therein mentioned, shall commence 28th Sept. 1815, and all the other duties from 31st Aug. 1815, 55 G. 3. c. 184. s. 2. only] which schedule and all provisions &c. therein, with respect to such duties and the instruments, &c. charged therewith, shall be deemed part of this act, and be construed with it, 55 G. 3. c. 184. s. 2. 55 G. 3. c. 185. s. 2.

SCHEDULE of Duties annexed to 55 G. 3. c. 184.

PART THE FIRST.

Containing the Duties on Admissions to Offices, &c.; on Instruments of Conveyance, Contract, Obligation, and Security for money; on Deeds in general; and on other Instruments, Matters, and Things not falling under either of the following heads.

PART THE SECOND.

Containing the Duties on Law Proceedings, or Proceedings in the Admiralty and Ecclesiastical Courts, and in the several Courts of Law and Equity at Westminster, and other Courts in G. B., and in the Offices belonging thereto, and before the Lord High Chancellor or the Lord Keeper or Commissioners for the Custody of the Great Seal, in Matters of Bankruptcy and Lunacy.

PART THE THIRD.

Containing the Duties on Probates of Wills and Letters of Administration or Confirmations of Testaments, testamentary and dative; on Inventories to be exhibited in the commissary courts of Scot.; on Legacies out of real or personal, heritable or moveable estate; and on Successions to personal or moveable estates upon intestacy.

[NOTE by the Compilers.—Besides the exemptions herein contained, there are others collected under STAMPS, Exemptions, (p. 1416.)]

PART THE FIRST.

ADMISSION of any person to act as an advocate in any of the ecclesiastical courts, or in the high court of admiralty in Eng.; or in any of the courts of justice in Scot.

Exemptions from the preceding and all other stamp duties.

Where an advocate, admitted in one court in Eng., shall be admitted as an advocate in any other court in Eng.; or being admitted in one court in Scot. shall be admitted as an advocate in any other court in Scot.; his latter admission shall be free of duty, provided he shall have paid the proper stamp duty on his former admission, according to the laws then in force.

ADMISSION of any person to the degree of a barrister at law, in either of the Inns of court in Eng.; for the register or entry thereof £ 50 0 0
ADMISSION of any person to act as an attorney, solicitor, or proctor, in any court in Eng.; or as a sworn clerk, side clerk, clerk in court, or other clerk or officer, in any court in Eng., whose business and emoluments (like those of an attorney or solicitor) shall depend upon his being retained and employed by clients or suitors, and shall therefore be wholly uncertain in amount £ 25 0 0

Exemptions from the preceding and all other stamp duties.

Where any person duly admitted an attorney in either of H. M.'s courts at Westminster, or in either of the courts of the great sessions in Wa., or of the counties palatine of Chester, Lancaster, and Durham, shall be also admitted to act as an attorney in any other of the said courts, or in any inferior court of law, or as a solicitor in any court of equity in Eng., the latter admission shall be free of duty.

And where any person duly admitted a solicitor in the court of chancery or exchequer at Westminster, or in either of the courts of the great sessions in Wa., or of the duchy of Lancaster, or of the counties palatine of Chester, Lancaster, and Durham, shall be also admitted to act as a solicitor in any other of the said courts, or in any inferior court of equity, or as an attorney in any court of law in Eng., the latter admission shall be free of duty.

PART I. continued.

Provided such attorney or solicitor shall have paid the proper stamp duty on his former admission, according to the laws then in force.

But in all cases not expressly exempted, the said duty is to be paid on every admission of the same person.

ADMISSION of any person to act as writer to the signet, or as a solicitor, agent, attorney, or procurator, in any court in *Scot.*; or as a clerk or officer in any court in *Scot.*, whose business and emoluments (like those of a solicitor) shall depend upon his being retained and employed by clients or suitors, and shall therefore be wholly uncertain in amount. £25 0 0

And where any person shall be admitted to act as a solicitor or agent in the court of session, justiciary, or commission of teinds in *Scot.*, who shall not have served a clerkship or apprenticeship for 5 years to a writer to the signet, or to a solicitor or agent, under regular articles or indentures of clerkship, or apprenticeship, which shall have paid the stamp duty payable by law for the same at the date thereof; his admission shall be charged with a further duty of. £60 0 0

And where any person shall be admitted to act as a procurator or solicitor, in the high court of admiralty in *Scot.*, the commissary court at Edinburgh, or any inferior court in *Scot.*, who shall not have served a clerkship or apprenticeship for 5 years to a writer to the signet, or to a solicitor, agent, or procurator, under regular articles or indentures of clerkship or apprenticeship, which shall have paid the stamp duty payable by law for the same at the date thereof; his admission shall be charged with a further duty of. £30 0 0

Exemptions from the preceding and all other stamp duties.

Where any person duly admitted a writer to the signet, or a solicitor, agent or attorney, in either of the courts of session, justiciary, exchequer, or commission of teinds, shall be also admitted to act in either of those capacities in any other or others of the same courts, his latter admission shall be free of duty.

Where any person, duly admitted as a solicitor or procurator in the high court of admiralty, or in the commissary court at Edinburgh, shall be also admitted a solicitor or procurator in the other of those courts, his latter admission shall be free of duty.

And where any person duly admitted a solicitor or procurator in any of the inferior courts in *Scot.*, shall be also admitted a solicitor or procurator in any other or others of the same courts, his latter admission shall be free of duty.

Provided in each of the foregoing cases, the proper stamp duty shall have been paid on the former admission of such person, according to the laws then in force.

But in all cases not expressly exempted, the said duty is to be paid on every admission of the same person.

ADMISSION of any person as a master in ordinary in chancery, or as one of the six clerks, or one of the curators of the court of chancery in *Eng.*, or as a sworn clerk, side clerk in court, or other clerk or officer whatsoever, in any court in *G. B.*, who must necessarily be employed to do certain official business, and whose emoluments shall therefore be so far fixed and certain;

Where the salary, fees, and emoluments of the office or appointment shall not amount to 50*l.* per annum

Amounting to	and not to	Amounting to	and not to
£50	£100	£750	£1000
100	200	1000	1500
200	300	1500	2000
300	500	2000	3000
500	750	3000, or upwards	200 0 0

The said fees and emoluments to be estimated according to the average amount thereof for 3 years preceding, if practicable; and if not, according to the best information that can be obtained.

Exemptions from the preceding and all other stamp duties.

Where any officer shall be admitted annually, every admission after the first shall be free of duty, provided the proper duty shall have been paid on his first admission.

All admissions of officers, proceeding upon any grants or appointments to offices, which shall be charged with the duties hereinafter mentioned.

But in all cases not expressly exempted, the proper duty is to be paid on every admission of the same person.

ADMISSION of any person to act as a notary public. See FACULTY.

ADMISSION of any person to be a member of either of the four inns of court in *Eng.*. £25 0 0

ADMISSION of any person to be a member of either of the societies, commonly called inns of chancery in *Eng.*. £3 0 0

ADMISSION of any person to be a fellow of the college of physicians in *Eng.* or *Scot.*. £25 0 0

ADMISSION or licence of any person by the college of physicians in *Eng.* or *Scot.* to exercise the faculty of physic, or practice as a licentiate. £15 0 0

ADMISSION or matriculation of any person in either of the universities in *Eng.*. £1 0 0

ADMISSION of any person to the degree of a bachelor of arts, in either of the universities in *Eng.*, for the register or entry thereof. £3 0 0

If conferred in the ordinary course of the university. £3 0 0

If conferred by special grace or royal mandate, or by reason of nobility, or otherwise out of the ordinary course. £5 0 0

ADMISSION of any person to any other degree in either of the universities in *Eng.*, for the register or entry thereof. £6 0 0

If conferred in the ordinary course of the university. £6 0 0

If conferred by special grace, or royal mandate, or by reason of nobility or otherwise, out of the ordinary course, conferring any right of election in such university. £10 0 0

ADMISSION of any person to the degree of doctor of medicine, in either of the universities in *Scot.*. £10 0 0

NOTE. The said herein-before mentioned duties on admissions are, in all cases not expressly provided for, to be charged on the instruments of admission delivered to the persons admitted, by whatsoever name the same may be called, if there be any such, or if not, on the register, entry, or memorandum of each admission, in the rolls, books, or records of the court, college, inn, or society, in which the admission shall be made; or for want thereof, on the receipt or warrant for such admission.

ADMISSION of any person into any corporation or company, in any city, borough, burgh, or town corporate in *G. B.*; for the register, entry, or memorandum thereof, in the court book, roll, or record of such corporation or company;

Where the admission shall be in respect of birth, apprenticeship, or marriage. £1 0 0

And where the same shall be upon any other ground. 3 0 0

Exemptions from the preceding and all other stamp duties.

The admissions of craftsmen or others entering in any corporation, within any royal burgh, burgh of regality, or burgh of barony, in *Scot.*, incorporated by the magistrates and council of such burgh: provided such craftsmen or others shall have been previously admitted freemen or burgesses of the burgh, and have paid the proper stamp duty on such admission, according to the laws then in force.

PART I. continued.

ADMISSION to ecclesiastical benefices in *Scot.* See COLLATION.

ADMISSION or admittance to copyhold lands. See COPYHOLD.

AFFIDAVIT, not made for the immediate purpose of being filed, read, or used, in any court of law or equity; for every sheet or piece of paper, parchment or vellum, on which the same shall be written or printed. 40 2 6

Exemptions from the preceding and all other stamp duties.

Affidavits required or authorized by law, to be made before any justice or justices of the peace; or before any commissioner or commissioners of any public board of revenue; or any of the officers acting under them; or before any other commissioner or commissioners appointed or to be appointed by act of parliament.

*Affidavits to be made pursuant to the act of the 48th year of H. M.'s reign, c. 149., by persons intrusting with the personal or moveable estate or effects of persons deceased in *Scot.**

*Affidavits to be made pursuant to this act by persons applying for probates of wills and letters of administration in *Eng.*, regarding the value of the estate and effects of the deceased.*

*Affidavits which may be required at the bank of *Eng.*, to prove the death of any proprietor of any share in any of the stocks or funds transferable there, or to identify the person of any such proprietor, or to remove any other impediment to the transfer of any such stocks or funds.*

Also all affidavits relating to the loss, mutilation, or defacement of any bank note or bank post bill. (See 9 & 10 W. 3. c. 25. s. 28.)

See also the General Exemptions at the end of this part of the schedule.

AGREEMENT, or contract, accompanied with a deposit of title deeds, for making a mortgage, wadset, or other security on any estate or property therein comprised. See MORTGAGE.

AGREEMENT, or any minute or memorandum of an agreement, made in *Eng.* under hand only, or made in *Scot.* without any clause of registration (and not otherwise charged in this schedule, nor expressly exempted from all stamp duty), where the matter thereof shall be of the value of 20*l.* or upwards, whether the same shall be only evidence of a contract, or obligatory upon the parties from its being a written instrument, together with every schedule, receipt, or other matter put or indorsed thereon or annexed thereto;

Where the same shall not contain more than 1080 words (being the amount of 15 common law folios or sheets of 72 words each). £1 0 0

And where the same shall contain more than 1080 words. 1 15 0

And for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of. £1 5 0

*Provided always, that where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped with a duty of 1*l.* 1*s.* although the same shall in the whole contain twice the number of 1080 words or upwards.*

Exemptions from the preceding and all other stamp duties.

Label, slip, or memorandum, containing the heads of insurances to be made by the corporations of the Royal Exchange Assurance, and London Assurance; or by the corporations of the Royal Exchange Assurance of houses and goods from fire, and London Assurance of houses and goods from fire. [See 6 G. 1. c. 18. INSURANCE, pl. 28.]

*Memorandum or agreement for granting a lease or tack, at rack rent, of any messuage, land, or tenement, under the yearly rent of 5*l.**

Memorandum or agreement for the hire of any labourer, artificer, manufacturer, or menial servant.

Memorandum, letter, or agreement, made for or relating to the sale of any goods, wares, or merchandize.

*Memorandum or agreement made between the master and mariners of any ship or vessel, for wages, on any voyage coastwise from port to port in *G. B.* [See 31 G. 3. c. 39. s. 10. SEAMEN, pl. 52.]*

*Letters containing any agreement (not before exempted) in respect of any merchandize, or evidence of such an agreement, which shall pass by the post, between merchants or other persons carrying on trade or commerce, in *G. B.*, and residing and actually being, at the time of sending such letters, at the distance of 50 miles from each other. [See 32 G. 3. c. 51.]*

See also the General Exemptions at the end of this part of the schedule.

APPOINTMENT, in execution of a power, of land or other property, real or personal, or of any use or interest therein, where made by any writing, not being a deed or will. £1 15 0

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words (being the amount of 30 common law folios or sheets of 72 words each) or upwards, then for every entire quantity of 1080 words (or 15 common law folios or sheets) contained therein, over and above the first 1080 words, a further progressive duty of. £1 5 0

If made by deed. See DEED.

APPOINTMENT of a chaplain, operating as a qualification to hold 2 ecclesiastical benefices in *Eng.*. £2 0 0

APPOINTMENT of a game-keeper. See DEPUTATION.

APPOINTMENT to offices. See ADMISSION, GRANT.

APPRAISEMENT or valuation of any estate or effects, real or personal, heritable or moveable; or of any interest therein; or of the annual value thereof; or of any dilapidations; or of any repairs wanted; or of the materials and labour used or to be used in any buildings; or of any artificers work whatsoever;

Where the amount of such appraisement or valuation shall not exceed 50*l.*

And where it shall exceed £50 and not exceed £100. 0 2 6

100 0 5 0

200 0 10 0

300 0 15 0

500 1 0 0

Exemptions.

Appraisements or valuations made in pursuance of the order of any court of admiralty or vice-admiralty, or of any court of appeal from any sentence, adjudication, or judgment of any court of admiralty or vice-admiralty. [See 46 G. 3. c. 43. s. 11.]

Appraisements or valuations of any property, made for the purpose of ascertaining the legacy duty payable in respect thereof.

APPRAISER, licence to act as such. See LICENCE.

APPRENTICESHIP and **CLERKSHIP**. Indenture or other instrument or writing containing the covenants, articles, or agreements, for or relating to the service of any apprentice, clerk, or servant, who shall be put or placed to or with any master or mistress, to learn any profession, trade, or employment whatsoever; except articles of clerkship to attorneys and others, herein-after specifically charged;

If the sum of money, or the value of any other matter or thing which shall be paid, given, assigned or conveyed, or be secured to be paid, given, assigned, or conveyed, to or for the use or benefit of the master or mistress, with or in respect of such apprentice, clerk, or servant, or both the money and value of such other matter or thing shall not amount to 30*l.*. £1 0 0

PART I. continued.

Amounting to	and not to	Amounting to	and not to
£ 20	£ 50	£ 400	£ 500
50	100	500	600
100	200	600	800
200	300	800	1000
300	400	1000 or upwards	

And where there shall be no such consideration as aforesaid, moving to the master or mistress; if the indenture or other instrument shall not contain more than 1080 words

And if the same shall contain more than that quantity

APPRENTICESHIP and CLERKSHIP. Indenture, or other instrument or writing, containing the covenants, articles, or agreements for or relating to the service of any such apprentice, clerk, or servant, as aforesaid, who shall be put or placed to or with a new master or mistress, either by assignment, transfer or turnover, or upon the death, absence, or incapacity of the former master or mistress, or otherwise; or any writing whatever, whereby any such assignment transfer, or turnover may be effectuated or ascertained.

Where there shall be any such valuable consideration as aforesaid, moving to the new master or mistress, exclusive of any part of the consideration to the former master or mistress, which may be returned, or given, or transferred to the new master or mistress. [Such and the like duty in proportion to the amount or value of such new consideration only, as is before charged on any original indenture of apprenticeship.]

And where there shall be no such new consideration; if the indenture or other instrument or writing shall not contain more than 1080 words

And if the same shall contain more than that quantity

And where there shall be duplicates, or two parts, of any such indenture or other instrument or writing, relating to any such apprentice, clerk, or servant, as aforesaid; each part shall be charged with the duty before mentioned, in all cases where the same shall not exceed 25s.; and where the same shall exceed that sum, only one part shall be charged with the said *ad valorem* duty, or duty in proportion to the consideration, and the other part shall be charged with a duty of

NOTE. And the part, bearing the *ad valorem* or higher duty, shall belong to and be kept by the apprentice, clerk, or servant, or some person on his or her behalf, upon his or her being first placed out; and in case of any subsequent placing out, by assignment or otherwise, the part bearing the *ad valorem* duty on that occasion (if any) shall belong to and be kept by the former master or mistress, or his or her representatives, or by the apprentice, clerk, or servant, or some person on his or her behalf; and in each of the said cases, the other part, bearing the lower duty hereby charged thereon, shall belong to and be kept by the original master or mistress, or the new master or mistress, as the case may be; and the same shall be respectively received in evidence accordingly.

Exemptions from the preceding and all other stamp duties.

Indentures or other instruments for placing out poor children apprentices, by or at the sole charge of any parish or township, or by or at the sole charge of any public charity, or pursuant to the act of the 32 G. 3. c. 57. (APPRENTICE, pl. 28.) for the further regulation of parish apprentices.

And all assignments of such poor apprentices; provided there shall be no such valuable consideration as aforesaid given to the new master or mistress, other than what may have been or shall be given by any parish or township, or by any public charity.

ARTICLES of CLERKSHIP, or contract, whereby any person shall first become bound to serve as a clerk; in order to his admission as an attorney or solicitor, in any of H. M.'s courts at Westminster

In any of the courts of the great sessions in W., or of the counties palatine of Chester, Lancaster and Durham; or in any other court of record in Eng., holding pleas, where the debt or damage amounts to 40s.

And for any counterpart or duplicate of any such articles or contract of clerkship

ARTICLES of CLERKSHIP, or contract, whereby any person (not being an attorney of one of the courts at Westminster) shall first become bound to serve as a clerk, in order to his admission as a sworn clerk, in the office of the 6 clerks of the court of chancery, or as a sworn clerk, clerk in court, or side clerk, in the office of pleas, or the office of H. M.'s remembrancer in the court of exchequer, in Eng.

And for any counterpart or duplicate thereof

ARTICLES of CLERKSHIP, or contract, whereby any person shall become bound to serve as a clerk, in order to any such admission as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of court, or in any other event

And the counterpart or duplicate thereof

And where any person, having entered into any articles of clerkship or contract, duly stamped according to the law in force at the date thereof, in order to his admission as a sworn clerk, clerk in court, or side clerk, in the court of chancery, or court of exchequer, or in order to his admission as an attorney or solicitor in any of the courts at Westminster, shall afterwards enter into any such articles or contracts as aforesaid, for any other of those purposes; the said last-mentioned articles or contract shall be charged only with a duty of

And the counterpart or duplicate thereof

And where the same articles of clerkship shall be a qualification to any person to be admitted, not only as an attorney or solicitor in any of the courts at Westminster, but also as a sworn clerk, clerk in court, or side clerk, in the court of chancery or court of exchequer, or as an attorney or solicitor in any of the inferior courts aforesaid; such articles shall not be charged with more than one duty of 10s.

ARTICLES of CLERKSHIP, or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a proctor in the high court of admiralty in Eng., or in any of the ecclesiastical courts in Doctors Commons

And for any counterpart or duplicate thereof

ARTICLES of CLERKSHIP, or contract, whereby any person shall become bound to serve as a clerk, in order to his admission as a proctor in any of the courts aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated, or in any other event

And for any counterpart or duplicate thereof

ARTICLES, or indenture of clerkship or apprenticeship, whereby any person shall first become bound to serve as a clerk or apprentice in order to his admission as a writer to the signet, or as a solicitor, agent, or attorney, in any of the courts of session, justiciary, exchequer, and commission of teinds in Scot.

And for any counterpart or duplicate thereof

ARTICLES, or indenture of clerkship or apprenticeship, whereby any person shall first become bound to serve as a clerk or apprentice in order to his admission to act as a procurator or solicitor in the high court of admiralty, the commissary court at Edinburgh, or any other inferior court of Scot.

PART I. continued.

And for any counterpart or duplicate thereof.

ARTICLES, or indenture of clerkship or apprenticeship, whereby any person shall become bound to serve as a clerk or apprentice, in order to any such admission in Scot. as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated, or in any other event

And for any counterpart or duplicate thereof.

ARTICLES of CLERKSHIP, or contract or indenture of apprenticeship, whereby any person, having been before bound to serve as a clerk or apprentice, in order to any such admission as aforesaid either in Eng. or Scot., and not having completed or perfected his service, so as to entitle him to such admission, shall become bound afresh, for a new term of years for the same purpose. [The same duty as would be payable on any original articles, contract, or indenture for such purpose.]

And for any counterpart or duplicate thereof

But in this case, the stamp used on the articles, contract, or indenture, first entered into for the said purpose, shall be allowed as a spoiled stamp, on being delivered up to the commissioners of stamps to be cancelled within six calendar months after the execution of the new articles, contract, or indenture.

ASSIGNATION, or assignment, upon the sale of any property. See CONVEYANCE.

ASSIGNATION in Security. See MORTGAGE.

ASSIGNATION of any wadset, heritable bond, &c. See MORTGAGE.

ASSIGNMENT of any mortgage, or other similar security. See MORTGAGE.

ASSIGNMENT or ASSIGNMENT of any property, real or personal, heritable or moveable, and otherwise charged in the schedule, nor expressly exempted from all stamp duty.

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1,080 words contained therein, over and above the first 1080 words, a further progressive duty of

AWARD in Eng., and award or decret arbitral in Scot.

And where the same, together with any schedule, or other matter, put or indorsed thereon, or annexed thereto, shall contain 3160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of

BARGAIN and SALE (or lease) for a year, for vesting the possession of lands or other hereditaments in Eng., and enabling the bargainee to take a release of the freehold or inheritance, upon the sale or mortgage thereof;

Where the purchase or consideration money, expressed in the release, shall not amount to 20l.

And where the same shall amount to 20l. and not amount to 50l.

And where the same shall amount to 50l. and not amount to 150l.

And where the same shall amount to 150l. or upwards.

BARGAIN and SALE (or lease) for a year, upon any other occasion

BARGAIN and SALE (to be enrolled) of any estate or freehold, in lands or other hereditaments in Eng., upon the sale thereof, or by way of mortgage. See CONVEYANCE. MORTGAGE.

BARGAIN and SALE (to be enrolled) of any estate of freehold, in lands or other hereditaments in Eng., upon any other occasion than the mortgage or sale thereof

And where any such bargain and sale as aforesaid, together with any schedule, receipt, or other matter, put or indorsed thereon or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of

Exemptions from the preceding duty.

Bargains and sales, made by commissioners to the assignees of bankrupts which are to pay a duty only as deeds in general.

Inland BILL of EXCHANGE, draft or order to the bearer, or to order, either on demand or otherwise, not exceeding two months after date, or sixty days after sight, of any sum of money,

Amounting to 40s. and not exceeding 5l. 5s.	Exceeding	not exceeding	Exceeding	not exceeding
£ 5 5s.	£ 20	£ 0 1 6	£ 300	£ 500
20	30	0 2 0	500	1,000
30	50	0 2 6	1,000	2,000
50	100	0 3 6	2,000	3,000
100	200	0 4 6	3,000	
200	300	0 5 0		

Inland BILL of EXCHANGE, draft, or order for the payment to the bearer, or to order, at any time exceeding two months after date, or sixty days after sight, of any sum of money,

Amounting to 40s. and not exceeding 5l. 5s.	Exceeding	Not exceeding	Exceeding	Not exceeding
£ 5 5s.	£ 20	£ 0 2 0	£ 300	£ 500
20	30	0 2 6	500	1,000
30	50	0 3 6	1,000	2,000
50	100	0 4 6	2,000	3,000
100	200	0 5 0	3,000	
200	300	0 6 0		

Inland BILL, draft, or order, for the payment of any sum of money though not made payable to the bearer, or to order, if the same shall be delivered to the payee, or some person on his or her behalf. [The same duty as on a bill of exchange for the like sum, payable to bearer or order.]

Inland BILL, draft, or order, for the payment of any sum of money, weekly, monthly, or at any other stated periods, if made payable to the bearer or to order, or if delivered to the payee, or some person on his or her behalf, where the total amount of the money thereby made payable shall be specified therein, or can be ascertained therefrom. [The same duty as on a bill payable to bearer or order on demand, for a sum equal to such total amount.]

And where the total amount of the money thereby made payable shall be indefinite. [The same duty as on a bill on demand for the sum therein expressed only.]

And the following instruments shall be deemed and taken to be inland bills, drafts, or orders, for the payment of money within the intent and meaning of this schedule, viz.

All drafts or orders for the payment of any sum of money, by a bill or promissory note, or for the delivery of any such bill or note in payment or satisfaction of any sum of money; where such drafts or orders shall require the payment or delivery to be made to the bearer, or to order, or shall be delivered to the payee, or some person on his or her behalf.

All receipts given by any banker or bankers, or other person or persons, for money received, which shall entitle, or be intended to entitle, the person or persons paying the money, or the bearer of such receipts, to receive the like sum from any third person or persons.

And all bills, drafts, or orders, for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, if the same shall

PART I. continued.

be made payable to the bearer, or to order, or the same shall be delivered to the payee of some person on his or her behalf.

Foreign BILLS of EXCHANGE (or bill of exchange drawn in, but payable out of G. B.) if drawn singly and not in a set. *The same duty as on an inland bill of the same amount and tenor.*

Foreign BILLS of EXCHANGE, drawn in accordance to the custom of merchants, for every bill of each set, where the same made payable thereby shall not exceed 100l.

Exceeding	not exceeding	Exceeding	not exceeding	£	0	6
100	200	0	8	0	0	0
200	500	0	4	0	0	0
500	1,000	0	5	0	0	0

Exemptions from the preceding on all other stamp duties.

All bills of exchange, or bank post bills, used by the governor and company of the bank of Eng.

All bills, orders, remittance bills, and remittance certificates, drawn by commissioned officers, masters and surgeons in the navy, or by any commissioner or commissioners of the navy, under the authority of the act passed in the 35 G. 3. c. 9. for the more expeditious payment of the wages and pay of certain officers belonging to the navy.

All bills drawn pursuant to any former act or acts of parliament by the commissioners of the navy, or by the commissioners for victualling the navy, or by the commissioners for managing the transport service, and for taking care of sick and wounded seamen, upon and payable by the treasurer of the navy.

All drafts or orders for the payment of any sum of money to the bearer on demand, and drawn upon any bank or bankers, or any person or persons acting as a banker, who shall reside, or transact the business of a banker, within 10 miles of the place where such drafts or orders shall be issued, provided such place shall be specified in such drafts or orders; and provided the same shall bear date on or before the day on which the same shall be issued; and provided the same do not direct the payment to be made by bills or promissory notes, [See 39 G. 3. c. 107. s. 2. STAMPS (Bills and Notes), pl. 318.]

All bills, for the pay and allowances of H. M.'s land forces, or for other expenditures liable to be charged to the public regimental or district accounts, which shall be drawn according to the forms now prescribed or hereafter to be prescribed by H. M.'s orders, by the paymasters of regiments or corps, or by the chief paymaster, or deputy paymaster, and accountant of the army depot, or by the paymasters of recruiting districts, or by the paymasters of detachments, or by the officer or officers authorized to perform the duties of the paymastership during a vacancy, or the absence, suspension, or incapacity of any such paymaster as aforesaid; Save and except such bills as shall be drawn in favour of contractors or others, who furnish bread or forage to H. M.'s troops, and who by their contracts or agreements shall be liable to pay the stamp duties on the bills given in payment for the articles supplied by them.

BILLS of LADING, of or for any goods, merchandize, or effects, to be exported or carried coastwise. £0 3 0

BILL of SALE absolute. See CONVEYANCE.

BILL of SALE as a security. See MORTGAGE.

BOND in Eng. and personal bond in Scot., given as a security for the payment of any definitive and certain sum of money, not exceeding 50l.

Exceeding	Not exceeding	£	1	0	0	Exceeding	Not exceeding	£	8	0	0
50	100	2	0	0	0	3,000	4,000	9	0	0	0
100	200	3	0	0	0	4,000	5,000	10	0	0	0
200	300	4	0	0	0	5,000	10,000	12	0	0	0
300	500	5	0	0	0	10,000	15,000	15	0	0	0
500	1,000	6	0	0	0	15,000	20,000	20	0	0	0
1,000	2,000	7	0	0	0	20,000		25	0	0	0
2,000	3,000										

BOND in Eng. and personal bond in Scot., given as a security for the re-payment of any sum or sums of money to be thereafter lent, advanced, or paid, or which may become due upon an account current, together with any sum already advanced or due, or without, as the case may be;

Where the total amount of the money secured, or to be ultimately recoverable thereupon, shall be uncertain and without any limit. £25 0 0

And where the money secured or to be ultimately recoverable thereupon, shall be limited not to exceed a given sum. [The same duty as on a bond for such limited sum.]

BOND in Eng. and personal bond in Scot., given as a security for the transfer, or re-transfer, of any share in any of the government or parliamentary stocks or funds, or in the stock and funds of the governor and company of the bank of Eng., or of the East India company, or of the South Sea company. [The same duty as on a bond for a sum of money, equal to the value of the stock or fund secured, according to the average price thereof, on the day of the date of the bond, or on either of the 10 days preceding.]

Heritable BOND in Scot. for any of the purposes aforesaid. See MORTGAGE.

BOND in Eng. and personal bond in Scot., given as a security for the payment of any sum of money, or for the transfer or re-transfer of any share in any of the stocks or funds before-mentioned, which shall be in part secured by a mortgage or wadset, or other instrument or writing hereinafter charged with the same duty as a mortgage or wadset, bearing even date with such bond; or for the performance of covenants contained in such mortgage or other instrument or writing; or for both those purposes. £1 0 0

BOND in Eng. and personal or heritable bond in Scot., given as the only or principal security for the payment of any annuity, upon the original creation and sale thereof. See CONVEYANCE upon the sale of lands, &c.

BOND in Eng. and personal bond in Scot., given as a collateral or auxiliary security for the payment of any annuity, upon the original creation and sale thereof, where the same shall be granted or conveyed, or secured, by any other deed or instrument, liable to, and charged with the *ad valorem* duty, hereinafter imposed on conveyances upon the sale of any property. £1 0 0

BOND in Eng. and personal or heritable bond in Scot., given as a security for the payment of any annuity (except upon the original creation and sale thereof), or of any sum or sums of money at stated periods, (not being interest for any principal sum, nor reserved or payable upon any lease or tack) for any definite and certain term, so that the total amount of the money to be paid can be previously ascertained. [The same duty as on a bond of the like nature for the payment of a sum of money equal to such total amount.]

BOND in Eng. and personal and heritable bond in Scot., given as a security for the payment of any annuity (except as aforesaid), or of any sum or sums of money at stated periods (not being interest for any principal sum, nor reserved or payable upon any lease or tack) for the term of life or any other indefinite period, so that the whole money to be paid cannot be previously ascertained.

Where the annuity, or sum secured, shall not amount to 10l. per annum. £1 0 0

Amounting to			and not to			Amounting to			and not to		
£ 10	£ 50	£ 2 0 0				£ 300	£ 300	£ 5 0 0			
50	100	3 0 0				300	400	6 0 0			
100	200	4 0 0				400	500	7 0 0			

PART I. continued.

Amounting to and not to	£	500	£	750	£	9	0	0	Amounting to and not to	£	1,500	£	2,000	£	20	0	0
500	750	12	0	0	2,000	per ann. or upwards	25	0	0								
750	1,000	15	0	0													
1,000	1,500																

But where there shall be both a personal and heritable bond, in Scot., in separate deeds of the same date, for securing any such annuity, or sums payable at stated periods, and the *ad valorem* duty above charged thereon shall amount to 2l. or upwards; the heritable bond only shall be charged with the *ad valorem* duty, and the personal bond shall be charged only with a duty of £1 0 0

BOND, commonly called counterbond in Eng., and personal bond of relief in Scot., for indemnifying any person who shall have become bound or engaged as surety or cautioner for the payment of any sum of money or annuity, or for the transfer of any share in any of the stocks or funds before mentioned. £1 15 0

BOND in Eng. and personal bond in Scot., for the due execution of an office, and to account for money received by virtue thereof. £1 15 0

BOND given pursuant to the directions of any act of parliament, or by the direction of the commissioners of customs or excise, or any of their officers, for or in respect of any of the duties of customs or excise, or for preventing frauds or evasions thereof, or for any other matter or thing relating thereto. £1 0 0

BOND, entered into by any person, on obtaining a marriage licence. 1 0 0

BOND, on obtaining letters of administration in Eng., or a confirmation of testament in Scot. £1 0 0

BOND, accompanied with a deposit of title-deeds, for making a mortgage, wadset, or other security, on any estate or property therein comprised. See MORTGAGE.

Back BOND, declaration, or other deed or writing, for making redeemable any disposition, assignment, or tack, apparently absolute, but intended only as a security. See MORTGAGE.

BOND in Eng. and personal bond in Scot., of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp-duty. £1 15 0

Heritable BOND in Scot., of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp-duty. £1 15 0

General Directions respecting Bonds.

Where any such bond as aforesaid, together with any schedule, receipt, or other matter put or indorsed thereon or annexed thereto, shall contain 1000 words or upwards, there shall be charged for every entire quantity of 1000 words contained therein, over and above the first 1000 words, a further *progressive* duty of £1 5 0

And where any such bond as aforesaid shall be given as a security for the payment of a sum of money, and also of a share in any of the stocks or funds before-mentioned, or an annuity, or both, or for the payment of an annuity, and also of a share in any of the said stocks or funds, the proper *ad valorem* duty shall be charged in respect of each.

And where any such bond as aforesaid shall be given as a security for the payment or transfer, to different persons, of separate and distinct sums of money, or annuities or shares in any of the stocks or funds before-mentioned, the proper *ad valorem* duty shall be charged in respect of each separate and distinct sum of money, or annuity or share in any of the said stocks or funds therein specified and secured, and not upon the aggregate amount thereof.

And where any bond in Eng. shall be given as a security for the performance of any covenant or agreement for the payment or transfer of any sum of money, or annuity, or any share in any of the stocks or funds before-mentioned, such bond shall be charged with the same duty as if the same had been immediately given for the payment or transfer of such money, or annuity, or share of the said stocks or funds.

And where in Eng. any bond for the payment or transfer, or for the performance of any covenant for the payment or transfer, of any sum of money or annuity, or any share in any of the stocks or funds before-mentioned, shall be contained in one and the same deed or writing, with any other matter or thing, in this schedule specifically charged with any duty (except any declaration of trust of the money, annuity, stock, or fund secured), such deed or writing shall be charged with the same duties as such bond and other matter or thing would have been charged with, if contained in separate deeds.

But where in Eng. a bond for the performance of covenants or agreements (other than for the payment or transfer of any sum of money, or annuity, or any share in any of the said stocks or funds), shall be contained in the same deed or writing, with any other matter or thing, the same shall not be charged separately, but the whole shall be considered as one deed and be charged accordingly under its proper denomination.

Exemptions from the preceding and all other Stamp-duties.

Bonds of the Royal Exchange and London assurance corporations, exempted from stamp-duty by the act of the 46 G. 1. c. 18., [STAMPS (Insurance), pl. 28.] under which they were incorporated.

Bonds and other securities, exempted from stamp-duty by the act of 26 G. 3. c. 81. or any other act now in force for the encouragement of the British fisheries.

Bonds exempted from stamp-duty by the act of the 28 G. 3. c. 38. or any other act now in force, relating to the exportation of wool, or any manufacture thereof, or fullers' earth, fulling clay, or tobacco-pipe clay; or by the 29 G. 3. c. 68. or any other act now in force, relating to the exportation of tobacco from H. M.'s warehouses.

Coast Bonds, or bonds relative to the carrying of goods or merchandize coastwise, whether the same shall be given pursuant to the act of the 32 G. 3. c. 50. or any other act now in force, for the relief of the coast trade of G. B., or pursuant to the directions of any proclamation or order in council, by H. M., his heirs or successors.

Bonds and other securities, exempted from stamp duty by the act of the 33 G. 3. c. 64. (FRIENDLY SOCIETIES, pl. 8.), or any other act now in force, for the encouragement of friendly societies.

Bonds given by cardmakers, for securing the stamp duties on playing cards.

Bonds given by the proprietors, printers, or publishers of newspapers, for securing the payment of the duties upon the advertisements therein contained.

Bonds given by stationers and others, who sell stamped paper for the printing of newspapers, for the due performance of the matters required of them by the 38 G. 3. c. 78. (NEWSPAPERS, pl. 26.) for regulating the printing and publication of newspapers.

Bonds given by collectors of assessed taxes and their sureties, for the due payment of monies collected by them, or otherwise relating to their offices.

Administration and confirmation bonds, given by the widow, child, father, mother, brother, or sister, of any common seaman, marine, or soldier, who shall be slain or die in the service of H. M., his heirs or successors.

Administration bond in Eng. given by any person, where the estate to be administered shall not exceed 50l. in value.

Confirmation bond in Scot., where the whole personal estate of the deceased shall not exceed 50l. in value.

See also the general exemptions at the end of this part of the schedule.

PART I. *continued.*

CERTIFICATE to be taken out yearly, by every person admitted as an attorney or solicitor in any of H.M.'s courts at *West.*, or in any of the courts of the great sessions in *Wa.*; or of the counties palatine of *Chester*, *Lancaster*, and *Durham*, or in any other court in *Eng.*, holding pleas, where the debt or damage amounts to 40*s.*; and by every person admitted as a proctor in any of the ecclesiastical or admiralty courts in *Eng.*; and by every person admitted as a writer to the signet, or as a solicitor, agent, attorney, or procurator, in any of the courts in *Scot.*; and by every person admitted or inrolled as a notary public in *Eng.* or *Scot.*; and also by every sworn clerk, clerk in court, and other clerk or officer in any of the courts aforesaid, who, in his own name, or in the name of any other person, shall commence, prosecute, carry on, or defend any action, suit, prosecution, or other proceeding, in any of the courts aforesaid, or do any notarial act whatever, for or in expectation of any fee, gain, or reward, as an attorney, solicitor, agent, proctor, procurator, or notary public, although not admitted or inrolled as such;

If he shall reside in the city of *London*, or city of *Westminster*, or within the limits of the two-penny post in *Eng.*, or within the city or shire of *Edinburgh*;

And if he shall have been admitted, or been in possession of his office, for the space of 3 years or upwards *£12 0 0*

Or if he shall not have been admitted, or been in possession so long *8 0 0*

If he shall reside elsewhere;

And if he shall have been admitted, or been in possession of his office, for the space of three years or upwards *£8 0 0*

Or if he shall not have been admitted, or been in possession so long *4 0 0*

But no one person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the courts aforesaid.

Exemptions.

All clerks and officers of any of the courts aforesaid, who shall act or be concerned in the conduct or management of any action, suit, prosecution, or other proceeding, by virtue and in the execution of their respective offices or appointments only, and shall not be also retained or employed by any party to such action, suit, prosecution, or other proceeding, or by any attorney, solicitor, agent, proctor, or procurator, on behalf of any party thereto, for or in expectation of any fee or reward, other than the established fees due and payable in respect of their offices and appointments.

CERTIFICATE to be taken out yearly, by every person, being a member of one of the 4 Inns of court in *Eng.*, who in the character of conveyancer, special pleader, draftsman in equity, or otherwise, shall, for or in expectation of any fee, gain, or reward, draw or prepare any conveyance of, or deed or instrument relating to, any estate or property, real or personal, or any other deed or contract whatever, or any pleadings or proceedings in any court of law or equity;

If he shall reside in the city of *London*, or city of *Westminster*, or within the limits of the two-penny post in *Eng.* *£12 0 0*

And if he shall reside elsewhere *8 0 0*

Exemptions.

Serjeants at law, and barristers:
Attorneys, solicitors, proctors, and notaries public, and other persons acting as such by virtue of any office, or appointment, who shall respectively take out certificates in those characters:

Public officers drawing or preparing deeds or other instruments, by virtue of their offices, and in the course of their official duty only, and not otherwise.

CERTIFICATE of admission to degrees in the universities. See **TESTIMONIAL**.

CERTIFICATE of marriage, except of any common seaman, marine, or soldier *£0 5 0*

CERTIFICATE of any person's having received the Holy Sacrament *0 5 0*

CERTIFICATE of any goods, wares, or merchandize having been duly entered inwards, which shall be entered outwards for exportation, at the port of importation, or be removed from thence to any other port, for the more convenient exportation thereof from *G. B.* where such certificate shall be issued for enabling any person to obtain a debenture or certificate, entitling him to receive any drawback of any duty or duties of customs, or any part thereof. (See also **DEBENTURE**.) *£0 4 0*

CHARTER of resignation, or of confirmation, or of *novodamus*, or upon apprising, or upon a decret of adjudication or sale of any lands or other heritable subjects in *Scot.* holden of any subject superior *£0 9 0*

And where the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of *£0 9 0*

CHARTER-PARTY or any agreement or contract for the charter of any ship or vessel, or any memorandum, letter, or other writing between the captain, master, or owner of any ship or vessel, and any other person, for or relating to the freight or conveyance of any money, goods, or effects, on board of such ship or vessel *£1 15 0*

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of *£1 5 0*

CKERKSHIP, articles or contract of. See **APPRENTICESHIP**. ARTICLES.

COLLATION by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion in *Eng.*, of the yearly value of 10*l.* or upwards in the king's books *£20 0 0*

COLLATION by any archbishop or bishop to any other ecclesiastical benefice, dignity, or promotion whatsoever in *Eng.* *£10 0 0*

COLLATION, institution, or admission, by any presbytery or other competent authority, to any ecclesiastical benefice in *Scot.* *£2 0 0*

COMMISSION granted by H. M., his heirs, or successors, or by any person or persons duly authorized by him or them, to any officer in the army, or in the corps of royal marines *£1 10 0*

Exemptions from the preceding and all other stamp duties.

Commissions granted to officers of yeomanry cavalry, or volunteer infantry, and to officers of the local militia. [See 44 G. 3. c. 98. s. 19. STAMPS.]

COMMISSION granted by the lord high admiral, or the commissioners for executing the office of lord high admiral of the U. K. to any officer in the navy *£0 5 0*

COMMISSION, or deputation, granted by the commissioners of excise *1 10 0*

COMMISSION, appointing any person receiver-general of the land and other taxes, for any county or district in *G. B.* *£25 0 0*

COMMISSION, appointing any manager or director, managers or directors, of or concerning any lottery or lotteries to be drawn pursuant to act of parliament *£20 0 0*

COMMISSION to act as a notary public in *Scot.* See **FACULTY**.

COMMISSION, in the nature of a power of attorney in *Scot.* See **LETTER OF ATTORNEY**. [and see as to commissions for collecting post horse duties, 57 G. 3. c. 59. s. 6. STAMPS (Post Horses).]

PART I. *continued.*

COMPOSITION—deed, or other instrument of composition between a debtor or debtors, and his, her, or their creditors *£1 15 0*

And where the same, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of *£1 5 0*

CONDITIONAL Surrender of any copyhold or customary estate, by way of mortgage. See **MORTGAGE**.

CONSTAT of letters patent. See **EXEMPLIFICATION**.

CONTRACT of excambion in *Scot.* See **EXCHANGE**.

CONVEYANCE, whether grant, disposition, lease, assignment, transfer, release, renunciation, or of any other kind or description whatsoever, upon the sale of any lands, tenements, rents, annuities, or other property, real or personal, heritable or moveable, or of any right, title, interest, or claim in, to, out of, or upon any lands, tenements, rents, annuities, or other property; that is to say, for and in respect of the principal or only deed, instrument, or writing, whereby the lands or other things sold shall be granted, leased, assigned, transferred, released, renounced, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction;

Where the purchase or consideration money therein or thereupon expressed shall not amount to 20*l.*

Amounting to and not to *£0 10 0*

£20 *£50* *£1 0 0* *£8,000* *£9,000* *£85 0 0*

£50 *150* *1 10 0* *8,000* *10,000* *85 0 0*

150 *300* *2 0 0* *10,000* *12,500* *110 0 0*

200 *500* *3 0 0* *12,500* *15,000* *130 0 0*

300 *750* *6 0 0* *15,000* *20,000* *170 0 0*

400 *1,000* *9 0 0* *20,000* *30,000* *240 0 0*

500 *2,000* *12 0 0* *30,000* *40,000* *350 0 0*

600 *3,000* *25 0 0* *40,000* *50,000* *450 0 0*

700 *4,000* *35 0 0* *50,000* *60,000* *550 0 0*

800 *5,000* *45 0 0* *60,000* *80,000* *650 0 0*

900 *6,000* *55 0 0* *80,000* *100,000* *800 0 0*

1,000 *7,000* *65 0 0* *100,000* or upwards *1,000 0 0*

1,100 *8,000* *75 0 0*

And where any freehold lands or hereditaments in *Eng.* shall be conveyed by a deed of feoffment, with or without any letter or letters of attorney therein contained to deliver or receive seisin, or by a deed of bargain and sale inrolled; such deed of feoffment or bargain and sale, unless accompanied with a lease and release, shall be charged with a further duty as follows:

If the purchase or consideration money therein or thereupon expressed, shall be under 20*l.* *£0 10 0*

If it shall amount to 20*l.* and not amount to 50*l.* *0 15 0*

If it shall amount to 50*l.* and not amount to 150*l.* *1 0 0*

If it shall amount to 150*l.* or upwards, *1 15 0*

But if there shall be both a feoffment and a bargain and sale inrolled, then the said further duty shall not attach on either.

NOTE—The purchase or consideration money is to be truly expressed and set forth in words at length, in or upon every such principal or only deed or instrument of conveyance.

And where any lands or other property, of different tenures or holdings, or held under different titles, contracted to be sold at one entire price for the whole, shall be conveyed to the purchaser in separate parts or parcels, by different deeds or instruments, the purchase or consideration money shall be divided and apportioned in such manner as the parties shall think fit, so that a distinct price or consideration for each separate part or parcel may be set forth in or upon the principal or only deed or instrument of conveyance relating thereto; which shall be charged with the said *ad valorem* duty in respect of the price or consideration money therein set forth.

And where any lands or other property, contracted to be purchased by 2 or more persons jointly, or by any person for himself and others, or wholly for others, at one entire price for the whole, shall be conveyed, in part or parcels, by separate deeds or instruments, to the persons for whom the same shall be purchased, for distinct parts or shares of the purchase money; the principal or only deed or instrument of conveyance, of each separate part or parcel, shall be charged with the said *ad valorem* duty, in respect of the sum of money therein specified as the consideration for the same.

But if separate parts or parcels of such lands or other property shall be conveyed to or to the use of or in trust for different persons, in and by one and the same deed or instrument, then such deed or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration monies therein mentioned to be paid or agreed to be paid, for the lands or property thereby conveyed.

And where any person, having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell to any other person, and the same shall in consequence be conveyed immediately to the sub-purchaser; the principal or only deed or instrument of conveyance shall be charged with the said *ad valorem* duty, in respect of the purchase or consideration money therein mentioned to be paid, or agreed to be paid, by the sub-purchaser.

And where any person, having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell the whole or any part or parts thereof, to any other person or persons, and the same shall in consequence be conveyed, by the original seller, to different persons, in parts or parcels; the principal or only deed or instrument of conveyance, of each part or parcel thereof, shall be charged with the said *ad valorem* duty, in respect only of the purchase or consideration money which shall be therein mentioned to be paid or agreed to be paid for the same, by the person or persons, to whom or to whose use or in trust for whom the conveyance shall be made, without regard to the amount of the original purchase money.

And in all cases of such sub-sales as aforesaid, the sub-purchasers, and the persons immediately selling to them, shall be deemed and taken to be the purchasers and sellers, within the intent and meaning of the provisions and regulations of the aforesaid act of the 48 G. 3. c. 149. STAMPS (Conveyance), relating to the *ad valorem* duties on conveyances on the sale of property thereby imposed, and which are to be observed and enforced with regard to the said *ad valorem* duties hereby granted.

But where any sub-purchaser shall take an actual conveyance of the interest of the person immediately selling to him, which shall be chargeable with the said *ad valorem* duty in respect of the purchase or consideration money paid or agreed to be paid by him, and shall be duly stamped accordingly; any deed or instrument of conveyance to be afterwards made to him, of the property in question, by the original seller, shall be exempted from the said *ad valorem* duty, and be charged only with the ordinary duty on deeds or instruments of the same kind not upon a sale.

And where any lands or other property separately contracted to be purchased of different persons, at separate and distinct prices, shall be conveyed to the purchaser, or as he shall direct; in and by one and the same deed or

PART I. *continued.*

instrument, such deed or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration monies, therein mentioned to be paid or agreed to be paid for the same.

And where any lands, or other property shall be sold and conveyed, in consideration, wholly or in part, of any sum of money charged thereon by way of mortgage, wadset, or otherwise, and then due and owing to the purchaser, or shall be sold and conveyed, subject to any mortgage, wadset, bond, or other debt, or to any gross or entire sum of money, to be afterwards paid by the purchaser, such sum of money or debt shall be deemed the purchase or consideration money, or part of the purchase or consideration money, as the case may be, in respect whereof the said *ad valorem* duty is to be paid.

And to prevent doubts, respecting what shall be deemed the principal deed or instrument of conveyance, in certain cases, it is hereby declared:

That where any lands or hereditaments, in Eng. shall be conveyed by bargain and sale inrolled, and also by lease, and release or feoffment with or without any such letter or letters of attorney therein contained as aforesaid; the release or feoffment shall be deemed the principal deed; and the bargain and sale shall be charged only with the duty hereby imposed on deeds in general. (*See Deed.*) But the same shall not be inrolled or be available, unless also stamped for testifying the payment of the *ad valorem* duty on the release or feoffment.

And where any lands or hereditaments shall be conveyed by lease and release, and also by feoffment, with or without any such letter or letters of attorney therein contained as aforesaid; the release shall be deemed the principal deed; and the feoffment shall be charged only with the duty hereby imposed on deeds in general. (*See Deed.*) But the same shall not be available, unless also stamped for testifying the payment of the *ad valorem* duty on the release.

And where any copyhold or customary estate shall be conveyed, by a deed of bargain and sale, by the commissioners named in a commission of bankrupt, or by executors or others, by virtue of a power given by will, or by act of parliament, or otherwise, where a surrender shall not be necessary, the deed of bargain and sale shall be deemed the principal instrument.

And in other cases of copyhold or customary estates, the surrender or voluntary grant, or the memorandum thereof respectively, if made out of court, or the copy of court roll of the surrender or voluntary grant, if made in court, shall be deemed the principal instrument.

And copies of court roll, made after the 31st Aug. 1815, of surrenders and voluntary grants made in court before or upon that day, and subsequent to the 10th Oct. 1808, shall be charged with the said *ad valorem* duties. But copies of court roll, of surrenders, and voluntary grants made before or upon the 10th Oct. 1808, shall not be liable thereto.

And grants, and copies of court roll of grants, of copyhold or customary estates for a life or lives, are to be charged, as well as those for any greater interest.

And where in Scot. there shall be a disposition or assignation, executed by the seller, and any other instrument or instruments, writing, or writings, to complete the title, the disposition or assignation shall be deemed the principal instrument.

And where, upon the sale of any annuity or other right not before in existence, the same shall not be created by actual grant or conveyance, but shall only be secured by bond, warrant of attorney, covenant, contract, or otherwise; the bond or other instrument, by which the same shall be secured, or some one of such instruments, if there be more than one, shall be deemed and taken to be liable to the same duty, as an actual grant or conveyance.

And in the case of leases or tacks, where a yearly rent of 20*l.* or upwards shall be reserved, as part of the consideration for the same, there shall be charged a further duty; for which see LEASE.

AND WHERE THE principal or only deed or instrument of conveyance, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of £1 0 0

And where there shall be several deeds, instruments, or writings for completing the title to the property sold; such of them as are not liable to the said *ad valorem* duty shall be charged with the duty, to which the same may be liable, under any general or particular description of such deeds, instruments, or writings contained in this schedule.

And where, in any case not hereby expressly provided for, of several deeds, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to pay the said *ad valorem* duty thereon accordingly; and, if necessary, the other deeds, instruments, or writings, on which the doubt shall have arisen, shall be stamped with a particular stamp for denoting or testifying the payment of the *ad valorem* duty; upon all the deeds or instruments being produced, and appearing to be duly stamped in other respects.

And where there shall be duplicates of any deed or instrument, chargeable with the said *ad valorem* duty, exceeding 2*l.* one of them only shall be charged therewith, and the other or others shall be charged with the ordinary duty on deeds or instruments of the same kind not upon a sale; and on the whole being produced duly stamped as hereby required, the latter shall also be stamped with a particular stamp for denoting or testifying the payment of the said *ad valorem* duty.

And where any deed or instrument, operating as a conveyance on the sale of any property, shall operate also as a conveyance of any other than the property sold by way of settlement, or for any other purpose, or shall also contain any other matter or thing besides what shall be incident to the sale and conveyance of the property sold, or relate to the title thereto; every such deed or instrument shall be charged, in addition to the duty to which it shall be liable as a conveyance on the sale of property, and to any progressive duty to which it may also be liable, with such further stamp duty as any separate deed, containing the other matter, would have been chargeable with, exclusive of the progressive duty.

Exemptions from the preceding duties on conveyances upon the sale of lands, &c.

All surrenders and other instruments, relating only to copyhold or customary estates, whose clear yearly value shall not exceed 20*l.*; but which are herein-after otherwise charged.

All transfers of shares in the stock and funds of the governor and company of the Bank of Eng., and of the South Sea and East India companies; but which are herein-after otherwise charged.

All leases and tacks in consideration of a fine or grassum, for a life or lives not exceeding 3, or for a term of years determinable with a life or lives not exceeding 3, by whomsoever granted.

All leases in consideration of a fine for a term absolute, not exceeding 21 years, granted by ecclesiastical corporations, aggregate or sole.

And all voluntary grants made by the lord or lady of any manor of any copyhold or customary lands or hereditaments for a life or lives for a pecuniary consideration, and the copies of court roll of such voluntary grants.

All which leases, tacks, grants, and copies are herein-after charged with

PART I. *continued.*

Exemptions from the preceding and all other stamp duties, except the duty on the receipt for the consideration money.

Conveyances of rents purchased under the act of the 34 G.3.c. 75.s. 14. (*CROWN PROPERTY*, pl. 54.) for the better management of the land revenue of the crown, and for the sale of fee-farm and other unimprovable rents, upon subsequent sales thereof by the purchasers or their heirs or assigns, to the owners of the lands or other hereditaments, out of which the same are payable; where the consideration money to be paid on such subsequent sales shall not exceed the sum of 10*l.*

Exemptions from the preceding and all other stamp duties.

All transfers of shares in any of the government or parliamentary stocks or funds.

For other exemptions, see the titles GRANT, LEASE, and at the end of this part of the schedule.

CONVEYANCE of lands and rents belonging to the crown. See GRANT.

CONVEYANCE of any estate or property, in trust for sale, which shall be intended only as a security for money or stock. See MORTGAGE.

CONVEYANCE of the equity or right of redemption or reversion of lands or other property, to a purchaser, in the same deed with a mortgage, wadset, or other security made thereupon. See MORTGAGE.

CONVEYANCE of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty. £1 15 0

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of £1 5 0

COPY, attested to be a true copy, in the form which hath been commonly used for that purpose, or in any other manner authenticated or declared to be a true copy, or made for the purpose of being given in evidence as a true copy, of any agreement, contract, bond, deed, or other instrument of conveyance, or any other deed whatever, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, or of any part thereof respectively;

Where such a copy shall be made for the security or use of any person, being a party to, or taking any benefit or interest immediately under such agreement, contract, bond, deed, or other instrument. [*The same duty or duties as for the original instrument.*]

And where any such copy shall be made, for the security or use of any person, not being a party to, or taking any benefit or interest immediately, under such agreement, contract, bond, deed, or other instrument. £0 1 0

And for every entire quantity of 720 words contained therein, over and above the first 720 words, a further progressive duty of £0 1 0

And all copies, which shall at any time be offered in evidence, shall be deemed to have been made for that purpose.

Exemptions from the preceding and all other stamp duties.

All copies attested or authenticated as aforesaid, which shall be made for the private use only of any person having the custody of the original instrument, or of his or her counsel, attorney, or solicitor.

COPY, attested or authenticated as aforesaid, or made for the purpose of being given in evidence as a true copy of any original will, testament, or codicil; or of the probate or probate copy of any will or codicil; or of any letters of administration; or of any confirmation of a testament testamentary or dative, or of any part thereof respectively. £0 1 0

And for every entire quantity of 720 words, contained in any such copy, over and above the first 720 words, a further progressive duty of £0 1 0

And all copies which shall at any time be offered in evidence, shall be deemed to have been made for that purpose.

Office COPY or extract of any will or codicil, deposited in any ecclesiastical court in Eng. £0 1 0

And for every entire quantity of 90 words, contained in any such copy or extract, over and above the first 90 words, a further progressive duty of £0 1 0

COPY or extract of any memorial, or of the register of any memorial, registered pursuant to any act of parliament, made or to be made, for the public registering of deeds and conveyances in Eng. £0 5 0

And for every piece of vellum, parchment, or paper, upon which any such copy or extract shall be written, after the first, a further progressive duty of £0 5 0

Copy or extract of any deed, or of any other instrument not falling under the description of law proceedings, which shall be made or taken from the rolls or records of any of H.M.'s courts at Westminster £0 2 0

And for every piece of vellum, parchment, or paper, upon which any such copy or extract shall be written, after the first, a further progressive duty of £0 2 0

Attested COPY or extract of any deed, instrument, or writing, given out from any public register, or from the books or records of any court in Scotland, and not otherwise charged under the head of Law Proceedings £0 2 6

And where the same shall contain more than 600 words, then for every entire quantity of 600 words, contained therein, over and above the first 600 words, a further progressive duty of £0 2 6

And for any less quantity of words contained therein, over and above the first 600 words, or over and above any 2*l.*, 3*l.*, or other full quantity of 600 words, a further duty of £0 2 6

Exemptions from the preceding and all other stamp duties.

Certified copies of proceedings, and interlocutors required or authorized in cases of appeal to the house of lords.

Copies or extracts of protests, upon bills or promissory notes, for any sum under 40*l.* sterling.

Extracts of commissions of persons as delegates or representatives to the general assembly, or to any presbytery or church-court in Scot.; and of commissions of delegates to the convention of royal burghs; and of commissions of delegates from any royal burgh for the election of members of parliament.

COPYHOLD estates; and CUSTOMARY estates, passing by surrender and admittance, or by admittance only, and not by deed; INSTRUMENTS relating thereto, not otherwise charged under the head of mortgage, or of conveyance upon the sale of lands; viz.

Any SURRENDER made out of court, or the memorandum thereof; where the clear yearly value of the estate shall exceed 20*l.* £1 0 0

And where the same shall not exceed 20*l.* £0 5 0

See also CONVEYANCE upon the sale of lands, &c. and MORTGAGE.

Any ADMITTANCE out of court, or the memorandum thereof; where the clear yearly value of the estate shall exceed 20*l.* £1 0 0

And where the same shall not exceed 20*l.* £0 5 0

And where both a surrender and admittance, or more than one surrender or admittance, or the memorandum thereof, shall be contained in the same piece of vellum, parchment, or paper, whether upon a sale, mortgage, or other occasion, the proper duty shall be paid, in respect to each surrender and each admittance.

And where any surrender or admittance, or the memorandum thereof, to-

PART I. *continued.*

gether with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 0 0

The COPY of COURT ROLL of any surrender made in court; where the clear yearly value of the estate shall exceed 20s. £1 0 0

And where the same shall not exceed 20s. 0 5 0

See also CONVEYANCE upon the sale of lands, &c. and MORTGAGE.

The COPY of COURT ROLL of any admittance in court; where the clear yearly value of the estate shall exceed 20s. £1 0 0

And where the same shall not exceed 20s. 0 5 0

And where copies of both a surrender and admittance, or of more than one surrender or admittance, shall be contained in the same piece of vellum, parchment, or paper, whether upon a sale, mortgage, or other occasion, the proper duty shall be paid, in respect of each surrender and each admittance, except in the case of a recovery hereinafter provided for.

And where the copy of any such surrender or admittance, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 0 0

The COPY of COURT ROLL of the several surrenders, admittances, and other acts, which shall take place in court, for the purpose of perfecting a COMMON RECOVERY of any entailed copyhold or customary estate or estates, tenement or tenements, from the surrender to make a tenant of the *precipe*, down to the admittance of the tenant in tail, in fee, or to the admittance for life of the former tenant for life, with remainder to the tenant in tail, in fee, upon the surrender of the demandant, both inclusive; or from the surrender to make a tenant to the *precipe*, inclusive, to the admittance of the tenant in tail, or tenant for life, otherwise than as aforesaid, or to the admittance of any other person, upon the surrender of the demandant, exclusive; where the clear yearly value of the estate shall exceed 20s. five times £1 0 0

And where the same shall not exceed 20s. five times 0 5 0

And if the copy of court roll of any other admittance or surrender, admittances or surrenders, shall be contained in the same piece of vellum, parchment, or paper, with the copy of court roll of the several surrenders, admittances, and other acts for the purpose aforesaid; the same shall be charged with such and the same duty or duties, as if the same had been written upon a separate piece of vellum, parchment, or paper, over and above the said duties hereby imposed on the copy of court roll of the recovery.

Any VOLUNTARY GRANT by the lord or lady, or steward of any manor, made out of court, or the memorandum thereof, with or without admittance thereon; where the clear yearly value of the estate shall exceed 20s. twice £1 0 0

And where the same shall not exceed 20s. twice 0 5 0

See also CONVEYANCE upon the sale of lands, &c. and MORTGAGE.

The COPY of COURT ROLL of any voluntary grant made in court, by the lord or lady, or steward of any manor, with or without admittance thereon; where the clear yearly value of the estate shall exceed 20s. twice £1 0 0

And where the same shall not exceed 20s. twice 0 5 0

See also CONVEYANCE upon the sale of lands, &c. and MORTGAGE.

And where any voluntary grant, or the memorandum, or copy of court roll thereof, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 0 0

Any LICENCE to demise or the memorandum thereof, if granted out of court; and the COPY of COURT ROLL of any licence to demise, if granted in court; where the clear yearly value of the estate shall exceed 20s. £1 0 0

And where the same shall not exceed 20s. 0 5 0

Exemptions from the preceding and all other Stamp duties.

Original surrenders out of court, and copies of court roll of surrenders in court, to the uses of a will, or to a trustee for the uses or purposes of a will.

The court rolls or books of any manor, wherein the proceedings relating thereto shall be entered or minuted.

See also the General Exemptions at the end of this part of the schedule.

DEBENTURE or CERTIFICATE for entitling any person to receive any drawback of any duty or duties, or part of any duty or duties of customs or excise, or any bounty, payable out of the revenue of customs or excise, for or in respect of any goods, wares, or merchandise exported, or shipped to be exported from G. B. to any part beyond the seas;

If the same shall not exceed 100l. £0 5 0

If the same shall exceed 100l. and not exceed 200l. 0 10 0

200l. 1 0 0

500l. 2 0 0

Exemptions from the preceding and all other Stamp duties.

All debentures or certificates for bounty, which were heretofore exempted from stamp duty by any act or acts of parliament, granting a bounty on the exportation of linen or sail cloth.

DECLARATION of any use or trust, uses or trusts, of or concerning any estate or property, real or personal, where made by any writing not being a deed or will, not otherwise charged in this schedule £1 15 0

And where the same, together with any schedule, receipt, or other matter, put or indorsed thereon or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 5 0

If made by deed. See DEED.

DEED, whereby any real burden shall be declared or created on lands or heritable subjects in Scot. See MORTGAGE, DISPOSITION.

DEED containing an obligation to infect any person, in heritable subjects in Scot., under a clause of reversion, as a security for money, but without any personal bond or obligation therein for payment of the money intended to be secured. See MORTGAGE.

DEED of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty £1 15 0

And where the same, together with any schedule, receipt or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 5 0

DEFEAZANCE. Deed, or other instrument of defeazance, of any conveyance, disposition, assignation, or tack, apparently absolute, but intended only as a security for money or stock. See MORTGAGE.

DEPUTATION by the commissioners of Excise. See COMMISSION.

DEPUTATION or appointment of a gamekeeper to be collector of post-horse duties, by 57 G. 3. c. 58. § 6. £1 15 0

DISCHARGE for money. See RECEIPT.

DISPENSATION for holding 2 ecclesiastical dignities or benefices, or a dignity

PART I. *continued.*

and a benefice, in Eng., where either of them shall be above the yearly value of 10l. in the king's books £40 0 0

And in all other cases 25 0 0

DISPENSATION of any other kind, from the archbishop of Canterbury, or the master of the faculties, for the time being, or from the guardian of the spiritualities during a vacancy of the archbishop's see £40 0 0

DISPOSITION of lands or heritable subjects in Scot. to singular successors or purchasers. See CONVEYANCE.

DISPOSITION of lands or other heritable subjects in Scot., to a purchaser, containing a clause, declaring all or any part of the purchase-money a real burden upon or affecting the lands or heritable subjects thereby disposed, or any part thereof;

Such disposition shall be charged, not only with the *ad valorem* and *progressive* duties hereinafter charged on a conveyance upon the sale of lands or heritable subjects in Scot., but also with the *ad valorem* duty hereinafter charged on any deed creating a real burden on lands in Scot. See CONVEYANCE, MORTGAGE.

DISPOSITION in security, in Scot. See MORTGAGE.

DISPOSITION of any wadset, heritable bond, &c. See MORTGAGE.

DISPOSITION of any lands or other property, heritable or moveable, in Scot., or of any right or interest therein, not otherwise charged in this schedule £1 15 0

And where the same, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 5 0

DOCKET, made on passing under the great seal of the U. K., any grant, letters patent, exemplification, constat, or other instrument, requiring a docket £0 2 0

DONATION, by H. M., his heirs or successors, or by any other patron, Of any ecclesiastical benefice, dignity, or promotion in Eng., of the yearly value of 10l. or upwards in the king's books £20 0 0

Of any other ecclesiastical benefice, dignity, or promotion whatsoever in Eng. £10 0 0

DRAFT for money. See BILL OF EXCHANGE.

EIK to a reversion. See MORTGAGE.

EXCHANGE. Any deed, whereby any lands, or other hereditaments, or heritable subjects in Eng. or Scot. shall be conveyed, or any copyhold, or customary lands, or hereditaments in Eng. shall be covenanted to be surrendered, in exchange for other lands, or hereditaments, or heritable subjects;

If no sum of money, or only a sum under 300l. shall be paid, or agreed to be paid for equality of exchange; the ordinary duty of £1 15 0

And if a sum of 300l. or upwards shall be paid or agreed to be paid for equality of exchange. [The same *ad valorem* duty as for a conveyance on the sale of lands for a sum of money equal to the sum so paid, or agreed to be paid.]

And where any such deed of exchange, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 5 0

If the deed be liable, in the first instance, to a duty of 1l. 15s. 1 0 0

Or if liable to a higher duty in the first instance 1 0 0

And any duplicate of any such deed of exchange shall be charged with the same duty or duties; and if the exchange shall be effected or secured by separate conveyances or covenants, by distinct deeds, each deed shall be charged with the same duty or duties.

And in case there shall be more than one deed for completing the title to the lands, or other hereditaments, or heritable subjects conveyed by either party, the principal deed only shall be charged under this head of exchange; and any subordinate or collateral deed shall be charged with the duty to which it may be liable under any other description in this schedule.

EXEMPLIFICATION or constat, under the great seal of the U. K. of G. B. and Ire., of any letters patent or grant, made or to be made by H. M., his heirs or successors, or by any of his royal predecessors, of any honour, dignity, promotion, franchise, liberty, or privilege, or of any lands, office, or other thing whatsoever;

For every skin, sheet, or piece of vellum, parchment, or paper, upon which any such exemplification or constat shall be written £5 0 0

EXTRACTS from registers and records in Eng. and Scot. See COPY.

FACTORY, in the nature of a power of attorney in Scot. See LETTER of ATTORNEY.

FACULTY, licence, or commission, for admitting or authorizing any person to act as a notary public in Eng. £30 0 0

FACULTY, licence, or commission, for admitting or authorizing any person to act as a notary public in Scot. £20 0 0

FACULTY from the archbishop of Canterbury, or the master of the faculties for the time being, or from the guardian of the spiritualities during a vacancy of the archbishop's see, not otherwise charged £30 0 0

FEOFFMENT of lands or other hereditaments, in Eng., upon the sale or mortgage thereof. See CONVEYANCE, MORTGAGE.

FEOFFMENT of lands or other hereditaments, in Eng., not otherwise charged £1 15 0

And where the same shall contain any letter or letters of attorney to deliver or receive seisin, a further duty of £1 15 0

And where the same, together with any such letter or letters of attorney, and any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further *progressive* duty of £1 5 0

FURTHER CHARGE. See MORTGAGE.

GIFT of *ultimus hæres*, bastardy, escheat, or forfeiture, in Scot. See GRANT.

GIFT of the vacant stipend of any parish in Scot., whereof the presentation to the church shall belong to the crown £1 10 0

GRANT or letters patent, under the great seal of the U. K. of G. B. and Ire., or the seal of the duchy or county palatine of Lancaster, or under the seal kept and used in Scot. in place of the great seal formerly used there;

Of the honour or dignity of a duke £350 0 0

Of a marquis 300 0 0

Of an earl 250 0 0

Of a viscount 200 0 0

Of a baron 150 0 0

Of a baronet 100 0 0

Of a *comte d'elire*, to any dean and chapter, for the election of an archbishop or bishop £30 0 0

Of the royal assent to, or signification of the election made by any dean and chapter, or of the nomination and presentation by H. M., his heirs or successors, in default of such election, of any person to be an archbishop or bishop £30 0 0

PART I. *continued.*

Of or for the restitution of the temporalities to any archbishop or bishop. $\pounds 30$ 0 0
 Of any other honour, dignity, or promotion whatsoever, or of any franchise, liberty, or privilege, to any person or persons, body or bodies politic or corporate. $\pounds 30$ 0 0
 And where 2 or more honours or dignities shall be granted by the same letters patent to the same person, such letters patent shall be charged with the proper duty in respect of the highest in point of rank only.

And where any honour or dignity, honours or dignities, shall be granted to any person or persons, in remainder, the letters patent shall be charged with such further duty, in respect of every remainder, as would have been payable for an original grant of the same honour or dignity, honours or dignities.

And where any such grant or letters patent shall be contained in more than one skin, sheet, or piece of vellum, parchment, or paper, then for every skin, sheet, or piece thereof, after the first, a further progressive duty of $\pounds 20$ 0 0

Exemptions from the preceding and all other stamp duties.

Commissions of rebellion in process.

Letters patent or briefs for collecting charitable benevolences. [See 4 & 5 A. c. 14. CHARITIES, pl. 12.]

Letters patent for confirming any dispensation herein-before charged with a duty.

Letters patent appointing sheriffs in Eng., and the writs of assistance accompanying such letters patent.

GRANT, or warrant of precedence to take rank among nobility, under the sign-manual of H.M., his heirs or successors. $\pounds 100$ 0 0

GRANT or licence under the sign-manual, to take and use a surname and arms, or a surname only, in compliance with the injunctions of any will or settlement. $\pounds 50$ 0 0

GRANT or licence under the sign-manual, to take and use a surname and arms, or a surname only, upon any voluntary application. $\pounds 10$ 0 0

GRANT of arms or armorial ensigns only, under the sign-manual, or by any of the kings of arms of Eng. or Scot. $\pounds 10$ 0 0

GRANT, lease, or tack, under the great seal of the U.K. of G.B. and Ire. or the seal of the exchequer in Eng., or the seal of the duchy or county palatine of Lancaster, or the seal kept and used in Scot. in place of the great seal formerly used there; or under the privy seal in Eng., or the quarter seal or privy seal in Scot., unless directed to the great seal; or under the royal sign manual of H.M., his heirs or successors, unless directed to any of the seals aforesaid.

Of any lands, tenements, hereditaments, or heritable subjects, whatever the tenure thereof may be, which have or shall come to H.M., his heirs or successors, by *escheat* or *forfeiture*, or as *ultimus hæres*, or by reason of the same being purchased by or for any alien; or which H.M., his heirs or successors, is or shall be otherwise entitled to, in right of the crown, and be authorized to dispose of, *absolutely*, as he or they shall think fit; whether such grant, lease, or tack, shall be in fee or fee tail, or for term of life or years;

Of any lands, tenements, hereditaments, or heritable subjects belonging to the duchy of Lancaster, or belonging to the crown in Scot., whereof H.M., his heirs or successors, is or shall be authorized to make only certain *limited* grants, leases, or tacks; whether such grant, lease, or tack, shall be for term of life or years;

Of any goods, chattels, or personal or moveable estate, or other profit, whereof the grant is not otherwise charged in this schedule;

Where such grant, lease, or tack, shall be intended to operate in any degree, as a gift, *except in the cases next hereinafter mentioned*, then for every skin, sheet, or piece of vellum, parchment, or paper, upon which the same shall be written, a duty of $\pounds 30$ 0 0

And where any such grant, lease, or tack, operating as a gift, shall be of lands or other hereditaments, or heritable subjects, vested in H.M., his heirs or successors, by *escheat* or as *ultimus hæres*, for want of heirs of any person, who was a *bare trustee* thereof, or seized into the hands of the crown upon any *outlawry*, in a civil action, at the suit of any of H.M.'s subjects. $\pounds 15$ 0 0

And if any such grant, lease, or tack, charged with a duty of 1*l.* 1*s.* together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1$ 5 0

And where any such grant, lease, or tack, shall be made for what shall be deemed and intended as a *full and adequate consideration* for the same, either in money paid at once, or in rent, or in lands or hereditaments given in exchange, or otherwise. [The same duty as on a grant, lease, or tack of the like description, made by any of H.M.'s subjects.]

GRANT, or conveyance, under the seal of the duchy of Lancaster, made in pursuance of 19 G.3. c. 45., for enabling the chancellor and council of the duchy to sell certain rents, and to enfranchise copyhold and customary tenements within their survey. [The same duty as for any other conveyance upon the sale of any property for a consideration of the like amount. See CONVEYANCE.]

Exemptions from the preceding and all other stamp duties, except the duty on the receipt for the consideration money.

All grants and conveyances under the seal of the duchy of Lancaster, made in pursuance of the said act of 19 G.3. c. 45. where the consideration money paid for the same shall not exceed 10*l.* [See also 39 & 40 G.3. c. 72. s. 1., STAMPS, pl. 44.]

GRANT, lease, or other conveyance, from H.M., his heirs or successors, of any lands, tenements, or hereditaments, or of any personal estate, being respectively the *private property* of H.M., his heirs or successors, and subject to his or their absolute disposal, by virtue of the 39 & 40 G.3. c. 88., (KING, &c. pl. 116.) concerning the disposition of certain real and personal property of H.M., his heirs or successors. [The same duty as on a grant, lease, or conveyance of the like description, from any of H.M.'s subjects.]

GRANT under the great seal of the U.K. of G.B. and Ire., or the seal kept and used in Scot. in place of the great seal formerly used there; or under the privy seal in Eng., or the quarter seal or privy seal in Scot., unless directed to the great seal; or under the sign-manual of H.M., his heirs or successors, unless directed to any of the seals aforesaid; out of the civil list, either of Eng. or Scot., or out of any other fund, not being part of the supplies of the year, or appropriated by parliament;

Of any definite and certain sum or sums of money,

Not amounting to 100 <i>l.</i>	Amounting to $\pounds 100$	and not amounting to $\pounds 250$	$\pounds 1$ 10 0
	250	500	4 0 0
	500	750	10 0 0
	750	1,000	20 0 0
	1,000 or upwards; for every 100 <i>l.</i> thereof		30 0 0

PART I. *continued.*

Of or any annuity or pension, Not amounting to 100 <i>l.</i> per ann.	Amounting to $\pounds 100$ and not amounting to $\pounds 200$ per ann.	$\pounds 1$ 10 0
200	400	4 0 0
400	600	10 0 0
600	800	20 0 0
800	1,000	30 0 0
1,000 per ann. or upwards.		40 0 0

But where any such grant of an annuity or pension shall be made in confirmation or by way of renewal only, of any former grant of the like amount and description, then only a duty of $\pounds 1$ 10 0

And where several and distinct annuities or pensions shall be granted to or for the benefit of different persons by the same instrument, the proper duty shall be charged in respect of each annuity or pension; but where the grant shall be of any annuity or pension, to or for the benefit of 2 or more persons jointly, the duty shall be charged in respect of the whole.

GRANT, or appointment by H.M., his heirs or successors, or by any other person or persons, body politic or corporate, of or to any office or employment, by letters patent, deed, or other writing;

Where the salary, fees, and emoluments appertaining thereto, shall not amount to 50*l.* per ann.

Amounting to $\pounds 50$	and not to $\pounds 100$	$\pounds 4$ 0 0	Amounting to $\pounds 750$	and not to $\pounds 1,000$	$\pounds 50$ 0 0
100	200	6 0 0	1,000	1,500	75 0 0
200	300	12 0 0	1,500	2,000	100 0 0
300	500	25 0 0	2,000	3,000	150 0 0
500	750	35 0 0	3,000 or upwards		200 0 0

The said fees and emoluments to be estimated according to the average amount thereof for 3 years preceding, where practicable; and in other cases, according to the best information that can be obtained.

And where any such grant or appointment shall be made to or of 2 or more persons jointly, with separate and distinct salaries, fees, or emoluments, the same shall be charged with a separate and distinct duty, in respect of each person, according to the amount of the salary, fees, and emoluments appertaining to such person.

Provided always, that no duty shall be charged, in respect of any person to whom any office or employment shall be granted anew, upon the revocation of any former grant or appointment thereof, and who shall have paid a stamp duty on such former grant or appointment, unless the salary, fees, and emoluments appertaining to such person, shall be in any manner augmented; and in that case, a duty shall be charged, in respect of such person, only in proportion to the amount of the augmentation.

GRANT by copy of court roll. See CONVEYANCE, COPYHOLD.

GRANT upon the sale of any property not belonging to the crown. See CONVEYANCE.

HERITABLE BOND. See BOND, MORTGAGE.

INSTITUTION, granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court, in and to any ecclesiastical benefice, dignity, or promotion, in Eng.;

Where the same shall proceed upon a presentation. $\pounds 2$ 0 0

And where it shall proceed upon the petition of the patron to be himself admitted and instituted; if the benefice, dignity, or promotion shall be of the yearly value of 10*l.* or upwards in the king's books. $\pounds 30$ 0 0

Or if the same shall be of any other description. $\pounds 15$ 0 0

But such petition shall not be liable to any stamp-duty.

INSTITUTION, by any presbytery or other competent authority, to ecclesiastical benefices in Scot. See COLLATION.

INVENTORY. See SCHEDULE.

LAND-TAX. Instruments relating to the redemption and sale thereof. See the general exemptions at the end of this part of the schedule.

LEASES, or tacks of lands, &c. belonging to H.M., in right of the crown, or otherwise. See GRANT.

LEASES, or tacks of lands, &c. not belonging to H.M. viz.

LEASE (or bargain and sale) for a year. See BARGAIN AND SALE.

LEASE, or tack of any lands, hereditaments, or heritable subjects, granted in consideration of a sum of money by way of fine, premium, or *grassum*, paid for the same, without any yearly rent, or with any yearly rent, under 20*l.* [The same duty as for the conveyance on the sale of lands for a sum of money of the same amount.]

(Save and except leases and tacks for a life or lives not exceeding 3, or for a term of years determinable with a life or lives not exceeding 3, by whomsoever granted, and leases for a term absolute not exceeding 21 years, granted by ecclesiastical corporations, aggregate or sole.)

LEASE or tack of any lands, hereditaments, or heritable subjects, at a yearly rent, without any sum of money by way of fine, premium, or *grassum*, paid for the same;

Where the yearly rent shall not amount to 20*l.* $\pounds 1$ 0 0

Amounting to $\pounds 20$	and not to $\pounds 100$	$\pounds 1$ 10 0	Amounting to $\pounds 600$	and not to $\pounds 800$	$\pounds 5$ 0 0
100	200	2 0 0	800	1,000	6 0 0
200	400	3 0 0	1,000 or upwards		10 0 0
400	600	4 0 0			

LEASE or tack of any lands, hereditaments, or heritable subjects, granted in consideration of a sum of money by way of fine, premium or *grassum*, and also of a yearly rent amounting to 20*l.* or upwards. [Both the *ad valorem* duties payable for a lease in consideration of a fine only, and for a lease in consideration of a rent only, of the same amount.]

(Save and except the leases and tacks hereinbefore excepted.)

LEASE, or tack of any kind, not otherwise charged in this schedule. $\pounds 1$ 15 0

And for the counterpart or duplicate of any lease or tack hereby charged with a duty not exceeding 1*l.* [The like duty as on the lease or tack.]

And for the counterpart or duplicate of any other lease or tack whatsoever. $\pounds 1$ 10 0

And where any such lease or tack, counterpart, or duplicate as aforesaid, together with any schedule, receipt, or other matter, put or indorsed thereon or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1$ 0 0

Exemptions from the preceding and all other stamp duties.

Leases or tacks of waste or uncultivated lands to any poor or labouring persons for any term not exceeding 3 lives, or 99 years, where the fine shall not exceed 5*s.*, nor the reserved rent one guinea per ann.; and the counterparts or duplicates of all such leases.

LETTER, or power of attorney, made by any petty officer, seaman, marine, or soldier serving as a marine, or by the executors or administrators of any such person, for receiving prize money. $\pounds 0$ 1 0

and for receiving wages. $\pounds 1$ 0 0

PART I. continued.

LETTER of attorney for the sale, transfer, acceptance, or receipt of dividends, of any of the government or parliamentary stocks or funds £1 0 0

LETTER or power of attorney of any other kind, or commission or factory in the nature thereof £1 10 0

And where the same, together with any schedule, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of £1 0 0

Exemptions from the preceding and all other stamp duties.
Letters of attorney for the receipt of dividends of any definite and certain share of the government or parliamentary stocks or funds, producing a yearly dividend of less than £1.

LETTER of licence from creditors to a debtor £1 15 0

And where the same, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of £1 5 0

LETTERS of marque and reprisal 5 0 0

LETTERS Patent. See GRANT.

LETTER of REVERSION, in Scot. See MORTGAGE.

LICENCE for marriage, in Eng., if special 5 0 0

If not special 0 10 0

LICENCE to be granted by any archbishop, bishop, vicar-general, or other competent authority, in Eng., for the non-residence of any clergyman upon his living, pursuant to 43 G.S. c. 84. [which was R.R. and new provisions made 57 G.S. c. 99., SPIRITUAL PERSONS, pl. 89.] £1 0 0

LICENCE of any kind, not otherwise charged in this schedule, which shall pass the seal of any archbishop, bishop, chancellor, or other ordinary, or of any ecclesiastical court in Eng., or which shall be granted by any presbytery, or other ecclesiastical power, in Scot. £2 0 0

Exemptions from the preceding and all other stamp duties.
Licences to stipendiary curates in Eng., wherein the annual amount of the stipend shall be specified; and licences for the non-residence of clergymen upon their livings; where granted on the ground of there being no house or no fit house of residence thereon. [See also 28 G.S. c. 28., 38 G.S. c. 56. STAMPS.]

LICENCE to use and exercise the calling or occupation of an appraiser £0 10 0

To be taken out yearly, by every person who shall exercise the said calling or occupation, or make any appraisement or valuation, hereinafter charged with a duty, for or in expectation of any gain, fee, or reward, except licensed auctioneers.

LICENCE to be taken out yearly by any banker or bankers, or other person or persons who shall issue any promissory notes for money payable to the bearer on demand, and allowed to be re-issued £30 0 0

LICENCE to be taken out yearly for using or exercising the trade or business of a pawnbroker, within the cities of London and Westminster, or within the limits of the two-penny post £15 0 0

And for using or exercising the trade or business of a pawnbroker elsewhere £7 10 0

LICENCE to exercise the faculty of physic. See ADMISSION.

LICENCE to act as a notary public. See FACULTY.

LICENCE to demise copyhold lands. See COPYHOLD.

MARRIAGE LICENCE. See LICENCE.

MATRICULATION in the universities. See ADMISSION.

MEMORIAL to be registered pursuant to any act of parliament, made or to be made for the public registering of deeds and conveyances in Eng. £0 10 0

And for every piece of vellum, parchment, or paper, upon which any such memorial shall be written, after the first, a further progressive duty of £0 10 0

MEMORIAL to be registered or inrolled pursuant to act of parliament, of any deed or instrument, deeds or instruments, whereby any annuity shall be granted or secured in Eng. £1 0 0

And for every piece of vellum, parchment, or paper, upon which any such memorial shall be written, after the first, a further progressive duty of £1 0 0

MORTGAGE, Conditional surrender by way of mortgage, further charge, wadset, and heritable bond; disposition, assignation, or tack, in security; and ilk to a reversion; or of affecting any lands, estate, or property, real or personal, heritable or moveable whatsoever.

Also any deed containing an obligation to infest any person in an annual rent, or in lands or other heritable subjects, in Scot., under a clause of reversion, but without any personal bond or obligation therein contained, for payment of the money or stock intended to be secured.

Also any conveyance of any lands, estate, or property whatsoever, in trust, to be sold or otherwise converted into money, which shall be intended only as a security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise; except where such conveyance shall be made for the benefit of creditors generally, or for the benefit of creditors specified, who shall accept the provision made for payment of their debts in full satisfaction thereof, or who shall exceed five in number;

Also any delance, letter of reversion, back-bond, declaration, or other deed or writing for defeating or making redeemable, or explaining or qualifying any conveyance, disposition, assignation, or tack, of any lands, estate, or property whatsoever, which shall be apparently absolute, but intended only as a security;

Also any agreement, contract, or bond, accompanied with a deposit of title-deeds for making a mortgage, wadset, or any such other security or conveyance as aforesaid, of any lands, estate, or property, comprised in such title-deeds, or for pledging or charging the same as a security;

And also any deed, whereby a real burden shall be declared or created on lands or heritable subjects in Scot.

Where the same respectively shall be made, as a security for the payment of any definite and certain sum of money, advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable, Not exceeding 50l. £1 0 0

Not exceeding		£1 10 0	Not exceeding		£1 0 0
Exceeding	Not exceeding		Exceeding	Not exceeding	
£50	£100	£1 10 0	£9000	£4000	£8 0 0
100	200	2 0 0	4000	5000	9 0 0
200	300	3 0 0	5000	10,000	10 0 0
300	400	4 0 0	10,000	15,000	11 0 0
400	500	5 0 0	15,000	20,000	12 0 0
500	600	6 0 0	20,000		13 0 0
600	700	7 0 0			14 0 0
700	800	8 0 0			15 0 0
800	900	9 0 0			16 0 0
900	1000	10 0 0			17 0 0
1000	1100	11 0 0			18 0 0
1100	1200	12 0 0			19 0 0
1200	1300	13 0 0			20 0 0
1300	1400	14 0 0			21 0 0
1400	1500	15 0 0			22 0 0
1500	1600	16 0 0			23 0 0
1600	1700	17 0 0			24 0 0
1700	1800	18 0 0			25 0 0
1800	1900	19 0 0			26 0 0
1900	2000	20 0 0			27 0 0
2000	2100	21 0 0			28 0 0
2100	2200	22 0 0			29 0 0
2200	2300	23 0 0			30 0 0
2300	2400	24 0 0			31 0 0
2400	2500	25 0 0			32 0 0
2500	2600	26 0 0			33 0 0
2600	2700	27 0 0			34 0 0
2700	2800	28 0 0			35 0 0
2800	2900	29 0 0			36 0 0
2900	3000	30 0 0			37 0 0
3000	3100	31 0 0			38 0 0
3100	3200	32 0 0			39 0 0
3200	3300	33 0 0			40 0 0
3300	3400	34 0 0			41 0 0
3400	3500	35 0 0			42 0 0
3500	3600	36 0 0			43 0 0
3600	3700	37 0 0			44 0 0
3700	3800	38 0 0			45 0 0
3800	3900	39 0 0			46 0 0
3900	4000	40 0 0			47 0 0
4000	4100	41 0 0			48 0 0
4100	4200	42 0 0			49 0 0
4200	4300	43 0 0			50 0 0
4300	4400	44 0 0			51 0 0
4400	4500	45 0 0			52 0 0
4500	4600	46 0 0			53 0 0
4600	4700	47 0 0			54 0 0
4700	4800	48 0 0			55 0 0
4800	4900	49 0 0			56 0 0
4900	5000	50 0 0			57 0 0
5000	5100	51 0 0			58 0 0
5100	5200	52 0 0			59 0 0
5200	5300	53 0 0			60 0 0
5300	5400	54 0 0			61 0 0
5400	5500	55 0 0			62 0 0
5500	5600	56 0 0			63 0 0
5600	5700	57 0 0			64 0 0
5700	5800	58 0 0			65 0 0
5800	5900	59 0 0			66 0 0
5900	6000	60 0 0			67 0 0
6000	6100	61 0 0			68 0 0
6100	6200	62 0 0			69 0 0
6200	6300	63 0 0			70 0 0
6300	6400	64 0 0			71 0 0
6400	6500	65 0 0			72 0 0
6500	6600	66 0 0			73 0 0
6600	6700	67 0 0			74 0 0
6700	6800	68 0 0			75 0 0
6800	6900	69 0 0			76 0 0
6900	7000	70 0 0			77 0 0
7000	7100	71 0 0			78 0 0
7100	7200	72 0 0			79 0 0
7200	7300	73 0 0			80 0 0
7300	7400	74 0 0			81 0 0
7400	7500	75 0 0			82 0 0
7500	7600	76 0 0			83 0 0
7600	7700	77 0 0			84 0 0
7700	7800	78 0 0			85 0 0
7800	7900	79 0 0			86 0 0
7900	8000	80 0 0			87 0 0
8000	8100	81 0 0			88 0 0
8100	8200	82 0 0			89 0 0
8200	8300	83 0 0			90 0 0
8300	8400	84 0 0			91 0 0
8400	8500	85 0 0			92 0 0
8500	8600	86 0 0			93 0 0
8600	8700	87 0 0			94 0 0
8700	8800	88 0 0			95 0 0
8800	8900	89 0 0			96 0 0
8900	9000	90 0 0			97 0 0
9000	9100	91 0 0			98 0 0
9100	9200	92 0 0			99 0 0
9200	9300	93 0 0			100 0 0
9300	9400	94 0 0			101 0 0
9400	9500	95 0 0			102 0 0
9500	9600	96 0 0			103 0 0
9600	9700	97 0 0			104 0 0
9700	9800	98 0 0			105 0 0
9800	9900	99 0 0			106 0 0
9900	10000	100 0 0			107 0 0
10000	10100	101 0 0			108 0 0
10100	10200	102 0 0			109 0 0
10200	10300	103 0 0			110 0 0
10300	10400	104 0 0			111 0 0
10400	10500	105 0 0			112 0 0
10500	10600	106 0 0			113 0 0
10600	10700	107 0 0			114 0 0
10700	10800	108 0 0			115 0 0
10800	10900	109 0 0			116 0 0
10900	11000	110 0 0			117 0 0
11000	11100	111 0 0			118 0 0
11100	11200	112 0 0			119 0 0
11200	11300	113 0 0			120 0 0
11300	11400	114 0 0			121 0 0
11400	11500	115 0 0			122 0 0
11500	11600	116 0 0			123 0 0
11600	11700	117 0 0			124 0 0
11700	11800	118 0 0			125 0 0
11800	11900	119 0 0			126 0 0
11900	12000	120 0 0			127 0 0
12000	12100	121 0 0			128 0 0
12100	12200	122 0 0			129 0 0
12200	12300	123 0 0			130 0 0
12300	12400	124 0 0			131 0 0
12400	12500	125 0 0			132 0 0
12500	12600	126 0 0			133 0 0
12600	12700	127 0 0			134 0 0
12700	12800	128 0 0			135 0 0
12800	12900	129 0 0			136 0 0
12900	13000	130 0 0			137 0 0
13000	13100	131 0 0			138 0 0
13100	13200	132 0 0			139 0 0
13200	13300	133 0 0			140 0 0
13300	13400	134 0 0			141 0 0
13400	13500	135 0 0			142 0 0
13500	13600	136 0 0			143 0 0
13600	13700	137 0 0			144 0 0
13700	13800	138 0 0			145 0 0
13800	13900	139 0 0			146 0 0
13900	14000	140 0 0			147 0 0
14000	14100	141 0 0			148 0 0
14100	14200	142 0 0			149 0 0
14200	14300	143 0 0			150 0 0
14300	14400	144 0 0			151 0 0
14400	14500	145 0 0			152 0 0
14500	14600	146 0 0			153 0 0
14600	14700	147 0 0			154 0 0
14700	14800	148 0 0			155 0 0
14800	14900	149 0 0			156 0 0
14900	15000	150 0 0			157 0 0
15000	15100	151 0 0			158 0 0
15100	15200	152 0 0			159 0 0
15200	15300	153 0 0			160 0 0
15300	15400	154 0 0			161 0 0
15400	15500	155 0 0			162 0 0
15500	15600	156 0 0			163 0 0
15600	15700	157 0 0			164 0 0
15700	15800	158 0 0			165 0 0
15800	15900	159 0 0			166 0 0
15900	16000	160 0 0			167 0 0
16000	16100	161 0 0			168 0 0
16100	16200	162 0 0			169 0 0
16200	16300	163 0 0			170 0 0
16300	16400	164 0 0			171 0 0
16400	16500	165 0 0			172 0 0
16500	16600	166 0 0			173 0 0
16600	16700	167 0 0			174 0 0
16700	16800	168 0 0			175 0 0
16800	16900	169 0 0			176 0 0
16900					

PART I. continued.

exempted from the said *ad valorem* duty, shall be stamped with a particular stamp, for denoting or testifying the payment of the said *ad valorem* duty, upon all the deeds and instruments relating to the particular transaction being produced, and appearing to be duly stamped with the duties to which they were liable.

For general exemptions from the preceding and all other stamp duties, see the end of this part of the schedule.

MORTGAGE, *wadset*, &c. with a conveyance of the equity or right of redemption or reversion, or other matter in the same deed; viz.

Where any deed or writing shall operate as a mortgage or other instrument hereby charged with the *ad valorem* duty on mortgages, and also as a conveyance of the equity or right of redemption or reversion of any lands, estate, or property therein comprised, to, or in trust for, or according to the direction of an assignee, such deed or writing shall be charged not only with the said *ad valorem* duty on mortgages, but also with the *ad valorem* duty herein-before charged on a conveyance upon the sale of any property; but where the equity or right of redemption or reversion shall be thereby conveyed, or limited in any other manner, such deed or writing shall be charged only as a mortgage.

And in all other cases where a mortgage or other instrument hereby charged with the *ad valorem* duty on mortgages shall be contained in one and the same deed or writing with any other matter or thing (except what shall be incident to such mortgage or other instrument), such deed or writing shall be charged with the same duties (except the progressive duty), as such mortgage or other instrument and such other matter or thing would have been separately charged with if contained in separate deeds or writings.

And where any such deed or writing, as is mentioned in the two preceding clauses, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words a further progressive duty of

MUTUAL DISPOSITION or conveyance in *Scot.* See EXCHANGE and PARTITION.

NOMINATION by H. M., his heirs or successors, or by any other patron, to any perpetual curacy in *Eng.*

NOTARIAL ACT; any whatsoever not otherwise charged in this schedule

And for every sheet or piece of paper, parchment, or vellum, upon which the same shall be written, after the first, a further progressive duty of

ORDER for the payment of money. See BILL of EXCHANGE.

PARTITION. Any deed, whereby any lands or other hereditaments, or heritable subjects, in *Eng.* or *Scot.*, shall be conveyed, or any copyhold or customary lands or hereditaments, in *Eng.*, shall be covenanted to be surrendered, in order to effect a partition or division thereof, among coparceners, joint-tenants, or tenants in common, heirs-portioners, conjux-fians, or joint-proprietors of any sort;

If no sum of money, or only a sum under 800*l.* shall be paid, or agreed to be paid, for equality of partition or division; the ordinary duty of

And if any sum or sums of money, amounting to 800*l.* or upwards, shall be paid, or agreed to be paid, for equality, [The same *ad valorem* duty as for a conveyance on the sale of lands, for a sum of money equal to the amount of the sum or sums so paid or agreed to be paid.]

And where any such deed of partition or division, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of,

If the deed be liable, in the first instance, to a duty of 1*l.* 1*s.*

Or if liable to a higher duty in the first instance

And any duplicate of any such deed of partition or division shall be charged with the same duty or duties.

And in case there shall be more than one deed, for completing the title to the estate or interest conveyed by either party, the principal deed only shall be charged under this head of partition; and any subordinate or collateral deed shall be charged with the duty to which it may be liable, under any other description in this schedule.

PASSPORT

PAWNBROKER's licence. See LICENCE.

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called; whereby any insurance shall be made upon any life or lives, or upon any event or contingency relating to or depending upon any life or lives.

Where the sum insured shall not amount to 500*l.*

And where it shall amount to ≥ 500 and not to ≥ 1000

1000 3000 3 0 0

3000 5000 4 0 0

5000 or upwards 5 0 0

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made of or upon any building, goods, wares, merchandise, or other property, from loss or damage by fire only, by any public company, or other person or persons duly licensed, or who ought to be licensed, by the commissioners of stamps, pursuant to 25 G.3. c.48. [see STAMPS (Insurance, Fire)], or by the Royal Exchange, or London Assurance Corporation

And for and in respect of every insurance from loss or damage by fire only, which shall at any time after the 28 Sept. 1815, be made or renewed, or continued by any public company, or other person or persons licensed, or who ought to be licensed, as above mentioned, or by the Royal Exchange or London Assurance Corporation, a duty of 8*s.* for every 100*l.* insured for a year, and at and after that rate for any fractional part of 100*l.* insured, and for any fractional part of a year, as well as for any number of years for which the insurance shall be made or renewed, or continued; but no fraction of a penny shall be charged

Exemptions.

Insurances on public hospitals, and on property in any foreign kingdom or state in amity with H. M., his heirs or successors.

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made, pursuant to 50 G.3. c.35. [see STAMPS (Insurance, Fire)], by any person or persons, not being licensed pursuant to the said act of 50 G.3. c.48, of or upon any building, goods, wares, merchandise, or other property, situated and being in any of the islands, settlements, or territories belonging to or under the dominion of H. M., his heirs or successors, in the West Indies, or elsewhere beyond the seas, from loss or damage by fire, for any period of time not exceeding 12 calendar months

And also the further or additional duty following, viz.

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any ship or vessel, or upon any goods, merchandise, or other property on board of any ship

PART I. continued.

or vessel, or upon the freight of any ship or vessel, or upon any other interest in or relating to any ship or vessel which may lawfully be insured, for or upon any voyage from any port or place in the U. K. of G. B. and Ire., or in the islands of Guernsey, Jersey, Alderney, or Sark, or the Isle of Man, to any other port or place in the said kingdom or islands, or Isle of Man;

Where the premium or consideration for such insurance, actually and *bond fide* paid, given, or contracted for, shall not exceed the rate of 80*s.* per centum on the sum insured;

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

And where the premium or consideration for such insurance, actually and *bond fide* paid, given or contracted for, shall exceed the rate of 80*s.* per centum on the sum insured;

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

But if the separate interests of 2 or more distinct persons shall be insured by one policy or instrument, then the said duty of 1*s.* 3*d.* or 2*s.* 6*d.* as the case may require, shall be charged thereon, in respect of each and every fractional part of 100*l.* as well as in respect of every full sum of 100*l.* which shall be thereby insured upon any separate and distinct interest.

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any ship or vessel, or upon any goods, merchandise, or other property on board of any ship or vessel, or upon the freight of any ship or vessel, or upon any other interest in or relating to any ship or vessel which may lawfully be insured, for or upon any other voyage than is herein-before specified, or for any certain term or period of time, not exceeding 12 calendar months;

Where the premium or consideration for such insurance, actually and *bond fide* paid, given, or contracted for, shall not exceed the rate of 80*s.* per centum on the sum insured;

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

And where the premium or consideration for such insurance, actually and *bond fide* paid, given or contracted for, shall exceed the rate of 80*s.* per centum on the sum insured;

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

But if the separate interests of 2 or more distinct persons shall be insured by one policy or instrument, then the said duty of 2*s.* 6*d.* or 5*s.* as the case may require, shall be charged thereon, in respect of each and every fractional part of 100*l.* as well as in respect of every full sum of 100*l.* which shall be thereby insured upon any separate and distinct interest.

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any insurance, commonly called a *mutual insurance*, shall be made, or whereby divers persons shall insure, or agree to insure, one another, without any premium or pecuniary consideration, from any loss, damage, or misfortune, that may happen of or to any ship or vessel, or any goods, merchandise, or other property on board of any ship or vessel, or the freight of any ship or vessel, or any other interest in or relating to any ship or vessel, which may lawfully be insured;

Upon any voyage from any port or place in the U. K. of G. B. and Ire., or in the islands of Guernsey, Jersey, Alderney, or Sark, or the Isle of Man, to any other port or place in the said kingdom or islands, or Isle of Man;

For every sum of 100*l.* and also for each and every fractional part of 100*l.* thereby insured to any person or persons

Upon any other voyage whatsoever, or for any certain term or period of time not exceeding 12 calendar months;

For every sum of 100*l.* and also for each and every fractional part of 100*l.* thereby insured to any person or persons

POLICY of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any other lawful insurance whatsoever, not herein-before charged, shall be made upon any property or interest whatever, from loss or damage of any kind;

Where the premium or consideration for such insurance, actually and *bond fide* paid, given, or contracted for, shall not exceed the rate of 80*s.* per centum on the sum insured;

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

And where the premium or consideration for such insurance, actually and *bond fide* paid, given, or contracted for, shall exceed the rate of 80*s.* per centum on the sum insured; and also where the insurance shall be made for any other than a pecuniary consideration;

If the whole sum insured shall not exceed 100*l.*

And if the whole sum insured shall exceed 100*l.* then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist

But if the separate interests of 2 or more distinct persons shall be insured by one policy or instrument, then the said duty of 2*s.* 6*d.* or 5*s.* as the case may require, shall be charged thereon, in respect of each and every fractional part of 100*l.* as well as in respect of every full sum of 100*l.* which shall be thereby insured upon any separate and distinct interest.

POWER of ATTORNEY. See LETTER of ATTORNEY.

PRECEPT of clare constat, to give seisin of lands or other heritable subjects in *Scot.*

And where the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of

PRESENTATION by H. M., his heirs or successors, or by any other patron;

To any ecclesiastical benefice, dignity, or promotion in *Eng.*, of the yearly value of 10*l.* or upwards, in the king's books

To any other ecclesiastical benefice, dignity, or promotion whatsoever in *Eng.*

PROCURATION, deed or other instrument of,

And where the same, together with any schedule or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of

PROMISSORY NOTE, for the payment, to the bearer on demand, of any sum of money, not exceeding 1*l.*

Exceeding	not exceeding	Exceeding	not exceeding
2 1	2 2	40 0 10	40 0 0
2 2	2 3	0 1 3	30 0
2 3	2 4	0 1 9	50 0
2 4	2 5	0 2 0	100 0

PART I. *continued.*

PROMISSORY NOTE for the payment, in any other manner than to the bearer on demand, but not exceeding 2 months after date, or 30 days after sight, of any sum of money.

Amounting to 40s. and not exceeding 5l. 5s.		Exceeding not exceeding		Exceeding not exceeding		Exceeding not exceeding	
£ 5	0	£ 10	0	£ 20	0	£ 50	0
30	0	80	0	50	0	100	0
		0	2	0	0	0	2
		0	6	0	0	0	6

These notes are not to be re-issued after being once paid.

Amounting to 40s. and not exceeding 5l. 5s.		Exceeding not exceeding		Exceeding not exceeding		Exceeding not exceeding	
£ 100	0	£ 200	0	£ 1000	0	£ 2000	0
200	0	300	0	2000	0	3000	0
300	0	500	0	3000	0	5000	0
500	0	1000	0	5000	0	10000	0

The notes are not to be re-issued after being once paid.

Amounting to 40s. and not exceeding 5l. 5s.		Exceeding not exceeding		Exceeding not exceeding		Exceeding not exceeding	
£ 5	0	£ 10	0	£ 20	0	£ 50	0
30	0	80	0	50	0	100	0
		0	2	0	0	0	2
		0	6	0	0	0	6

These notes are not to be re-issued after being once paid.

PROMISSORY NOTE for the payment of any sum of money by instalments, or for the payment of several sums of money at different days or times, so that the whole of the money to be paid shall be definite and certain. [The same duty as on a promissory note, payable in less than 2 months after date, for a sum equal to the whole amount of the money to be paid.]

And the following instruments shall be deemed and taken to be promissory notes, within the intent and meaning of this schedule, viz.

All notes, promising the payment of any sum or sums of money out of any particular fund, which may or may not be available; or upon any condition or contingency, which may or may not be performed or happen; if the same shall be made payable to the bearer, or to order, and if the same shall be definite and certain, and not amount in the whole to 30l.

And all receipts for money deposited in any bank, or in the hands of any banker or bankers, which shall contain any agreement or memorandum, importing that interest shall be paid for the money so deposited.

Exemptions from the duties on promissory notes.

All notes, promising the payment of any sum or sums of money out of any particular fund, which may or may not be available; or upon any condition or contingency, which may or may not be performed or happen; where the same shall not be made payable to the bearer or to order, and also where the same shall be made payable to the bearer or to order, if the same shall amount to 30l., or be indefinite.

And all other instruments, bearing in any degree the form or style of promissory notes, but which in law shall be deemed special agreements, except those hereby expressly directed to be deemed promissory notes.

But such of the notes and instruments here exempted from the duty on promissory notes shall nevertheless be liable to the duty which may attach thereon, as agreements or otherwise.

Exemptions from the preceding and all other stamp duties.

All promissory notes for the payment of money, issued by the governor and company of the Bank of England.

PROFIT of any bill of exchange or promissory note, for any sum of money.		Not amounting to 20l.		Amounting to 20l. and not amounting to 100l.		Amounting to 100l. and not amounting to 500l.		Amounting to 500l. or upwards	
£ 2	0	£ 10	0	£ 20	0	£ 100	0	£ 500	0
10	0	80	0	50	0	200	0	1000	0
		0	2	0	0	0	0	0	0
		0	6	0	0	0	0	0	0

And for every sheet or piece of paper, parchment, or vellum, upon which the same shall be written, after the first, a further progressive duty of 0 5 0

PURCHASE DEED. See CONVEYANCE on the sale of lands, &c.

REAL BURDEN on lands in Scot., deed creating. See MORTGAGE. DISPOSITION.

RELEASE or discharge, given for or upon the payment of money.		Amounting to		Amounting to		Amounting to	
£ 2	0	£ 10	0	£ 20	0	£ 50	0
10	0	80	0	50	0	100	0
		0	2	0	0	0	2
		0	6	0	0	0	6

And where any sum of money, whatever shall be therein expressed or acknowledged to be received in full of all demands.

And any note, memorandum, or writing whatsoever, given to any person for or upon the payment of money, whereby any sum of money, debt, or demand, or any part of any debt or demand therein specified, and amounting to 2l. or upwards, shall be expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, or which shall import or signify any such acknowledgment, and whether the same shall of itself be signed with the name of any person, shall be deemed and taken to be a receipt for a sum of money, of equal amount with the sum, debt, or demand so expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, within the intent and meaning of this schedule, and shall be charged with a duty accordingly.

And any receipt or discharge, note, memorandum, or writing whatever, given to any person for or upon the payment of money, which shall contain, import, or signify any general acknowledgment of any debt, account, claim, or demand, debts, accounts, claims, or demands, whereof the amount shall not be therein specified, having been paid, settled, balanced, or otherwise discharged or satisfied, or whereby any sum of money therein mentioned shall be acknowledged to be received in full, or in discharge or satisfaction of any such debt, account, claim, or demand, debts, accounts, claims, or demands, and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt for the sum of 1000l. or upwards, within the intent and meaning of this schedule, and shall be charged with the duty of 10s. accordingly.

And all receipts, discharges, and acknowledgments of the description aforesaid, which shall be given for or upon payments made by or with any bills of exchange, drafts, promissory notes, or other securities for money, shall be

PART I. *continued.*

deemed and taken to be receipts given upon the payment of money, within the intent and meaning of this schedule.

Exemptions from the preceding duties on receipts.

Receipts exempted from stamp duty by any act or acts relating to the disposal of ships.

Receipts or discharges given by the treasurer of the navy, for any money expended to or received by him, for the service of the navy.

Receipts or discharges given by any agent, for money imprested to him, on account of the pay of the army or navy.

Receipts or discharges given by any officer, seaman, marine, or soldier, or their representatives respectively, for or on account of any wages, pay, or gratuity, due from the navy office, army pay office, or ordnance office.

Receipts or discharges given for the consideration money, for the purchase of any share in any of the government or parliamentary stocks or funds, or in the stocks and funds of the governor and company of the Bank of Eng., or of the East India company, or South Sea company, and for any dividend paid on any share of said stocks or funds respectively.

Receipts or discharges given for any principal money or interest due on any cheque or bill.

Receipts given for money deposited in the bank of Eng., or in the bank of Scot., or royal bank of Scot., or in the bank of the British Linen company in Scot., or in the hands of any banker or bankers, to be accounted for on demand; provided the same be not expressed to be received of or by the hands of any other than the person or persons to whom the same is to be accounted for. But if with interest, See PROMISSORY NOTE.

Receipts or discharges written upon promissory notes, bills of exchange, drafts or orders for the payment of money, duly stamped according to the laws in force at the date thereof; or upon bills of exchange drawn out of but payable in G.B.

Receipts or discharges given upon bills or notes of the governor and company of the bank of Eng.

Letters by the general post acknowledging the safe arrival of any bills of exchange, promissory notes, or other securities for money.

Receipts or discharges indorsed or otherwise written upon or contained in any bond, mortgage, or other security, or any conveyance, deed, or instrument whatever, duly stamped according to the laws in force at the date thereof, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

Receipts or discharges for money, by deeds duly stamped according to the laws in force at the date thereof.

Receipts or discharges given for drawbacks or bounties upon the exportation of any goods or merchandise from G.B.

Receipts or discharges for the return of any duties of customs upon certificates of over entry.

Receipts or acknowledgments of payment indorsed upon any bills, orders, remittance bills, or remittance certificates, drawn by commissioned officers, masters, and surgeons in the navy, or by any commissioner or commissioners of the navy, under the authority of the act passed in the 35 G.B. c. 95. for the more expeditious payment of the wages and pay of certain officers belonging to the navy.

Receipts or acknowledgments of payment indorsed upon any bills, drawn pursuant to any former act or acts of parliament, by the Commissioners of the navy, or by the Commissioners for Victualling the navy, or by the Commissioners for managing the Transport service, and taking care of sick and wounded seamen, upon and payable by the treasurer of the navy.

Receipts given solely for the duty on insurances against fire; and receipts given for the premium and duty on such insurances, to be liable only to the receipt duty in respect of the premium.

See also the general exemptions at the end of this part of the schedule.

RECOGNIZANCE, statute merchant, and statute staple, entered into as a security for the payment of any sum or sums of money, annuity, or annuities, or for the transfer of any share or shares in any of the government or parliamentary stocks or funds, or in the stock and funds of the governor and company of the bank of Eng., or of the East India company, or of the South Sea company;

Where such payment or transfer shall not be already secured by a bond or mortgage, or by some other instrument hereby charged with the same duty as a bond or mortgage. [The same duty or duties as on a bond given for the like purpose in Eng.]

And where such payment or transfer shall be already secured as above-mentioned.

RECOGNIZANCE, statute merchant, and statute staple, entered into as a security for the performance of any covenant, contract, or agreement; or for the due execution of any office or trust; or for rendering a due account of money received or to be received; or for indemnifying any person or persons against any matter or thing.

And where any such recognizance or statute as aforesaid, together with any schedule or other matter put or indorsed thereon, or annexed thereto, shall contain 2100 words or upwards, then for every entire quantity of 1000 words contained therein, over and above the first 1000 words, a further progressive duty of

REGISTER, or entry of the degree of a barrister at law, taken in either of the Inns of Court in Eng. See ADMISSION.

REGISTER, or entry of degrees taken in the universities of G.B. See ADMISSION.

RELEASE upon the sale of any property. See CONVEYANCE.

RELEASE and renunciation of lands or other property, real or personal, heritable or moveable, or of any right or interest therein; any deed or instrument of, not otherwise charged in this schedule, nor expressly exempted from all stamp duty.

And where the same, together with any schedule, receipt, or other matter, put or indorsed thereon, or annexed thereto, shall contain 2100 words or upwards, then for every entire quantity of 1000 words contained therein, over and above the first 1000 words, a further progressive duty of

RENUNCIATION upon the sale of any property. See CONVEYANCE.

RENUNCIATION of any right or interest in any property, otherwise than upon a sale. See RELEASE.

RESIGNATION; principal or original instrument of resignation, or service or recognition of heirs, or charter or lease of any houses, lands, or other heritable subjects in Scot., bearing burghage, or of burghage tenure.

RESIGNATION; Instrument of resignation of any lands or other heritable subjects in Scot., not of burghage tenure.

And where any of the said instruments shall contain 2100 words or upwards, then for every entire quantity of 1000 words contained therein, over and above the first 1000 words, a further progressive duty of

REVOCATION of any act or deed, or of any trust, or of any concerning any estate or property, real or personal, where made by any writing, not being a deed, or will.

PART I. *continued.*

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1\ 5\ 0$

SCHEDULE, inventory, or catalogue of any lands, hereditaments, or heritable subjects, or of any furniture, fixtures, or other goods or effects; or containing the terms and conditions of any proposed sale, lease, or tack, or the conditions and regulations for the cultivation or management of any farm, lands, or other property leased or agreed to be leased; or containing any other matter or matters of contract or stipulation whatsoever; which shall be referred to in or by, and be intended to be used or given in evidence as part of, or as material to, any agreement, lease, tack, bond, deed, or other instrument, charged with any duty in this schedule, but which shall be separate and distinct from, and not indorsed on or annexed to such agreement, lease, tack, bond, deed, or other instrument $\pounds 1\ 5\ 0$

And if the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1\ 5\ 0$

Exemptions from the preceding and all other stamp duties.

Printed proposals, published by any corporation or company, respecting insurances, and which shall be referred to in or by any policy or instrument of insurance issued by such corporation or company.

SEISIN; instrument of seisin given upon any charter, precept of *clare constat*, or precept from chancery, or upon any wadset, heritable bond, disposition, apprising, adjudication, or otherwise, of any lands or heritable subjects in *Scot.*, not of burgh tenure $\pounds 0\ 9\ 0$

And where the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 0\ 9\ 0$

SETTLEMENT. Any deed or instrument, whether voluntary or gratuitous, or upon any good or valuable consideration, other than a *bond fide* pecuniary consideration, whereby any definite and certain principal sum or sums of money (whether charged or chargeable on lands or other hereditaments or heritable subjects or not, or to be laid out in the purchase of lands or other hereditaments or heritable subjects or not, and if charged or chargeable on lands or other hereditaments, or heritable subjects, whether to be raised at all events or not), or any definite and certain share or shares in any of the government or parliamentary stocks or funds, or in the stocks and funds of the governor and company of the bank of *Eng.*, or of the *East India Company*, or of the *South Sea Company*, shall be settled, or agreed to be settled, upon or for the benefit of any person or persons, either in possession or reversion, either absolutely or conditionally, or contingently, or for life, or other partial interest, or in any other manner whatsoever;

If such sum or sums of money, or the value of such share or shares in all or any of the said stocks or funds, or both, shall not amount to 1000*l.* $\pounds 1\ 15\ 0$

Amounting to	and not to	Amounting to	and not to	
$\pounds 1000$	$\pounds 2000$	$\pounds 2\ 0\ 0$	$\pounds 7,000$	$\pounds 9\ 0\ 0$
2000	3000	3 0 0	9,000	12 0 0
3000	4000	4 0 0	12,000	15 0 0
4000	5000	5 0 0	15,000	20 0 0
5000	7000	7 0 0	20,000 or upwards	25 0 0

And where any such deed or instrument as last-mentioned, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words, or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1\ 5\ 0$

And for any duplicate of any such deed or instrument as last mentioned, [The same duty or duties.]

Exemptions from the preceding *ad valorem* duties on settlements.

Bonds, mortgages, and other securities operating as settlements, if chargeable with the *ad valorem* duties on bonds and mortgages herein-before granted.

Deeds or instruments of appointment, or appointment in execution of powers given by any previous settlement, deed, or will, to or in favour of persons specially named or described as the objects of such powers.

Deeds or instruments, merely declaring the trusts of any money or stock, pursuant to any previous settlement, deed, or will, or for securing any gifts or dispositions made by any previous settlement, deed or will.

Wills, testaments, and testamentary instruments, and dispositions mortis causa of every description.

SPECIFICATION, to be inrolled or recorded, of any discovery or invention for which a patent shall be obtained $\pounds 5\ 0\ 0$

And where the same shall contain 2160 words or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1\ 0\ 0$

SURRENDER upon the sale of lands or other property. See **CONVEYANCE**.

SURRENDER (not otherwise charged in this schedule nor expressly exempted from all stamp duty) of any term or terms of years, or of any freehold or uncertain interest, in any lands, hereditaments, or heritable subjects, not being of copyhold or customary tenure $\pounds 1\ 15\ 0$

And where the same, together with any schedule, receipt, or other matter put or indorsed thereon, or annexed thereto, shall contain 2160 words, or upwards, then for every entire quantity of 1080 words contained therein, over and above the first 1080 words, a further progressive duty of $\pounds 1\ 5\ 0$

SURRENDER of copyhold lands or tenements. See **COPYHOLD** and **MORTGAGE**.)

TACK of LANDS, &c. in *Scot.*, belonging to the crown. See **GRANT**.

TACK of LANDS, &c. in *Scot.*, not belonging to the crown. See **LEASE**.

TACK in Security. See **MORTGAGE**.

TESTIMONIAL or certificate of the admission of any person, to the degree of a bachelor of arts, in either of the universities in *Eng.* $\pounds 3\ 0\ 0$

TESTIMONIAL or certificate of the admission of any person, to any other degree, in either of the said universities $\pounds 10\ 0\ 0$

TRANSFER of any share in the stock and funds of the governor and company of the bank of *Eng.* or of the *South Sea Company*, whether upon a sale or otherwise $\pounds 0\ 7\ 9$

TRANSFER of any share in the stock and funds of the *East India Company*, whether upon a sale or otherwise $\pounds 1\ 10\ 0$

TRANSFER of any share or shares in the stock and funds of any other corporation, company, or society whatever, upon the sale thereof, or by way of mortgage or security. See **CONVEYANCE**; **MORTGAGE**.

TRANSFER of any share or shares in the stock and funds of any other corporation, company, or society whatever, not otherwise charged under the head of mortgage, or of conveyance upon the sale of any property $\pounds 1\ 10\ 0$

TRANSFER upon the sale of any other property. See **CONVEYANCE**.

TRANSFER of mortgage, wadset, or other security. See **MORTGAGE**.

WADSET. See **MORTGAGE**.

WARRANT of ATTORNEY (with or without a release of errors) to confess and

PART II. *continued.*

enter up a judgment in any of H. M.'s courts at *Westminster*; or in any of the courts of the great sessions in *Wa.*, or of the counties palatine of *Chester*, *Lancaster*, and *Durham*; which shall be given as a security for the payment of any sum or sums of money, or for the transfer of any share or shares in any of the government or parliamentary stocks or funds, or in the stock and funds of the governor and company of the bank of *Eng.*, or of the *East India Company*, or of the *South Sea Company*; [The same duty as on a bond for the like purpose.]

Save and except where such payment or transfer shall be already secured by a bond, mortgage, or other security, which shall have paid the *ad valorem* duty on bonds or mortgages imposed in this schedule, or by the act of the 44 G. 3. c. 98. or the 48 G. 3. c. 148. before-mentioned; and also except where the warrant of attorney shall be given for securing any sum or sums of money, for which the person giving the same shall be in custody under an arrest; and in those cases a duty of $\pounds 1\ 0\ 0$

WARRANT or **ORDER** beneficial, under the sign-manual of H. M., his heirs or successors, except where the same shall be for the service of the navy, army, or ordnance $\pounds 1\ 10\ 0$

And where the same shall be for the service of the navy, army, or ordnance $\pounds 0\ 12\ 6$

And where several persons shall be separately and distinctly (and not jointly) benefited by one warrant, the proper duty shall be charged in respect of each such person.

GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

All bonds, contracts, mortgages, conveyances, deeds, and instruments whatever, exempted from stamp duty by the 17 G. 3. c. 58. [BENEFICE, pl. 34.] or any other act or acts of parliament now in force, for promoting the residence of the parochial clergy, by making provision for building, repairing, or purchasing houses and other buildings, for the use of their benefices.

All affidavits, contracts, mortgages, conveyances, deeds, and instruments whatever, exempted from stamp duty by the 42 G. 3. c. 116. [LAND-TAX REDEMPTION,] or any other act or acts of parliament now in force relating to redemption and sale of the land-tax.

All transfers of shares in the government or parliamentary stocks or funds. All grants, leases, and other conveyances and instruments, exempted from stamp duty by any act or acts of parliament now in force relating to the land revenues of the crown.

All bonds, contracts, and assignments, relating to the transportation of convicts.

SCHEDULE.—PART THE SECOND.

Containing the Duties on LAW PROCEEDINGS.

Which duties are to be paid and payable in *Eng.*, for and in respect of every skin, sheet, or piece of vellum, parchment, or paper, upon which the several instruments, matters, and things herein charged, shall be respectively written or printed; except where the duties are imposed according to the number of words therein contained, or are expressly charged in any other manner.

And all the instruments, matters, and things, herein charged with a duty, in respect of every skin, sheet, or piece of vellum, parchment, or paper, upon which the same shall be written or printed, shall respectively be written or printed upon vellum, parchment, or paper, and in such and the same manner and form, as the like instruments, matters, or things, have been heretofore accustomed to be, or are now usually written or printed.

And where a court of law or equity is mentioned generally, the same shall be taken to mean not only the courts at *Westminster*, but also the several courts of law or equity of the great sessions in *Wa.*, and in the counties palatine of *Chester*, *Lancaster*, and *Durham*, or elsewhere in *Eng.*

PART THE SECOND.

1. PROCEEDINGS in the high court of admiralty; and in the courts of the Cinque Ports, exercising admiralty jurisdiction; the High Court of Appeals in prize causes; and the high court of Delegates, in admiralty matters in *Eng.*

AFFIDAVIT to be filed, read, or used in any of the said courts $\pounds 0\ 5\ 0$

ALLEGATION in any of the said courts $\pounds 0\ 5\ 0$

ANSWER in any of the said courts $\pounds 0\ 5\ 0$

APPEAL from any definitive sentence or final decree, or from any interlocutory decree or order of any of the said courts, or from any court of vice-admiralty, when interposed before a notary public in *Eng.* $\pounds 15\ 0\ 0$

ATTACHMENT issuing out of any of the said courts $\pounds 1\ 10\ 0$

BAIL BOND, or recognizance, taken in any of the said courts, or by commission from the same $\pounds 1\ 0\ 0$

CITATION issuing out of any of the said courts $\pounds 1\ 0\ 0$

COMMISSION issuing out of any of the said courts $\pounds 0\ 5\ 0$

COPY, (i. e. office copy) of any affidavit filed, read, or used, in any of the said courts $\pounds 0\ 5\ 0$

COPY, (i. e. office copy) of any citation, monition, or warrant issued out of any of the said courts $\pounds 0\ 5\ 0$

COPY (i. e. office copy) of any libel, allegation, answer, interrogatories, depositions, or inventory, filed or exhibited in any of the said courts $\pounds 0\ 5\ 0$

COPY (i. e. office copy) of any interlocutory decree or order, or of any definitive sentence or final decree, made in any of the said courts $\pounds 0\ 5\ 0$

DECREE, or order interlocutory, made in any of the said courts $\pounds 1\ 0\ 0$

DEPOSITIONS taken in any of the said courts, or by commission from the same $\pounds 0\ 5\ 0$

EXEMPLIFICATION, under the seal of any of the said courts, of any record or proceeding therein $\pounds 3\ 0\ 0$

INJUNCTION issuing out of any of the said courts $\pounds 1\ 0\ 0$

INTERROGATORIES filed or exhibited in any of the said courts $\pounds 0\ 5\ 0$

INVENTORY filed or exhibited in any of the said courts $\pounds 0\ 5\ 0$

LIBEL filed or exhibited in any of the said courts $\pounds 0\ 5\ 0$

PART II. *continued.*

MONITION issuing out of any of the said courts	£ 1 0 0
RECOGNIZANCE. See BAIL BOND.	
RELAXATION of any attachment or inhibition issued out of any of the said courts	£ 1 10 0
SENTENCE definitive, or final decree, of any of the said courts	£ 1 10 0
WARRANT issuing out of any of the said courts	0 15 0
WARRANT, mandate, or authority, given to any proctor, to commence, carry on, or defend any action, suit, or prosecution, in any of the said courts; for the memorandum or minute thereof to be entered or filed of record	£ 0 5 0

II. PROCEEDINGS in the Ecclesiastical courts, and in the High Court of Delegates in Ecclesiastical matters in *Eng.*

AFFIDAVIT to be filed, read, or used in any of the said courts	£ 0 5 0
ALLEGATION in any of the said courts	0 5 0
ANSWER in any of the said courts	0 5 0
APPEAL from any definitive sentence or final decree, or from any interlocutory decree or order, of the court of arches, or the prerogative court of <i>Canterbury</i> or <i>York</i>	£ 15 0 0
CITATION issuing out of any of the said courts	0 5 0
COMMISSION issuing out of any of the said courts	0 5 0
COPY (i. e. office copy) of any affidavit filed, read, or used in any of the said courts	£ 0 5 0
COPY (i. e. office copy) of any citation, or monition, issued out of any of the said courts	£ 0 5 0
COPY (i. e. office copy) of any libel, allegation, answer, interrogatories, depositions, or inventory filed or exhibited in any of the said courts	£ 0 5 0
COPY (i. e. office copy) of any interlocutory decree or order, or of any definitive sentence or final decree of any of the said courts	£ 0 5 0
DECREE final, or definitive sentence, in any of the said courts	0 5 0
DEPOSITIONS taken in any of the said courts, or by commission from the same	£ 0 5 0
EXEMPLIFICATION under the seal of any of the said courts, of any record or proceeding therein	£ 3 0 0
INHIBITION issuing out of any of the said courts	0 5 0
INTERROGATORIES filed or exhibited in any of the said courts	0 5 0
INVENTORY filed or exhibited in any of the said courts	0 5 0
LIBEL filed or exhibited in any of the said courts	0 5 0
MONITION issuing out of any of the said courts	0 5 0
SENTENCE definitive, or final decree, of any of the said courts	0 5 0
WARRANT, mandate, or authority, given to any proctor, to commence, carry on, or defend any suit or prosecution in any of the said courts; for the memorandum or minute thereof to be entered or filed of record	£ 0 5 0

III. PROCEEDINGS in the courts of Law or Equity at *Westminster*, including the court of the duchy of *Lancaster*, and in other courts in *Eng.*, and the offices belonging thereto, and also before the Lord High Chancellor, or the lord keeper, or commissioners for the custody of the great seal, in matters of bankruptcy and lunacy.

ACTIONS in the courts of the lord mayor and sheriffs of <i>London</i> , and in the courts of all corporations, and other courts whatsoever in <i>Eng.</i> holding pleas, where the debt or damage amounts to 40s. or above, and out of which no writs, process, or mandates issue, in the first instance; for the entry of every action or plaint, except where the debt or damage claimed or demanded shall not amount to 40s.	£ 0 2 6
AFFIDAVIT, to be filed, read, or used in any of the courts of law or equity at <i>Westminster</i> , or of the great sessions in <i>Wa.</i> , or of the counties palatine of <i>Chester</i> , <i>Lancaster</i> , and <i>Durham</i> ; or before any judge or master, or other officer of any of the said courts; or before the lord high chancellor, or the lord keeper or commissioners of the great seal, sitting in matters of bankruptcy or lunacy	£ 0 2 6
AFFIDAVIT, to be filed, read, or used in any other court of law or equity in <i>Eng.</i> , except in actions or suits where the debt or damage, or thing claimed or demanded, shall be under the amount or value of 40s.	£ 0 1 6
ANSWER in any court of equity	0 5 0
APPEARANCE filed or entered in any action at law wherein no bail shall be filed or put in (See 4 & 5 A. c. 12. s. 9. STAMPS (Law Proceedings pl. 520.))	£ 0 2 6
ASSIGNMENT of a bail bond	0 2 6
BAIL, common, to be filed in any court of law	0 2 6
BAIL, special, to be filed in any court of law	0 2 6
BAIL BOND in any action, in any court of law	0 2 6
BANKRUPT'S certificate; the confirmation thereof, by the lord chancellor, or by the lord keeper, or commissioners for the custody of the great seal	£ 0 2 6
BILL filed in any court of equity	0 5 0
CERTIFICATE by any master of the high court of chancery, or by H. M.'s remembrancer of the court of exchequer, or his deputy, of any default of any person, in any suit or proceeding before them	£ 0 5 0
COMMISSION to take affidavits, or special bail, out of any court of law or equity	£ 0 10 0
COMMISSION of bankrupt	0 5 0
COMMISSION of lunacy	0 5 0
COMMISSION out of any court of law or equity, for the examination of witnesses, or taking depositions	£ 0 5 0
COMMISSION of any other kind, out of any court of law or equity	0 5 0
COPY (i. e. office copy) of any affidavit filed, read, or used in any of the courts of law or equity at <i>Westminster</i> , or of the great sessions in <i>Wa.</i> , or of the said counties palatine; or before any judge or master, or other officer of any of the said courts, or before the lord high chancellor, or the lord keeper, or commissioners of the great seal, sitting in matters of bankruptcy or lunacy	£ 0 2 6
COPY (i. e. office copy) of any affidavit filed, read, or used in any other court of law or equity, except in actions or suits, where the debt or damage, or thing claimed and demanded, shall be under the amount or value of 40s.	£ 0 1 6
COPY (i. e. office copy) of any bill, answer, demurrer, exceptions, plea, replication, rejoinder, or other pleading, or of any interrogatories, or depositions, taken by commission or otherwise, in any court of equity;	
Where any such copy shall be written wide, according to the usage and practice of the court, and not contain more than 80 words in a sheet, one with another, then for every sheet or piece of paper on which the same shall be written	£ 0 0 4
And where any such copy shall be written close copy-wise, according to the usage and practice of the court, or in any other manner than above-mentioned, then for every sheet or piece of paper on which the same shall be written	£ 0 2 6
COPY of any declaration, plea, replication, rejoinder, demurrer, or other pleading whatsoever, in any court of law	£ 0 0 4
COPY (i. e. office copy) of interrogatories and the depositions or answers thereto,	

PART II. *continued.*

in any court of law, containing not more than 72 words in a sheet, one sheet with another	£ 0 0 4
COPY (i. e. office copy) of any rule or order, made or given in, or by any court of law at <i>Westminster</i> , or by any judge of any such court	£ 0 2 6
COPY (i. e. office copy) of any decree, dismissal, or order, made in or by the high court of chancery at <i>Westminster</i> , or by the lord high chancellor, or the lord keeper or commissioners of the great seal, sitting in matters of bankruptcy or lunacy	£ 0 8 0
And for every sheet or piece of paper on which any such copy shall be written after the first, a further <i>progressive</i> duty of	£ 0 1 6
COPY (i. e. office copy) of any decree, dismissal, or order, made in or by the court of exchequer, or the court of the duchy of <i>Lancaster</i> , at <i>Westminster</i> , or in or by any of the courts of the great sessions in <i>Wa.</i> , or of the said counties palatine	£ 0 2 6
COPY (i. e. office copy) or extract of any record, report, or proceeding whatsoever, in any court of law or equity at <i>Westminster</i> , not otherwise charged in this schedule	£ 0 2 0
DECLARATION in any court of law	£ 0 0 4
DECREE or dismissal made in or by the high court of chancery at <i>Westminster</i>	£ 0 3 0
And for every sheet or piece of paper on which the same shall be written, after the first, a further <i>progressive</i> duty of	£ 0 1 6
DECREE or dismissal made in or by the court of exchequer, or the court of the duchy of <i>Lancaster</i> at <i>Westminster</i> ; or in or by any of the courts of the great sessions in <i>Wa.</i> , or of the said counties palatine, or in or by any other court of equity whatsoever	£ 0 2 6
DEMURRER in any court of law	0 0 4
DEMURRER in any court of equity	0 5 0
DEPOSITIONS taken by virtue of a commission out of any court of equity (except the paper drafts thereof before the same are engrossed)	£ 0 5 0
DEPOSITIONS in any court of equity, taken by the examiner, or other proper officer, and not by commission	£ 0 0 4
DEPOSITIONS or answers to any interrogatories in any court of law	0 0 4
DEPUTATION (special) or warrant by the sheriff of any county, to any person, to take an inquisition under a writ of inquiry	£ 0 10 0
EXCEPTIONS filed in any court of equity, or in any matter of bankruptcy or lunacy	£ 0 5 0
EXEMPLIFICATION, under the seal of any court of law or equity whatever, of any record or proceeding therein (except exemplifications under the great seal charged in the first part of this schedule)	£ 3 0 0
GRANT of the custody of the person or estate of any lunatic	2 0 0
INDENTURES or chirograph of a fine levied in any court, for each part or indenture	£ 0 10 0
INQUISITION taken by or before any sheriff or his deputy, or under-sheriff, or by or before any person specially deputed or authorized by the sheriff to take the same, or by or before any coroner, in any action at law	£ 0 10 0
INTERROGATORIES in any court of law	0 5 0
INTERROGATORIES in any court of equity, or in any matter of bankruptcy or lunacy	£ 0 5 0
JUDGMENT (not interlocutory), signed by the master of any office, or his deputy or secondary, or by any prothonotary, or his secondary, deputy, or clerk, or by any other officer belonging to any of the courts at <i>Westminster</i> , who is or shall be authorized to sign judgments	£ 0 10 0
ORDER made in or by the high court of chancery at <i>Westminster</i> ; or by the lord high chancellor, or the lord keeper or commissioners of the great seal sitting in matters of bankruptcy or lunacy	£ 0 3 0
And for every sheet or piece of paper on which the same shall be written after the first, a further <i>progressive</i> duty of	£ 0 1 6
ORDER made or given in or by the court of exchequer, or the court of the duchy of <i>Lancaster</i> at <i>Westminster</i> , or in or by any of the courts of the great sessions in <i>Wa.</i> , or of the said counties palatine	£ 0 2 6
ORDER made or given by any judge of any of the courts of law, at <i>Westminster</i>	£ 0 2 6
Except such as shall be made on the application of any prisoner or insolvent debtor; and except all orders for the delivery of the particulars of a plaintiff's demand, or for staying proceedings on payment of debts and costs; and all orders for time to plead, reply, or rejoin, after the first order for that purpose.	
PETITION in any suit or matter in any of the courts of equity at <i>Westminster</i> ; and petition to the lord high chancellor, or the lord keeper or commissioners of the great seal, in any matter of bankruptcy or lunacy	£ 0 2 6
PLEA in any court of law	0 0 4
PLEA in any court of equity	0 5 0
PLEADING of any kind in any court of law, not otherwise charged in this schedule	£ 0 0 4
PLEADING of any kind, in any court of equity, not otherwise charged in this schedule	£ 0 5 0
POSTEA	0 10 0
RECORD of nisi prius	0 10 0
REJOINDER in any court of law	0 0 4
REJOINDER in any court of equity	0 5 0
REPLICATION in any court of law	0 0 4
REPLICATION in any court of equity	0 5 0
REPORT made by any master of the high court of chancery, or by H. M.'s remembrancer in the court of exchequer, or his deputy	£ 0 2 6
RULE or order, made or given in or by any of the courts at law at <i>Westminster</i> , which shall be issued or delivered out, by the clerk of the rules, or other officer, to the party obtaining it	£ 0 2 6
And for the entry of every such rule or order, in the book kept by the clerk of the rules or other officer for that purpose, whether written on one or more sheets or leaves	£ 0 2 6
RULES to plead and reply, and all other rules, of any of the said courts of law at <i>Westminster</i> , not issued as above-mentioned, but which shall be entered in the books kept by the clerk of the rules, or other officer for that purpose; for the entry of every such rule	£ 0 2 6
SUMMONS issued by any judge of any of the courts of law at <i>Westminster</i>	0 1 0
Except such as shall be issued on the application of any prisoner or insolvent debtor; and except all summonses for the delivery of the particulars of a plaintiff's demand, or for staying proceedings on payment of debt and costs; and all summonses for time to plead, reply or rejoin, after the first summons for that purpose.	
WARRANT, mandate, or authority, given to any attorney or solicitor, to commence, carry on, or defend any action, suit, or prosecution in any of the courts at <i>Westminster</i> , or of the great sessions in <i>Wa.</i> , or of the said counties palatine, or in any other court whatsoever, holding pleas, where the debt or damage amounts to 40s.; for the memorandum or minute thereof to be entered or filed of record	£ 0 5 0
WARRANT, or summons, issued by any master of the high court of chancery, or by H. M.'s remembrancer of the court of exchequer, or his deputy	£ 0 1 6

PART II. continued.

WARRANT of attorney, not otherwise charged in the first part of this schedule	£ 1 0 0	s. d.	0 0 0
WRIT of appeal	1 0 0		
WRIT of certiorari	1 0 0		
WRIT of covenant for levying a fine	2 0 0		
WRIT of entry for suffering a common recovery	2 0 0		
WRIT of error	1 0 0		
WRIT of superseas of a commission of bankrupt	0 2 6		
WRIT, mandamus, or other process whatsoever, not otherwise charged in this schedule, which shall issue out of, or under the seal of any of the courts at Westminster, or of the great sessions in Wm., or of the said counties palatine, or of any other court in Eng., holding pleas, where the debt or damage amounts to 40s., except in actions or suits where the debt, damage, or thing claimed or demanded shall be under the amount or value of 40s.	20 5 0		

IV. PROCEEDINGS in the Courts in Scot.

Upon which the relative duties are to be charged only on the first skin, sheet, or piece of vellum, parchment, or paper, whereon the several instruments, matters, and things specified shall be written or printed, except where progressive duties are expressly mentioned.

For the proceedings in the Court of Session, including the Bill chamber, the commission of Teinds, the court of Exchequer, and the High Court of Admiralty, the several duties specified in the first column.

And for the proceedings in the Commissary court of Edinburgh, and all the courts in Scot., (other than those above-mentioned, and the Court of Justiciary), the several duties specified in the second column.

ADVOCATION, letters of	£ 5 0 0	s. d.	0 0 0
AFFIDAVIT, to be filed, read, or used in the court of exchequer	0 2 6		0 0 0
And for every sheet or piece of paper on which the same shall be written, after the first, a further progressive duty of	0 2 6		0 0 0
AMENDMENT of libel. See SUMMONS.			
ANSWER to a petition and complaint, or to any original petition or application in any process or suit, other than a bill of advocacy or suspension	0 5 0		0 2 6
ANSWER to any such bill, or to a reclaiming or incidental petition, or to a representation, condescendence, or any other paper not being an original application	0 2 6		0 1 3
APPEAL. See BILL of ADVOCATION.			
APPLICATION, original, under whatever title	0 5 0		0 2 6
BILL of ADVOCATION, Bill of suspension appeal	0 5 0		0 2 6
BOND of CAUTION or surety in the bill chamber, or for appearance, or in a law burrows, or incidental to any process or suit, or for payment in terms of the decree to follow upon any process or suit	0 2 6		0 2 6
BOND on a confirmation of testament and bond judicial of any other description. See BOND in the first part of this Schedule.	0 2 6		0 1 3
CASE			
CLAIM, being the first paper in a process or suit in behalf of the party for whom it is offered	0 5 0		0 2 6
CLAIM of any other description	0 2 6		0 1 3
Except any claim in any process of multiple-poiniding or ranking of any principal sum under 12l. in the superior, or 5l. in the inferior courts.			
COMPLAINT or petition and complaint	0 5 0		0 2 6
CONDESCENDENCE of whatever description	0 2 6		0 1 3
DECLARATION, judicial	0 2 6		0 1 3
And for every sheet or piece of paper on which the same shall be written, after the first, a further progressive duty of	0 2 6		0 1 3
DEFENCE of whatever description	0 5 0		0 2 6
DEPOSITION or DEPOSITIONS, whether in presence of the court, or taken by commission, or otherwise	0 2 6		0 1 3
And for every sheet or piece of paper on which the same shall be written, after the first, a further progressive duty of	0 2 6		0 1 3
DILIGENCE, or incidental diligence, letters of	0 5 0		0 2 6
DUPLEX	0 5 0		0 2 6
EDICT. See SUMMONS.			
ESTIMATE. See REPORT.			
EXTRACT of any decree (not being a mere decree of registration pro forma), or of any abbreviate act, commission, warrant, or protestation	0 10 0		0 5 0
INFORMATION	0 2 6		0 1 3
INTERROGATORIES exhibited in behalf of any party to a process or suit	0 2 6		0 1 3
INVENTORY of any interest in a multiple-poiniding or other process or suit, when not preceded or immediately accompanied by a claim or other step of procedure charged as an original application for or in behalf of the party for whom such inventory is exhibited (other than and except any inventory of an interest in a process of multiple-poiniding or ranking, where the principal sum claimed shall be under 12l. in the superior, or 5l. in the inferior courts)	0 5 0		0 2 6
INVENTORY of any other description, when not immediately accompanying and referred to in a separate paper or step of procedure charged in this Schedule	0 2 6		0 1 3
LIBEL. See SUMMONS.			
MANDATE. See WARRANT.			
MEMORANDUM. See WARRANT.			
MEMORIAL, of whatever description	0 2 6		0 1 3
MINUTE, of whatever description, which may be lodged by, or in behalf of, any party to a process or suit	0 2 6		0 1 3
NOTE in any suit or process, except in the Bill-chamber	0 2 6		0 1 3
OBJECTION, being the first paper in a process or suit in behalf of the party for whom it may be offered	0 5 0		0 2 6
OBJECTION, of any other description	0 2 6		0 1 3
PETITION, being an original application, or the first paper in a process or suit in behalf of the party for whom it may be offered	0 5 0		0 2 6
PETITION of any other description	0 2 6		0 1 3
PLEADING or STATEMENT, of whatever description, whether written or printed, in any suit or process, offered			

PART II. continued.

in behalf of any party, or by order of the court, and not otherwise charged in this Schedule	£ 2 6	s. d.	0 1 3
PRECEPT, in the nature of a summons. See SUMMONS.	0 2 6		0 1 3
PRECEPT, in the nature of a diligence	0 2 6		0 1 3
PREPARED STATE	0 2 6		0 1 3
PROTESTATION, lodged in behalf of any party to a process or suit	0 5 0		0 2 6
QUADRUPLY	0 5 0		0 2 6
REPLY	0 5 0		0 2 6
REPORT, ESTIMATE, or SCHEME, prepared in consequence of the appointment, order, or authority of a judge	0 2 6		0 1 3
REPRESENTATION	0 2 6		0 1 3
SCHEME. See REPORT.			
SIGNET LETTERS, or writs passing H.M.'s signet, of whatever description, not otherwise charged in this Schedule (other than and except letters of horning and poinding, and letters of caution for debts under 12l.)	0 2 6		0 0 0
STATE of INTERESTS in any process or suit	0 2 6		0 1 3
SUMMONS of whatever description, libel, amendment of libel, edict, precept, of the nature of a summons	0 5 0		0 2 6
SUSPENSION, letters of	0 5 0		0 2 6
TRIPLY	0 5 0		0 2 6
WARRANT, mandate, or authority, given to any solicitor, attorney, agent, or procurator, to commence, carry on, defend, or appear in any action, suit, or procedure, at the instance or in behalf of any party or parties not having distinct interests; for the memorandum or minute thereof to be entered, or filed of record	0 5 0		0 2 6

V. GENERAL exemptions from all stamp duties.

Warrants, mandates, or authorities to commence, carry on, or defend any actions, suits, or prosecutions in any court, where the debt, damage, or thing claimed or demanded, shall not amount to or be of the value of 40s.

Warrants, mandates, or authorities to commence, carry on, or defend any prosecutions or proceedings upon indictments, or upon any information, writ, or process, in the name of H. M., his heirs or successors, or at the instance of the attorney-general of Eng., lord advocate of Scot., or other officer legally authorized to prosecute or sue in the name or for the interest of H. M., his heirs or successors.

But these exemptions are not to extend to informations in the nature of quo warranto, filed by H. M.'s coroner and attorney in the court of K. B.; nor to informations in courts of equity, at the relation of private persons; nor to informations where any other person than H. M., his heirs or successors, shall be entitled to any penalty or forfeiture, or any share thereof.

All proceedings for or on the behalf of any person legally admitted to sue or defend in forma pauperis; and all proceedings of courts-martial; and all proceedings in criminal suits and prosecutions whatsoever.

All orders, decrees, and proceedings of or before any commissioners of sewers, and of or in the stannary courts in Eng.

All summonses, attachments, executions, and other proceedings in or issuing out of any of the courts established for the recovery of debts not exceeding 5l., commonly called courts of request, in Eng.

All warrants to sue and defend in the courts baron of any honours or manors in Eng., which hold pleas in actions or suits for any debt or damages, not exceeding 5l.; and all plaints, summonses, executions, writs, and other proceedings in or issuing out of such courts.

All proceedings in the courts called, or commonly known by the name of, small debt-courts in Scot.

And all proceedings under the Scotch statute, relative to the ailment of poor prisoners, or under the act of sequestration of the court of session in Scot., relative to the liberation of prisoners on account of sickness.

All petitions, proceedings, and copies, exempted from stamp duty by an act or acts of parliament, relating to abuses of trusts for charitable purposes.

SCHEDULE.—PART THE THIRD.

Containing the duties on probates of wills and letters of administration; on confirmations or testaments, testamentary and dative; on inventories to be exhibited in the commissary courts in Scot.; and on legacies out of real or personal, heritable or moveable estate; and on successions to personal or moveable estates upon intestacy.

PROBATE of a will, and letters of administration with a will annexed, to be granted in Eng.;

CONFIRMATION of any testament testamentary, or eik thereto, to be expedited in any commissary court in Scot., where the deceased shall have died before or upon the 10th Oct. 1808, and subsequent to the 10th Oct. 1804;

INVENTORY to be exhibited and recorded in any commissary court in Scot., of the estate and effects of any person deceased, who shall have died after the 10th Oct. 1808, and have left any testament or testamentary disposition of his or her personal or moveable estate and effects, or any part thereof;

Where the estate and effects for or in respect of which such probate, letters of administration, confirmation, or eik respectively, shall be granted or expedited, or whereof such inventory shall be exhibited and recorded, exclusive of what the deceased shall have been possessed of or entitled to as a trustee for any other person or persons, and not beneficially, shall be

Above the value of	Under the value of	Above the value of	Under the value of	Above the value of	Under the value of
£ 20	£ 100	£ 9,000	£ 10,000	£ 180 0 0	£ 190 0 0
100	200	10,000	12,000	200 0 0	220 0 0
200	300	12,000	14,000	220 0 0	240 0 0
300	400	14,000	16,000	240 0 0	260 0 0
400	500	16,000	18,000	260 0 0	280 0 0
500	600	18,000	20,000	280 0 0	300 0 0
600	700	20,000	22,000	300 0 0	320 0 0
700	800	22,000	24,000	320 0 0	340 0 0
800	900	24,000	26,000	340 0 0	360 0 0
900	1,000	26,000	28,000	360 0 0	380 0 0
1,000	1,500	28,000	30,000	380 0 0	400 0 0
1,500	2,000	30,000	32,000	400 0 0	420 0 0
2,000	2,500	32,000	34,000	420 0 0	440 0 0
2,500	3,000	34,000	36,000	440 0 0	460 0 0
3,000	3,500	36,000	38,000	460 0 0	480 0 0
3,500	4,000	38,000	40,000	480 0 0	500 0 0
4,000	4,500	40,000	42,000	500 0 0	520 0 0
4,500	5,000	42,000	44,000	520 0 0	540 0 0
5,000	5,500	44,000	46,000	540 0 0	560 0 0
5,500	6,000	46,000	48,000	560 0 0	580 0 0
6,000	6,500	48,000	50,000	580 0 0	600 0 0
6,500	7,000	50,000	52,000	600 0 0	620 0 0
7,000	7,500	52,000	54,000	620 0 0	640 0 0
7,500	8,000	54,000	56,000	640 0 0	660 0 0
8,000		56,000	58,000	660 0 0	680 0 0

PART III. continued.

Above the value of	Under the value of	Above the value of	Under the value of
£ 90,000	£ 100,000	£ 1,500 0 0	£ 350,000
100,000	120,000	1,500 0 0	400,000
120,000	140,000	1,500 0 0	450,000
140,000	160,000	2,000 0 0	500,000
160,000	180,000	2,000 0 0	550,000
180,000	200,000	2,000 0 0	600,000
200,000	250,000	3,000 0 0	700,000
250,000	300,000	3,750 0 0	800,000
300,000	350,000	4,500 0 0	1,000,000 and upwards

LETTERS of ADMINISTRATION, without a will annexed, to be granted in Eng.;

CONFIRMATION of any TESTAMENT dative, to be expedited in any commissary court in Scot., where the deceased shall have died before or upon the 10th Oct. 1808, and subsequent to the 10th Oct. 1804;

INVENTORY to be exhibited and recorded in any commissary court in Scot., of the estate and effects of any person deceased who shall have died after the 10th Oct. 1808, without leaving any testament or testamentary disposition of his or her personal or moveable estate or effects, or any part thereof;

Where the estate and effects for or in respect of which such letters of administration or confirmation respectively shall be granted or expedited, or whereof such inventory shall be exhibited and recorded, exclusive of what the deceased shall have been possessed of or entitled to as a trustee for any other person or persons, and not beneficially, shall be

Above the value of	Under the value of	Above the value of	Under the value of
£ 90	£ 100	£ 30,000	£ 35,000
50	50	35,000	40,000
100	200	40,000	45,000
200	300	45,000	50,000
300	400	50,000	60,000
400	500	60,000	70,000
500	600	70,000	80,000
600	800	80,000	90,000
800	1,000	90,000	100,000
1,000	1,500	100,000	120,000
1,500	2,000	120,000	140,000
2,000	3,000	140,000	160,000
3,000	4,000	160,000	180,000
4,000	5,000	180,000	200,000
5,000	6,000	200,000	250,000
6,000	7,000	250,000	300,000
7,000	8,000	300,000	350,000
8,000	9,000	350,000	400,000
9,000	10,000	400,000	500,000
10,000	12,000	500,000	600,000
12,000	14,000	600,000	700,000
14,000	16,000	700,000	800,000
16,000	18,000	800,000	900,000
18,000	20,000	900,000	1,000,000
20,000	25,000	1,000,000	2,500 0 0
25,000	30,000	2,500 0 0	

Exemptions from all stamp duties.

Probate of will, letters of administration, confirmation of testament, and all thereto, and inventory of the effects of any common seaman, marine, or soldier, who shall be slain or die in the service of H. M., his heirs or successors: Additional inventory to be exhibited and recorded in any commissary court in Scot.; where the same shall not be liable to a duty of greater amount than the duty already paid upon any former inventory exhibited and recorded of the estate and effects of the same person.

LEGACIES and SUCCESSIONS to personal or moveable estate upon intestacy.

1. Where the testator, testatrix, or intestate died before or upon the 5th April 1805.

For every legacy, specific or pecuniary, or of any other description, of the amount or value of 20*l.* or upwards, given by any will or testamentary instrument of any person who died before or upon the 5th April, 1805, out of his or her personal or moveable estate, and which shall be paid, delivered, retained, satisfied, or discharged, after the 31st Aug. 1815.

Also for the clear residue (when devolving to one person) and for every share of the clear residue (when devolving to 2 or more persons) of the personal or moveable estate of any person who died before or upon the 5th April, 1805, (after deducting debts, funeral expenses, legacies, and other charges first payable thereout,) whether the title to such residue, or any share thereof, shall accrue by virtue of any testamentary disposition, or upon a partial or total intestacy; where such residue, or share of residue, shall be of the amount or value of 20*l.* or upwards, and where the same shall be paid, delivered, retained, satisfied, or discharged, after the 31st Aug. 1815.

Where any such legacy, or residue, or share of such residue, shall have been given, or have devolved, to or for the benefit of a brother or sister of the deceased, or any descendant of a brother or sister of the deceased; a duty at and after the rate of 2*l.* 10*s.* per centum, on the amount or value thereof.

Where any such legacy, or residue, or share of such residue, shall have been given, or have devolved, to or for the benefit of a brother or sister of the father or mother of the deceased, or any descendant of a brother or sister of the father or mother of the deceased; a duty at and after the rate of 4*l.* per centum on the amount or value thereof.

Where any such legacy, or residue, or share of such residue, shall have been given, or have devolved, to or for the benefit of a brother or sister of a grandfather or grandmother of the deceased, or any descendant of a brother or sister of a grandfather or grandmother of the deceased; a duty on the amount or value thereof at and after the rate of per centum 5 0 0

And where any such legacy, or residue, or share of such residue, shall have been given, or have devolved, to or for the benefit of any person, in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased; a duty on the amount or value thereof at and after the rate of per centum 8 0 0

II. Where the testator, testatrix, or intestate, shall have died after the 5th April, 1805.

For every legacy, specific or pecuniary, or of any other description, of the amount or value of 20*l.* or upwards, given by any will or testamentary instrument, of any person, who shall have died after the 5th April 1805, either out of his or her personal or moveable estate, or out of or charged upon his or her real or heritable estate, or out of any monies to arise by the sale, mortgage, or other disposition of his or her real or heritable estate, or any part thereof, and

PART III. continued.

which shall be paid, delivered, retained, satisfied, or discharged after the 31st Aug. 1815.

Also, for the clear residue (when devolving to one person) and for every share of the clear residue (when devolving to 2 or more persons) of the personal or moveable estate, of any person, who shall have died after the 5th April 1805, (after deducting debts, funeral expenses, legacies, and other charges first payable thereout,) whether the title to such residue, or any share thereof, shall accrue by virtue of any testamentary disposition, or upon a partial or total intestacy; where such residue, or share of residue, shall be of the amount or value of 20*l.* or upwards, and where the same shall be paid, delivered, retained, satisfied, or discharged after 31st August 1815:

And also for the clear residue (when given to one person) and for every share of the clear residue (when given to 2 or more persons) of the monies to arise from the sale, mortgage, or other disposition, of any real or heritable estate directed to be sold, mortgaged, or otherwise disposed of, by any will or testamentary instrument, of any person, who shall have died after 5th April 1805, (after deducting debts, funeral expenses, legacies, and other charges first made payable thereout, if any) where such residue, or share of residue, shall amount to 20*l.* or upwards, and where the same shall be paid, retained, or discharged after 31st August 1815:

Where any such legacy or residue, or any share of such residue, shall have been given, or have devolved, to or for the benefit of a child of the deceased, or any descendant of a child of the deceased, or to or for the benefit of the father or mother, or any lineal ancestor of the deceased; a duty on the amount or value thereof at and after the rate of per cent. 1 0 0

Where any such legacy, or residue, or any share of such residue, shall have been given, or have devolved, to or for the benefit of a brother or sister of the deceased, or any descendant of a brother or sister of the deceased; a duty on the amount or value thereof at and after the rate of per cent. 2 0 0

Where any such legacy, or residue, or any share of such residue, shall have been given, or have devolved, to or for the benefit of a brother or sister of the father or mother of the deceased, or any descendant of a brother or sister of the father or mother of the deceased; a duty on the amount or value thereof at and after the rate of per cent. 5 0 0

Where any such legacy, or residue, or any share of such residue shall have been given, or have devolved, to or for the benefit of a brother or sister of a grandfather or grandmother of the deceased, or any descendant of a brother or sister of a grandfather or grandmother of the deceased; a duty on the amount or value thereof at and after the rate of per cent. 6 0 0

And where any such legacy, or residue, or any share of such residue, shall have been given, or have devolved, to or for the benefit of any person, in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased; a duty on the amount or value thereof at and after the rate of per cent. 10 0 0

And all gifts of annuities, or by way of annuity, or of any other partial benefit or interest, out of any such estate or effects as aforesaid, shall be deemed legacies within the intent and meaning of this schedule.

And where any legatee shall take 2 or more distinct legacies or benefits, under any will or testamentary instrument, which shall altogether be of the amount or value of 20*l.* each, shall be charged with duty, though each or either may be separately under that amount or value.

[How to calculate the value of annuities, See 36 G. 3. c. 52. s. 8. Tab. I., II., STAMPS (Legacies), page 1456.]

Exemptions.

Legacies, and residues, or shares of residue, of any such estate or effects as aforesaid, given or devolving to or for the benefit of the husband or wife of the deceased, or to or for the benefit of any of the royal family. [See STAMPS (Legacies), 36 G. 3. c. 52. s. 2. pl. 575., 45 G. 3. c. 28. s. 3. pl. 579.]

And all legacies which were exempted from duty by the act passed in the 39 G. 3. c. 73. [STAMPS (Legacies), pl. 575.], for exempting certain specific legacies given to bodies corporate, or other public bodies, from the payment of duty.

SCHEDULE of Duties referred to, 55 G. 3. c. 185.

ADVERTISEMENT contained in the London Gazette, or in any other newspaper or paper containing public news, intelligence or occurrences, printed and published in G. B.; that is to say, for every such advertisement 2 0 3 6

ADVERTISEMENT contained in or published with any periodical pamphlet whatsoever, printed and published in G. B., or in or with any part or number of any book or literary work, published in parts or numbers, for every such advertisement 2 0 3 6

ALMANACK or CALENDAR, or any book or pamphlet serving the purpose of an almanack or calendar, for any time not exceeding one year 4 0 1 3

ALMANACK or calendar, or any book or pamphlet serving the purpose of an almanack or calendar for several years; for each year for which such almanack or calendar shall be made or intended 4 0 1 3

ALMANACK or calendar perpetual, or any book or pamphlet serving the purpose of a perpetual almanack or calendar 4 0 10 0

NEWSPAPER, or paper containing public news, intelligence or occurrences, printed in G. B., to be dispersed and made public; that is to say, for every sheet, half sheet, or other piece of paper, whereof the same shall consist 4 0 0 4

PAMPHLETS, or books, or papers commonly so called, printed and published in G. B., containing one whole sheet, and not exceeding 8 sheets, in 8vo. or any lesser page, or not exceeding 12 sheets in 4to. or 20 sheets in folio, for every sheet of any kind of paper contained in one copy thereof 4 0 8 0

And all parts or numbers of any book, or literary work, published in parts or numbers, exceeding one whole sheet, but not exceeding 8 sheets in 8vo., or any lesser page, or not exceeding 12 sheets in 4to., or 20 sheets in folio, shall be deemed pamphlets. [See 60 G. 3. and 1 G. 4. c. 9. STAMPS (Newspapers).]

Exemptions from the duties on pamphlets, newspapers, and advertisements.

Acts of parliament, proclamations, orders of council, forms of prayer and thanksgiving, and acts of state, ordered to be printed by H. M., his heirs or successors. [See 10 A. c. 19. s. 103. STAMPS, pl. 58.]

Printed votes, or other matters, by order of either house of parliament.

Books commonly used in the schools of G. B.

Books containing only matters of devotion or piety.

Any paper containing a single advertisement printed and dispersed separately.

Daily accounts or bills of goods, imported and exported, and the weekly bills of mortality, provided such bills or accounts do not contain any other matter than what hath been usually comprised therein.

PLATE of gold made or wrought in G. B., and which shall or ought to be touched, assayed and marked in G. B., for every ounce thereof, and so in proportion for any greater or less quantity, per ounce 4 0 17 0

Exemptions.—Gold watch cases.

PLATE of silver made or wrought in G. B., and which shall or ought to be

SCHEDULE of DUTIES referred to, 56 G. 3. c. 185., continued.
touched, assayed or marked in G. B., for every ounce thereof, and so in proportion for any greater or less quantity, per ounce 40 1 6

Exemptions.

All watch-cases, chains, necklace beads, lockets, philligree work, shirt buckles or broaches, stamped medals, and spoons to china, stone or earthenware tea pots, of silver, of any weight whatsoever.

Tippings, swages or mounts, not weighing 10 pennyweights of silver each, and not being necks or collars for castors, cruetts, or glasses appertaining to any sort of stands or frames, wares of silver not weighing 5 pennyweights of silver each; but this exemption not to include necks, collars, and tops, for castors, cruetts, or glasses, appertaining to any sort of stands or frames; buttons to be affixed to, or set on any wearing apparel, solid silver buttons, and solid studs, not having a bevelled edge soldered on, wrought seals, blank seals, bottle tickets, shoe clasps, patch boxes, salt spoons, salt ladles, tea spoons, tea strainers, caddy ladles, buckles and pieces of garnish, cabinets, or knife cases, or tea chests, or bridles, or stands, or frames.

STAGE COACHES; that is to say, any coach, berlin, landau, chariot, calash, chaise marine, chaise, diligence, or other carriage with two or more wheels, by what name soever the same may be called or known, which shall be employed as a public stage coach or carriage for conveying passengers for hire, to or to and from any place or places in G. B., and which shall be licensed for carrying not more than 4 inside passengers (children in lap excepted), for every mile any such coach or other carriage shall travel 40 0 2½

which shall be licensed for carrying more than 4, but not more than 6 inside passengers (children in lap excepted), for every mile any such carriage shall travel 40 0 3

which shall be licensed for carrying more than 6, but not more than 8 inside passengers (children in lap excepted), for every mile any such carriage shall travel 40 0 4

which shall be licensed for carrying more than 8, but not more than 10 inside passengers (children in lap excepted), for every mile any such carriage shall travel 40 0 4½

which shall be licensed for carrying more than 10 inside passengers (children in lap excepted), for every mile any such carriage shall travel 40 0 5½

LICENCE to be taken out yearly by the person or persons who shall keep any coach, berlin, landau, chariot, calash, chaise marine, chaise, diligence, or other carriage with 2 or more wheels, by whatsoever name the same may be called or known, to be employed as a stage coach or carriage for conveying passengers for hire to or to and from any place or places in G. B.; that is to say, for each such coach or other carriage 40 10 0

[Duties in arrear recoverable with full costs, 53 G. 3. c. 108. s. 23. pl. 125.]

DISCOUNT AND ALLOWANCES.

22. Discount allowed for ready money, 6 & 7 W. 3. c. 12. s. 9. 9 & 10 W. 3. c. 25. s. 68. 1 A. St. 2. c. 22. s. 7.* 9 A. c. 23. s. 36.* 10 A. c. 19. s. 117.* 12 A. St. 2. c. 9. s. 27.* 6 G. 1. c. 21. s. 58. 12 G. 1. c. 33. s. 6.* 29 G. 2. c. 12. s. 7. [which is REP. 7 G. 3. c. 24. s. 8.] 30 G. 2. c. 19. s. 22.* [The discount allowed by the acts marked thus * REP. 5 G. 3. c. 46. s. 5.] 5 G. 3. c. 46. s. 6. 7 G. 3. c. 44. s. 19. 17 G. 3. c. 50. s. 21. 19 G. 3. c. 66. s. 6. 20 G. 3. c. 28. s. 4. 23 G. 3. c. 58. s. 9. 29 G. 3. c. 50. ss. 5, 8. 29 G. 3. c. 51. s. 6. 34 G. 3. c. 14. s. 12. 37 G. 3. c. 90. s. 33. 41 G. 3. U. K. c. 10. s. 10. 42 G. 3. c. 16. s. 16. All allowances, by 5 G. 3. c. 46. s. 6. and 7 G. 3. c. 44. s. 9. or any other act made shall CEASE, 42 G. 3. c. 99. s. 5. New allowances, *id.* s. 6. All allowances or drawbacks heretofore made REP. and new ones given, 44 G. 3. c. 98. ss. 1, 2. and Sched. C. Allowances to insurance companies for collecting the duty on insurance, 55 G. 3. c. 184. s. 36. Discount on newspapers, 55 G. 3. c. 185. s. 9. STAMPS (*Newspapers*).

23. ALLOWANCES.—There shall be paid and allowed for and in respect of, all such articles and things as are inserted and described in schedule C., hereunto annexed, the several allowances, drawbacks, or sums, as are set forth in such schedule, 44 G. 3. c. 98. s. 2.

SCHEDULE (C.) of 44 G. 3. c. 98.

Allowances to every person who, at one and the same time, shall produce at the head office for stamps in London, to be stamped, or shall buy of the commissioners of the stamp duties, vellum, parchment, or paper, charged with any stamp duty, to the amount in the whole of 30l. or upwards, 1l. 10s. for every one 100l., and so in proportion for any greater or less sum not under 30l.

To card-makers, on payment of the duty on cards, monthly, at the time of settling their accounts 1l. 10s. for every 100l., and so in proportion for any greater or less sum.

To stationers who shall purchase stamps for receipts to the amount at one and the same time of 10l., in consideration of their making no charge to the public for the paper stamped for receipts, but actually and *bonâ fide* selling the same for the price of the stamp only, 7l. 10s. for every 100l. of the amount of the duty on such stamps for receipts, and so in proportion for any greater or less sum, not under the sum of 10l.; this allowance being over and above the usual allowance on the present payment of stamp duties to the amount of 30l. and upwards.

To printers, publishers, and proprietors of newspapers, who shall not have raised the price of their newspapers above the price at which the same were respectively sold at and immediately before the time of passing 37 G. 3. c. 90. s. 33. STAMPS, (*Newspapers*), intituled, 'An act for granting to H. M. certain stamp duties on the several matters therein mentioned; and for better securing the duties on certificates to be taken out by solicitors, attornies, and others practising in certain courts of justice in G. B.,' and who shall at one and the same time produce at the head office of stamps, to be stamped, or shall buy of the commissioners of the stamp duties, paper stamped with the duty chargeable on newspapers, the duties whereof shall amount to 10l. or upwards, in consideration of prompt or present payment of such duty, 16l. 18s. for every 100l. on such payment, and so in proportion for any greater or less sum not being under 10l. But if any such printer, publisher or proprietor, shall have raised, or shall raise, the price of his newspaper above the price at which the same was so sold at and immediately before the time of passing 37 G. 3., then and in such case no

more or greater allowance shall be made, in consideration of such prompt or present payment, than at the rate of 4l. for every 100l., and so in proportion for any greater or less sum not under 10l. [See 49 G. 3. c. 50., and as to these allowances, 55 G. 3. c. 185. ss. 9, 10. STAMPS, (*Newspapers*).]

To the 2 universities of Oxford and Cambridge respectively, the annual sum of 500l. each.

To persons who shall purchase at the head office for stamps in London, stamps for hat linings to the amount, at one and the same time, of 10l. or upwards, 10l. for every 100l. of the amount of the duty on such stamps so purchased, and so in proportion for any greater or less sum not under 10l. [Hat duties REP. 51 G. 3. c. 70. s. 1.]

For receiving the duty for and in respect of fire insurances, paying the same, and making out the accounts according to the directions of the several acts of parliament in that behalf made, 5l. for every 100l. so received, paid, and accounted for, and so in proportion for any greater or less sum. [See 50 G. 3. c. 35. STAMPS, (*Insurance, Fire*).]

To any person or persons, body or bodies politic or corporate, carrying on the business of sea insurances within the city of London, who shall have given or caused to be given (to the satisfaction of the commissioners of the stamp duties) security by bond for the payment of the duties on sea policies, at the times and in the manner to be prescribed by the said commissioners, and who shall duly pay the said duties in the time and manner prescribed, 1l. 10s. for every 100l. of the amount of the duties so paid, and so in proportion for any greater or less sum.

For receiving the duty for and in respect of gold plate or silver plate, made or wrought in G. B., paying the same, and making out the accounts according to the directions of the several acts of parliament in that behalf made, 2l. 10s. for every 100l. so received, paid, and accounted for, and so in proportion for any greater or less sum.

To persons who shall at one and the same time purchase stamped labels for medicines, the duty whereon shall amount to 5l. or upwards; 5l. for every 100l., and so in proportion for any greater or less sum not under 5l.

To persons who shall at one and the same time purchase stamped labels for medicines, the duty whereon shall amount to 50l. or upwards, 10l. for every 100l., and so in proportion for any greater or less sum not under 50l.

To persons who shall at one and the same time purchase stamped labels for medicines, the duty whereon shall amount to 100l. or upwards, 12l. 10s. for every 100l., and so in proportion for any greater or less sum not under 100l.

To clerks in any court of law or equity, entrusted by an act, made in the 25 G. 3. c. 80., intituled, 'An act for granting to H. M. certain duties on certificates to be taken out by solicitors, attornies, and other persons practising in certain courts of justice in G. B.; and certain other duties with respect to warrants, mandates, and authorities to be entered or filed of record as therein mentioned; [STAMPS (*Attorneys Certificate*, pl. 267,)] to enter and file of record certain memorandums or minutes; for their trouble in that behalf 2l. 10s. for every 100l. of the amount of the duties on such memorandums or minutes so entered or filed of record as aforesaid, and so in proportion for any greater or less sum.

To clerks of the peace or their deputies respectively, for and in consideration of their making out and delivering to the proper officer of the stamp duties, according to the directions of an act made in the 5 G. 3. c. 46. s. 21. [ALXHOUSZ, pl. 83.], a list of persons licensed to sell beer, ale, and other excisable liquors, at and after the rate of one farthing, for the name of every such person inserted in such list.

To clerks of the peace or their deputies, or the sheriff or steward clerk respectively, for and in consideration of their making out, according to the directions of an act made in the 25 G. 3. c. 50. s. 4. [GAME, pl. 178.] a list of persons taking out game certificates, at and after the rate of one halfpenny for the name of every such person inserted in every such list.

To the clerk of the course, book-keeper, or other person authorised to enter any horse, mare, or gelding, to start or run for any plate, prize, sum of money, or other thing, in consideration of his trouble in receiving, accounting for, and duly paying the duty imposed on such horse, mare, or gelding, 5l. for every 100l. of the amount of the duties so received, accounted for, and paid, and so in proportion for any greater or less sum.

II. Exemptions from Stamp Duties. [See also the exemptions in 55 G. 3. c. 184. Sch. *passim*.]

24. This act shall not charge any bills of exchange, accounts, bills of parcels, or of fees, or any bills, or notes, not sealed, for the payment of money at sight, or on demand, or at the end of certain days, 5 & 6 W. & M. c. 21. s. 5. 9 & 10 W. 3. c. 25. s. 68. [See 55 G. 3. c. 184. Sched. Part I. tit. *Bills of Exchange and Promissory Notes*.]

25. Nothing herein shall charge the probate of any will, or letters of administration, of any common seamen or soldier, who shall be slain, or die in H. M.'s service, a certificate being produced from the captain of the vessel, or of the troop, or company, under whom such seamen or soldier served, at the time of his death, and oath made of the truth thereof, before the officer who ought to grant such probate or administration, which oath such officer shall administer without fee, 5 & 6 W. & M. c. 21. s. 6., 9 & 10 W. 3. c. 25. s. 44., 19 G. 3. c. 66. s. 2., 29 G. 3. c. 50. s. 1.

26. None of the rates hereby imposed shall be payable by any person admitted to sue, or defend in *forma pauperis*, 5 & 6 W. & M. c. 21. s. 14. 9 & 10 W. 3. c. 25. s. 63. 12 G. 1. c. 33. s. 7.

27. [The act 5 & 6 W. & M. c. 21. shall not, 6 & 7 W. 3. c. 12. s. 2.] [This act shall not, 9 & 10 W. 3. c. 25. s. 45.] charge with any duty any warrant

made, or recognizance taken before any justice of peace, or any surrender of any copyhold estate, or copies of such estate, or any certificate of marriage, of a widow of any seaman, 6 & 7 W. 3. c. 12. s. 2. See similar exception, 55 G. 3. c. 184. *Sch. Part I. tit. Certificate of Marriage.* or any proceedings of any court martial, which relate to the trial of any common soldier, or any orders, decrees, or proceedings before any commissioners of sewers, or in the court of stannaries, [see 55 G. 3. c. 184. *Sch. exceptions at end*], but the same shall be free of stamp duty, 6 & 7 W. 3. c. 12. s. 2., 9 & 10 W. 3. c. 25. s. 45.

27. (a) Duties by 5 & 6 W. & M. c. 21. imposed upon the registry or entry of any degree in the 2 universities, shall not extend to charge therewith the degree of bachelor of arts, who is hereby exempted, 6 & 7 W. & M. c. 12. s. 3. [See 55 G. 3. c. 184. *Sch. Part I. tit. Admission.*]

28. Commission of rebellion in process exempted from such duties, *id.* s. 4.

29. The admittance of any annual officer in any corporation, or inferior court, whose office is under 10*l.* in salaries, fees, &c. exempted from such duties, *id.* s. 5. [See 55 G. 3. c. 184. *Sch. Part I. tit. Admission.*]

30. Officers at sea shall pay the same duties as officers at land, 6 & 7 W. 3. c. 12. s. 6., 9 & 10 W. 3. c. 25. s. 46.

31. Exception in favour of affidavits made in pursuance of the acts, 30 C. 2. St. 1. c. 3. and 32 C. 2. c. 1. (for burying in woollen), and likewise in favour of affidavits taken before officers of the customs, or any justice of peace, or any commissioner appointed by act of parliament, for the levying, &c. of any duties granted to H. M., 9 & 10 W. 3. c. 25. s. 28. [See other exemptions, 55 G. 3. c. 184. *Sch. Affidavit.*]

32. Nothing herein shall charge any letters patent for collecting charitable donations, commonly called *Briefs*, with duty, 9 & 10 W. 3. c. 25. s. 69. [See similar exemption, 55 G. 3. c. 184. *Sch. Part I. tit. Grant.*]

33. This act shall not charge any act of parliament, proclamation, order of council, forms of prayer, or thanksgiving, or any act of state ordered by H. M. to be printed, or the printed votes or other matters ordered to be printed by either house of parliament, with the duties on pamphlets or newspapers, or charge any books commonly used as school books in G. B., or any books containing only matters of devotion or piety, with such duties, or charge any single advertisement printed by itself, or the daily accounts, or bills of goods imported, or exported, or the weekly bills of mortality, so as the same contain only the usual matter, 10 A. c. 19. s. 102. [See similar exception, 55 G. 3. c. 185. *Sch., tit. Pamphlet.*]

34. Nothing in this or any other stamp act shall charge with stamp duties any warrant or instrument, signed by the chief justices in eyre, or by any warden, lieutenant, or other officer of H. M.'s forests or chases, for any thing done in their offices, 10 A. c. 26. s. 74.

35. Nothing in this act shall charge with any of the stamp duties hereby imposed any thing by the 9 & 10 W. 3. c. 25. exempted from stamp duty, 12 A. St. 2. c. 9. s. 22.

36. All such parts of any act of parliament relative to any turnpike, highway, paving, road, bridge, inclosure, navigation, or canal, or any other thing passed before 5th Dec., 1782. as exempt any mortgage, assignment, transfer, or other security for borrowing money, or any nomination, contract, warrant, bond, judgment, or other writing, so liable to stamp duties, from stamp duty, shall be repealed, 23 G. 3. c. 58. s. 13.

37. Provided such repeal shall not extend to any transfer of any public or government stocks, or to any instruments, documents, or other writings concerning the public revenue, or public funds, or to any other writing expressly exempted from stamp duties by any act granting stamp duties, unless where such exemption has been repealed, *id.* s. 14.

38. No transfer or assignment of any stock in the bank of Eng., commonly called bank stock, or in the South Sea company, shall be liable to any greater stamp or other duties, than were payable for any transfer, &c. of any of such stocks, before the passing of the 23 G. 3. c. 58., 26 G. 3. c. 82. s. 11. [Now liable, see 55 G. 3. c. 184. *Sch. Part I. tit. Transfer.*]

39. Every licence that shall pass the seal of any archbishop, or bishop, chancellor, or other ordinary, or any ecclesiastical court, for appointing any stipendiary curate, in which the annual amount of the stipend is inserted, shall be exempted from stamp duty, and shall be available in any court of law or equity, 28 G. 3. c. 38., 28 G. 3. c. 56. [See like exemption, 55 G. 3. c. 184. *Sch. Part I. tit. Licence.*]

40. The exemption in 25 G. 3. c. 58. s. 1. in favour of bonds, so far as it relates to bonds given as security for money amounting to 100*l.* shall be REP., 55 G. 3. c. 30. s. 3.

41. Nothing in this act shall charge any bond or letter of attorney, with the duty hereby imposed, nor any deed, executed by one of the parties, prior to 1st Aug. 1797, 37 G. 3. c. 111. s. 2.

42. Nothing in this act shall extend to any indenture of apprenticeship, when the sum or value not exceeding 10*l.* shall be given, or contracted with, or in relation to the apprentice, nor to any lease of lands or tenements for a term not exceeding 21 years, the full improved annual value whereof, and rent reserved, shall not be more than 10*l.*, nor to any lease for lives, or years determinable on lives, where the fine or consideration shall not exceed 20*l.* and the rent reserved

shall not exceed 40*s.*, 37 G. 3. c. 111. s. 3. [See 55 G. 3. c. 184. *Sch. Part I. tit. Lease.*]

43. The duties by 37 G. 3. c. 111. granted, shall extend to every deed which by law may form, or is intended to form, a part of any conveyance of lands, or tenements, whereby a greater interest in the same is conveyed than a term of 21 years, whatever may be its value, the 37 G. 3. c. 111. s. 3. notwithstanding, 39 & 40 G. 3. c. 72. s. 13.

44. The provision of 19 G. 3. c. 45. (s. 10.), whereby any grant, conveyance, or assurance of the fee farm rents, of the duchy of Lancaster, are made free of stamp duty, shall exempt them from all stamp duties imposed by any act now in force, 39 & 40 G. 3. c. 72. s. 1. [See also the exceptions in 55 G. 3. c. 184. *Sch. Part I. tit. Grant.*]

45. No stamp duty shall be charged for any commissions granted to the officers of the yeomanry, cavalry, or volunteer infantry, 44 G. 3. c. 98. s. 18. [See similar exemption, 55 G. 3. c. 184. *Sch. Part I. tit. Commission.*]

46. Nothing herein shall charge with any duty, any proceeding with respect to persons suing in *forma pauperis*, nor any proceedings of any court martial which relate to the trial of any common soldier, nor any orders, decrees, or proceedings before the commissioners of sewers, or in the court of stannaries, nor any instruments which by the land-tax redemption acts are specially exempted from duty, *id.* s. 19. [See 55 G. 3. c. 184. *Sch. Part II. at the end, and pl. 27.*]

47. All bonds entered into before the passing of this act, by any collectors of the assessed taxes, and property tax, and their sureties, relating to their offices, on unstamped paper shall be valid, and all persons shall be indemnified therefore; and all such bonds hereafter to be entered into shall be exempt from stamp duty, 50 G. 3. c. 35. s. 11.

48. All the several instruments hereafter mentioned shall be exempt from stamp duty, *viz.* all bonds to H. M. entered into by card-makers, for securing the payment of the stamp duty on cards; and by proprietors, printers, or publishers of newspapers, for securing the duties on advertisements, and by stationers and others who sell stamped paper for printing newspapers, for the due observance of the matters required by 38 G. 3. c. 78. [See general *tit. Newspapers.*] and also all warrants to sue and defend in courts baron of any honors or manors which hold pleus in actions for debt or damages, not exceeding 5*l.*, as well as all plaints, summonses, executions, writs, and other proceedings issuing out of such courts, 53 G. 3. c. 108. s. 19. [See like exemption, 55 G. 3. c. 184. *Sch. Part I. tit. Bonds, and general exemptions at the end of Part II.*]

III. The Accounts.

49. THE COMMISSIONERS, RECEIVERS GENERAL, OR other persons employed in collecting such duties shall, between the 28th June and the 29th Sept. yearly, exhibit their accounts to the auditors of the imprest, or one of them, who shall examine upon oath the said accountants, of what money was received, and what part thereof was paid into the receipt of the exchequer, or by virtue of any privy seal, or warrant of the treasury, and to whom, and for what service; and they shall produce proper vouchers for the same, according to the ancient methods of the exchequer; and the accounts shall be declared before the lords commissioners of the treasury and chancellor of the exchequer, 5 & 6 W. & M. c. 21. s. 14.

50. THE COMPTROLLER AND ACCOUNTANT GENERAL OF such stamp duties, shall annually pass a general account in the court of exchequer, of the gross produce thereof; in which account there shall be charged all the monies due, for all the stamps put upon any vellum, &c. distinguishing those for which ready money is paid at the office, from those which shall be delivered over to be otherwise sold or distributed, and all the monies which shall arise to H. M. for penalties relating to such duties, and all the monies paid by the registers of the universities, or by any officers of the law, or others, for entries made in books, and all the monies arising for vellum, &c. delivered out by the commissioners, so that the profits may plainly appear; and all monies secured by bonds for such duties, and all other things which ought to be charged in a gross account; and in the discharge there shall be comprehended all the monies which have been duly paid by the receiver-general; and all salaries and incident charges, and discounts on prompt payments, and the monies which shall be paid for vellum, &c. provided by the commissioners, and all other things which by the course of the exchequer ought to be discharged, 1 A. St. 2. c. 22. s. 8.

51. All debts and arrears of such duties, which at the end of such account ought to be charged upon any receiver, or others, shall be set *insuper*, upon the persons charged, that the same be duly recovered, unless the treasury shall stay proceedings, and give time for payment, *id.* s. 9.

52. The stocks of vellum, &c. stamped or unstamped, which at the end of every such account ought to remain in H. M.'s warehouses, shall also be set down at the first of such account, and such annual account shall terminate on 1st Aug., and be delivered by the comptroller, and accountant general to the auditors of imprest, before 25th Dec., and prosecuted, so that the same may be finished before 1st May,

under the penalty of forfeiting his office, and 100*l.*; one moiety to H. M., and the other to such person as will sue for it, as in *s. 6.* [viz. by action of debt, &c.] 1 *A. St. S. c. 22. s. 10.*

53. If any such comptroller and accountant general shall knowingly return any receiver, distributor, or other person *insuper*, for any money or stamps, duly answered, whereby he shall sustain damage, such comptroller, &c. shall pay treble damages to the party grieved, to be recovered by action on the case, in any court at *Westminster*, with costs, wherein no *essoin*, &c. and only one imparlance allowed, *id. s. 11.*

54. The annual account of duties on stamped vellum, parchment, and paper, shall be made up from 10th *Aug.* 1799, on 5th *Jan.* annually, or on the day fixed by treasury, 1 *A. St. 2. c. 22. s. 10.* notwithstanding, 39 *G. 3. c. 92.* [See 46 *G. 3. c. 76. pl. 57.*]

55. The receivers and others employed in collecting, &c. the duty hereby granted shall, between 2d *Aug.* and 15th *Dec.* yearly, exhibit their yearly accounts to the auditors of the imprest, who shall examine the same, on oath of such receivers, &c. concerning what sums were by them received, and what was paid into the bank of *England*, under *s. 10.* of this act, and such receivers, &c. shall produce vouchers for money received and paid, and such auditor shall have 20*s.* for each 1000*l.* such account shall amount to, which accounts shall be signed by such auditors, and be then deemed a good discharge, 12 *G. 1. c. 53. s. 14.* [Money to be paid into the bank of *Eng.* (*s. 10.*), and a book to be kept to the account of the suitors of the court of chancery, whose money had been found deficient in the hands of certain masters of the said court, *id. s. 11.*]

56. "Whereas by several acts it is provided, that during the space of 10 years then following, the auditors of the exchequer shall keep a book, in which shall be kept apart all money arising by duties intended to be a permanent addition to the revenue;" it is ENACTED, that after 5th *Jan.* 1804, the consolidated duties shall be entered in one account, and the treasury shall during the remainder of such 10 years cause separate accounts of such duties to be kept, to ascertain their respective amounts, and which accounts shall be, according to 42 *G. 3. c. 70.*, annually laid before parliament, 43 *G. 3. c. 127. s. 9.*

57. FOR THE BETTER REGULATION OF THE OFFICE of receiver general of stamp duties in *Eng.*, 46 *G. 3. c. 76.* [AMD. as to the weekly payments into the exchequer, 59 *G. 3. c. 39.*]

58. All money bills, drafts, and notes, which shall be received by the receiver-general of stamp duties, shall be paid into the bank of *Eng.*, viz. the money and notes, and such bills and drafts as shall be already accepted, or do not require acceptance on the day after received, and such bills and drafts as do require acceptance, and are not accepted when received on the day after the same are accepted, and all such monies, &c. shall be placed in the books of the bank, to "The account of the public monies of the receiver general of stamp duties," inserting his name, 46 *G. 3. c. 76. s. 1.*

59. Such receiver general may retain out of the monies received by him, such sums not exceeding 1000*l.* per week, (unless a larger sum is allowed in writing, by 3 lords of the treasury,) as the commissioners of stamps shall direct for the payment of casual and ordinary charges, payable out of the stamp revenue, *id. s. 2.*

60. The bank of *Eng.* shall daily on receiving any money, bills, drafts, or notes, from the receiver-general, make an entry of the money, &c. so received in a book, which shall be forthwith returned to the stamp office, and then inspected by the comptroller, and accountant general, or their deputies, who shall compare the same with the books kept by him, to see that such receiver pays all money, &c. which he ought, into the bank, and any default found by them therein, they shall report to the commissioners of stamps, who shall report it to the treasury, *id. s. 3.*

61. The weekly payments into the exchequer, pursuant to law, of money arising from the stamp duty, shall be as follows, (viz.) such receiver-general, or one of his clerks, shall make an order on the bank to write off from his account the sum desired, which order shall be countersigned as the treasury shall direct, and on receipt of such order, the bank shall write off the same, and deliver a note for the amount (which note shall be cancelled) to the bearer of such order, who shall pay the same into the exchequer, and the bank clerks attending at the exchequer shall receive such note as cash, *id. s. 4.*

62. For the payment of such incidental charges, which the money retained by the receiver-general shall be insufficient to pay, such receiver-general, or one of his clerks, may draw out of the bank such sums as the commissioners of stamps may direct, and every draft for the payment of money for any such purposes, shall be countersigned as the treasury shall direct, and shall specify the head of service for which issued, and such receiver-general shall account for such money, as well as for the money so retained by him, and for the application thereof, as the commissioners of stamps, with the approbation of the treasury, shall direct, *id. s. 5.*

63. All drafts drawn according to the directions of this act, but not

otherwise, shall be a good authority to the bank to pay the amount to the persons mentioned therein, or to the bearer of them, 46 *G. 3. c. 76. s. 6.*

64. [Upon the death, or removal of any receiver-general, the balance of cash for which he has credit, as such receiver, with the bank, shall when a successor is appointed, actually vest in such successor in trust for the public, and be forthwith placed to his account, to be applied as aforesaid; and such successor shall issue his drafts and orders for the payment of all unsatisfied demands, although they accrued in the time of any former receiver-general, *id. s. 7.*

65. Such receiver-general shall keep the account with the bank, of all monies issued by the bank, on account of the service of the public; and such receiver observing the rules, &c. of this act, shall not be answerable for any money bills, &c. which he shall so pay into the bank, but the bank shall, *id. s. 8.*

66. Every person who shall knowingly and wilfully forge, or counterfeit, or cause to be forged, &c. or knowingly and wilfully assist in forging, &c. the name or hand writing of such receiver general, or of his clerk, or of either of the commissioners of stamps, to any instrument, in order to obtain any money, in the custody of the bank of *Eng.*, on account of such receiver, or shall forge, or counterfeit, or cause to be forged, &c. or knowingly and wilfully act or assist in forging, &c. any instrument in the form of a draft, made by such receiver-general, or his clerk, or shall utter, or publish any such, knowing the same to be forged, &c. with intention to defraud any person whomsoever, shall on conviction suffer death without clergy, *id. s. 9.*

67. The receiver-general of stamp duties shall, as directed by 46 *G. 3. c. 76. s. 4. pl. 61.* make payments into the exchequer, on such days, in every week, as the treasury shall direct, 59 *G. 3. c. 39. s. 1.*

IV. General Regulations.

68. H. M., UNDER THE GREAT SEAL OF *Eng.*, [for the treasury, 9 & 10 *W. 3. c. 25.*] may nominate commissioners or officers for the purposes herein mentioned, who shall keep their head office at some place within *London* or *Westminster*, and they, or the major part of them, may, under their hands and seals, appoint inferior officers for marking or stamping of vellum, parchment and paper, or for better collecting the duties hereby granted, and they shall provide stamps to stamp all such vellum, &c. [which stamps shall be published by proclamation under the great seal, and such stamps may be altered or renewed as H. M. thinks fit, so as the same be notified by public proclamation, 5 & 6 *W. & M. c. 21. s. 7.*, 5 & 6 *W. & M. c. 21. s. 7.*, 9 & 10 *W. 3. c. 25. s. 48.*

69. The head office for stamp duties may be in any of the four inns of court, or of the parishes of *St. Andrew Holborn*, *St. Clement Dances*, *St. Paul Covent Garden*, or *St. Giles in the Fields*, although the same be not in *London* or *Westminster*, 10 *A. c. 19. s. 181.*

70. Such commissioners shall take care that the impressions of such stamps are durable, and as little liable to be forged as possible, 5 & 6 *W. 3. c. 21. s. 8.*

71. If any commissioner or officer shall fix any such stamp to any vellum, &c. before such duties are paid or secured, he shall forfeit 100*l.*, to go one moiety to H. M. and the other to the person suing, in any court of record, by plaint, bill or information, wherein no *essoin*, &c. and only one imparlance shall be allowed, 5 & 6 *W. & M. c. 21. s. 10.*, 9 & 10 *W. 3. c. 25. s. 59.*

72. The commissioners may appoint a person to attend in any court or office to take notice of the vellum, &c. upon which any the things aforesaid shall be written, and of all other matters tending to secure the duties arising by this act, and the judges and others to whom it may appertain, at the request of the commissioners, or any two of them, shall make such orders, and do such things for the better securing of the duties as shall be reasonably desired, 5 & 6 *W. 3. c. 21. s. 12.*, 9 & 10 *W. 3. c. 25. s. 61.*, 26 *G. 3. c. 48. s. 7.*

73. Every person commissioned by their majesties, and every person to be employed for the stamping of vellum, &c. before his acting, shall take the oath following, viz.

I *A. B.* do swear, that I will faithfully execute the trust reposed in me, pursuant to an act of parliament, intituled, *An act for granting to their majesties several duties upon vellum, &c. for four years, towards carrying on the war against France*, without fraud or concealment; and shall from time to time true account make of my doing therein, and deliver the same to such person or persons as their majesties, their heirs and successors, shall appoint to receive such account; and shall take no fee, reward or profit for the execution or performance of the said trust, or the business relating thereunto, from any persons, other than such as shall be paid or allowed by their majesties, their heirs or successors, or by the commissioners of their majesties treasury, or three of them now being, or by the treasurer of the exchequer, or three or more of the commissioners of the treasury for the time being.

Which oath shall be administered to any commissioner by 3 commissioners; and any of the commissioners may administer the oath to the sub-commissioners or other persons employed, 5 & 6 *W. & M. c. 21. s. 12.*, 9 & 10 *W. 3. c. 25. s. 61.*

74. The commissioners of stamps shall be sworn; and form of oath given, 8 A. c. 9. s. 42., 9 A. c. 23. s. 29., 10 A. c. 19. s. 106., 10 A. c. 26. s. 73. (but no form given), 12 A. St. 2. c. 9. s. 26., 12 G. 1. c. 33. s. 9.

75. The commissioners and their officers shall observe the orders of the treasury, or of the treasurers of the exchequer, 5 & 6 W. & M. c. 21. s. 13., 9 & 10 W. 3. c. 25. s. 63., 43 G. 3. c. 127. s. 4. [See 8 A. c. 9. s. 44. *post*, pl. 82.]

76. The commissioners shall take care that the kingdom is sufficiently furnished with vellum, &c. duly stamped, so as all persons may at their election buy the same of the officers employed by the commissioners at a certain rate above the duty, or bring their own vellum, &c. to be stamped, 5 & 6 W. & M. c. 21. s. 13., 9 & 10 W. 3. c. 25. s. 62., 9 A. c. 23. s. 35., 10 A. c. 19. s. 116., 30 G. 2. c. 19. s. 20., 16 G. 3. c. 34. s. 12., 26 G. 3. c. 48. s. 4.

77. All records, and other proceedings in the courts of law and equity, and all deeds and writings hereby charged, shall be engrossed and written as they have been usually or are now written, 5 & 6 W. & M. c. 21. s. 15., 9 & 10 W. 3. c. 25. s. 64.

78. H. M., out of the duties hereby arising, may cause such sums to be expended for salaries, and other incidental charges as may be necessary for collecting or managing the duties, 5 & 6 W. & M. c. 21. s. 22., 9 & 10 W. 3. c. 25. s. 66., 12 G. 1. c. 33. s. 5.

79. The treasury shall, once a year, set the price of all sorts of stamped vellum, &c. at which it shall be sold, and shall stamp the same on it, 6 & 7 W. 3. c. 12. s. 9., 9 & 10 W. 3. c. 25. s. 68., 9 A. c. 23. s. 66., 10 A. c. 19. s. 117., 30 G. 2. c. 19. s. 21., 16 G. 3. c. 34. s. 13.

80. NO OFFICER SHALL BE SUBJECT TO ANY PENALTIES, in this or any former act mentioned, for writing any thing in any book or roll without stamps, which shall have been first signed by the commissioners, or some officer by them authorized; so as the person having the custody of such book or roll do (as often as required) permit the commissioners, or any officer by them appointed, to inspect such book or roll, and do also pay unto the receiver-general of the duties all sums of money which according to the stamp acts ought to be paid in respect of all such things as shall be written in such book or roll, 1 A. S. 2. c. 22. s. 4.

81. All things (in respect whereof any of such stamp duties shall be payable) shall be written in such manner that some part thereof shall be either upon or as near as conveniently may be to the stamps; upon pain that the person who shall write any such thing contrary to the meaning hereof shall forfeit 10*l.*, with costs, *id.* s. 5.

82. THE COMMISSIONERS OF STAMPS, and all other officers employed in the revenue of stamps, shall observe the orders of the treasury, and shall take no fee for any thing done in pursuance of this act; and in case any such officer shall neglect to perform any thing by this act required, whereby H. M.'s subjects shall sustain damage, he shall be liable, by any action founded on this statute, to answer to the party grieved all such damages, with treble costs, 8 A. c. 9. s. 44., 9 A. c. 23. s. 30., 10 A. c. 19. s. 107., 30 G. 2. c. 19. s. 24., 32 G. 2. c. 35. s. 6., 2 G. 3. c. 36. s. 6., 5 G. 3. c. 47. s. 6., 26 G. 3. c. 48. s. 8.

83. All public officers, having custody of any revenue debenture, or any public books, files, records, remembrancers, docket or proceedings, the signet whereof may tend to secure the stamp duties, or discover any fraud in relation thereto, shall permit any officer authorized by the commissioners of stamps to inspect all such books, &c. and take notes thereout without fee, upon pain that such clerk or officers shall forfeit [5*l.*, 9 A. c. 23. s. 28.], [50*l.* 5 G. 3. c. 46. s. 38.], with full costs, 9 A. c. 23. s. 28., 5 G. 3. c. 46. s. 38.

84. Commissioners shall be from time to time appointed to manage the stamp duties, and they and their officers shall perform their duty therein under the like penalties and disabilities as by 9 & 10 W. 3. c. 44. for the like offence inflicted, 9 A. c. 23. s. 48., 10 A. c. 19. s. 124., 10 A. c. 26. s. 77., 12 A. S. 2. c. 9. s. 29., 12 G. 1. c. 33. s. 12.

85. Breach of trust in the commissioners shall be punished as under former acts, 30 G. 2. c. 19. s. 25., 32 G. 2. c. 35. s. 7., 2 G. 3. c. 36. s. 7., 5 G. 3. c. 47. s. 7.

86. Dies for stamping, though distinguished by letters to shew one from another, and the impressions thereby made, shall be lawful stamps according to the acts in that behalf made; and all stamps, provided in pursuance of this or any other act, shall (notwithstanding the addition of any letter or figure) be deemed lawful stamps, and made in pursuance of this act, 10 A. c. 19. s. 179.

87. No commissioner, officer or person concerning in the levying or managing any of the duties granted by this act shall, by word, message, writing or otherwise, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for the choice of any person to be knight of the shire, commissioner, citizen, burgess or baron, for any county, city, borough or cinque port, and every officer or person offending herein shall forfeit 10*l.*, to go one moiety to the informer, and the other to the use of the poor of the parish where the offence was committed; to be recovered by any person who will sue for the same by action of debt, &c. or information in the courts of record at

Westminster, or the exchequer in Scot., in which no essoin, &c. and only one imparlance allowed; and persons convict at any such suit shall be incapacitated for executing any office under H. M., 10 A. c. 19. s. 182.

88. Where any more than one of the matters charged with any stamp duty shall be engrossed, &c. upon one piece of vellum, &c., the duties hereby granted shall be paid on each of such matters respectively, 12 A. S. 2. c. 9. s. 24.

89. One new stamp may be used to denote several duties, 30 G. 2. c. 19. s. 18., 32 G. 2. c. 35. s. 3., 2 G. 3. c. 36. s. 3., 5 G. 3. c. 47. s. 3., 16 G. 3. c. 34. s. 9., 17 G. 3. c. 50. s. 19., 19 G. 3. c. 66. s. 4., 21 G. 3. c. 56. s. 3., 23 G. 3. c. 58. s. 7., 29 G. 3. c. 50. s. 3., 29 G. 3. c. 51. s. 4., 48 G. 3. c. 149. s. 4.

90. FOR THE MORE EFFECTUAL preventing of frauds in the stamp duties upon vellum, parchment, paper and cards, 12 G. 3. c. 48.

91. If any person shall write, engross, or cause to be written, &c. either the whole or part of any writ, mandate, bond, affidavit, or other writing or thing in respect whereof any duty is payable by any act made, or to be made, on the whole or any part of any piece of vellum, &c. whereon there has been before written any other writ, &c. in respect whereof any duty was payable before such vellum, &c. has been stamped again, or shall fraudulently erase or scrape out, or cause to be erased, &c. the name of any person, or any sum, date, or other thing written in such writ, &c. or fraudulently cut, tear or get off any mark or stamp in respect whereof any duty is payable or denoted to be paid from any piece of vellum, &c. playing cards, outside paper of any pack of playing cards, or any part thereof, with intent to use such stamp for any other writing or thing in respect whereof any such duty is payable, or denoted to be paid, then the person offending, and all persons knowingly abetting him therein, shall be guilty of felony, and on conviction be transported for not exceeding 7 years; and if such person so convicted or transported shall voluntarily escape or break prison, or return from transportation before the expiration of his term, he shall, on conviction, suffer death without clergy, and be tried for such felony in the county where apprehended, *id.* s. 1. [See as to playing cards, 6 G. 1. c. 21. s. 55. STAMPS (*Cards and Dice*), pl. 357.; and as to forgery, *Div. VI.*]

92. If any person shall commit any such offences, and afterwards, being out of prison, discover one person who since that time has committed any of such offences, so as such person is convicted, he so discovering shall have H. M.'s pardon for all of such offences by him committed before such discovery made, *id.* s. 2.

93. THE SEVERAL RATES now chargeable on vellum, &c. in respect of any matter engrossed, &c. thereon, shall be charged upon every other material on which any of such matters shall be engrossed &c.; which rates shall be charged, ascertained and secured as the duties now payable on vellum, &c. are directed to be by the laws now in force, 38 G. 3. c. 85. s. 4.

94. All the powers, regulations, penalties, &c. and application of penalties, and all other matters in any act now in force relating to the stamp duties shall be in full force with relation to the rates charged on all other materials, as in s. 4., and shall be applied in collecting or recovering, &c. the same, *id.* s. 5.

95. THE COMMISSIONERS of stamps, instead of distinct stamps directed to be provided to denote the duties on stamped vellum, &c. may cause one new stamp to be provided to denote such duties charged on every piece of vellum, &c. or other instrument as they think fit, and may alter, repair or renew the same, 43 G. 3. c. 127. s. 1.

96. Instruments, although stamped with a stamp of greater value than by law required, shall be valid, provided such stamp is of the proper denomination, *id.* s. 6. [See pl. 99.]

97. No single instrument, article or thing which is subject to only one specific duty, shall be charged under two distinct heads or denominations, 44 G. 3. c. 98. s. 11.

98. All instruments which have been stamped with two or more stamps for the denoting the amount of any single duty chargeable thereon, shall be as valid as if the same had been stamped with a single stamp; but no stamp appropriated to denote the duty charged on any particular instrument, and bearing the name thereof on its face, shall be used for denoting any other duty of the same amount, or if so used, the same shall be of no avail, 48 G. 3. c. 149. s. 4.

99. INSTRUMENTS HAVING stamps of a wrong denomination, but of equal or greater value than the instrument required, shall be valid, except where the stamp is specially appropriated to another instrument by having its name on the face thereof, 50 G. 3. c. 35. s. 16., 55 G. 3. c. 184. s. 10. [See pl. 96.]

100. Old stamps may be used to denote new duties, and two or more stamps to denote one duty, until a single stamp provided; but no stamp bearing the name of any instrument shall be used for any other, or if so used, shall be of no avail, 55 G. 3. c. 184. s. 4.

101. All vellum, &c. stamped for denoting any former duties, may be used for instruments, &c. hereby charged with new duties of the same amount, and such commissioners may stamp such vellum, &c. with any

additional stamps in order to make up the increased duty; provided no vellum, &c. bearing stamps appropriated by name to any particular instrument shall be used for any other purpose, or if used, shall be of no avail, 55 G.3. c.184. s.5.

102. Stamped paper rendered useless by this act may be exchanged within 12 months from 31st Aug. for other stamps, or have additional stamps affixed, *id.* s.6. [Exp.]

103. To REMOVE DOUBTS AS TO THE AMOUNT OF STAMP DUTIES to be paid on deeds and other instruments under the several acts in force in G.B. and Ire. respectively, 1 & 2 G.4. c.35.

104. Every deed, agreement or other instrument which shall relate wholly to any real or personal property in Ire., or to any thing (other than the payment of money) to be done in Ire., shall be chargeable with such stamp duties as are payable by the stamp laws in force in Ire., and no other; and every deed, agreement, or other instrument which shall relate to any real or personal property in G.B., or to any thing (other than the payment of money) to be done in G.B. or elsewhere than in Ire., shall be chargeable with such stamp duties as are payable by the stamp laws in force in G.B.; and every deed, &c. which shall relate to any real or personal property in Ire., or to any thing (other than the payment of money) to be done in Ire., and also to any real or personal property in G.B. or elsewhere than in Ire., or to any thing (other than the payment of money) to be done in G.B. or elsewhere than in Ire., shall be chargeable with such stamp duties as are payable by the stamp laws in force in G.B., and not with any other stamp duty; but every such deed, &c. shall be chargeable with such stamp duties accordingly, whether the same shall be ingrossed and executed at any place within the U.K. or not, and whether any of the parties to such deed, &c. are resident in or executing the same at any place in G.B. or Ire., or elsewhere; and any deed, &c. duly stamped, pursuant to this act, shall not be liable to stamp duty by reason of the same containing any covenant, agreement or obligation for the payment of money, at whatever place such money may be made payable, or may by law be payable, *id.* s.1.

105. All bonds, covenants and agreements for securing the payment of money only (where the money so secured shall not be also charged or secured upon any real or personal property), shall be liable to stamp duty as follows; viz. where there shall be only one obligor or covenantor, or person liable to pay such money, or several obligors, &c. but all shall be resident in G.B., or all shall be resident in Ire., such bond, &c. shall be charged with the stamp duty, payable in that part of the U.K. where the obligor, &c. shall *bonâ fide* reside at the time of executing the same, and where some or one of several obligors, &c. liable to payment of money secured by bond, &c. shall, at the execution of such bond, &c. be *bonâ fide* resident in G.B. and elsewhere, not in Ire., and some other or others shall be *bonâ fide* resident in Ire., then such residences shall be truly described in such bond, &c. and such bond, &c. shall be charged with the stamp duty payable by the stamp laws in force in G.B., and not with any further or other stamp duty; but the payment of any rent or annuity shall be deemed to be the payment of money within this act, *id.* s.2.

106. Nothing herein shall affect the stamp duties on bills of exchange or promissory notes, or charge with any stamp duty any cheques, drafts or orders not now liable to such duty, *id.* s.3.

107. Every deed, bond, covenant, agreement or other instrument stamped according to this act may, as far as may respect the stamp duty, be given in evidence in any court of law or equity in G.B. or Ire., *id.* s.4.

V. Penalties.

108. THE MOIETY OF ALL PENALTIES IN THIS ACT MENTIONED, shall go to H.M., and the other with full costs to the party suing in any court of record, by action of debt, &c. or information, wherein no essoin, &c., 1 A. St. 2. c.22. s.6. [See 44 G.3. c.98. s.27. *pl.* 124.]

109. All penalties hereby imposed relating to stamped, vellum, &c. shall go one moiety to H.M. and the other with full costs to the party suing in the courts at Westminster, for offences committed in Eng., Wa. or Ber., and in the exchequer in Scot., for offences done there, by action of debt, &c. or information, wherein no essoin, &c. and only one imparlance allowed, 9 A. c.23. s.37. [See 44 G.3. c.98. s.27. *pl.* 124.]

110. ALL PECUNIARY PENALTIES HEREBY IMPOSED relating to the duties on stamped vellum, &c. or upon cards, &c. (except such, touching which other directions are given) shall be divided, one moiety to H.M., and the other with costs, to such as shall sue for the same in any of H.M.'s courts at Westminster, for offences committed in Eng., and in the courts of session, justiciary, or exchequer, in Scot., by action of debt, &c. or information, wherein no essoin, &c. and only one imparlance allowed, 10 A. c.19. s.119.

111. Two justices residing near the place where any pecuniary penalties not exceeding 20*l.*, upon this or any act relating to the stamp duties, shall be incurred, or any offence against such acts committed, by which any sum only may be forfeited, may determine the

same; which justices upon information or complaint made within one year after the seizure made, or offence committed, may summon the party accused, and witnesses on either side; and on the appearance or contempt of the party accused, shall be convicted of the offence alleged against him, and may award warrants under their hands and seals, for levying such penalties on the goods of the offender, and make sale thereof within 6 days, if not before redeemed; and party aggrieved by such judgment of such justices, may appeal to the next quarter sessions, and the justices there shall finally determine the same, and summon and examine witnesses upon oath, and in case of conviction, may issue warrants for levying such penalties, 10 A. c.19. s.172.

112. Such justices may mitigate such penalties, the reasonable costs of the officers and informers being allowed over such mitigation, so as such mitigation does not reduce the penalties to less than double the duties, besides such costs, *id.* s.173.

113. No *certiorari* shall supersede execution or other proceedings on any order made by such justices under this act, *id.* s.174.

114. ALL PENALTIES HEREBY INFLICTED SHALL GO one moiety to H.M. and the other to the party suing for the same in any court of record, with his full costs, by action of debt, &c. or information, wherein no essoin, &c. and only one imparlance allowed, 5 G.3. c.46. s.41.

115. WHEREVER ANY PERSON SHALL BE CONVICTED BEFORE a justice or justices of peace, of any offence against any act now in force, or hereafter to be made, touching the duties of stamps, by which any pecuniary penalty is forfeited; such justice or justices before whom the party is convicted, shall levy such penalty in such manner as in such acts is contained, and apply the same to such uses, and in such proportions as is therein directed, in case such acts shall expressly direct the application thereof, and in default of such direction, they shall apply the same as here directed, 26 G.3. c.82. s.1.

116. One moiety of all such penalties (except where otherwise directed) shall go to the informer prosecuting for the same, within 6 calendar months after such offence committed, and the other moiety, the expences of recovery being first deducted, shall go to H.M., *id.* s.2.

117. The division of any such penalty directed by this or any other stamp act, on conviction before a justice, shall be restricted to prosecuting for it within such time as in s.2. *pl.* 116., and in default of such prosecution within 6 calendar months, no part of it shall go to the informer before a justice, but the whole shall go to H.M., and be recoverable by any ways, as may be in any such stamp acts directed, *id.* s.3.

118. All such penalties and shares thereof which shall be due to H.M. under this or any other stamp act now or hereafter to be made, shall be paid to the receiver-general of stamp duties, or some person authorized by such commissioners to receive the same, who shall keep a distinct account thereof, and pay the same (the charges of paying and accounting being deducted) into the exchequer by the 1st Aug. yearly, and the auditor of the receipt of the exchequer, shall enter in a book all monies arising from such penalties due to H.M. apart from all others, and the same shall be applied to the use of H.M., to such purposes as such penalties were or ought to have been applied before this act made, *id.* s.4.

119. Where any penalty for any offence against the stamp laws now in force, or hereafter to be made, is incurred, the convicting justice or justices shall make out the conviction in the form following, or to the like effect, *mutatis mutandis*, and such conviction shall be good, viz.

'Be it remembered, that on the — day of — in the — A. B. of — was duly convicted before me C. D. one of H. M.'s justices of the peace for the county of — [or, before us C. D. and E. F. two of H. M.'s justices of the peace for the county of — as the case shall happen to be] in pursuance of an act, passed in the — year of the reign of — for that the said A. B. on the — day of — now last past, did [here state the offence against the act, as the case shall be] contrary to the form of the statute in that case made and provided; and I [or we, as the case may be] do declare and adjudge that he the said A. B. hath forfeited for his said offence, the sum of — of lawful money of G. B. which sum of — I [or we, as the case may be] do hereby mitigate to the sum of — [here state the mitigated penalty, if necessary] to be distributed as the law directs. This is the first, [second, or other offence, as the case shall be.] Given under my hand and seal [or our hands and seals, as the case may require] this — day of —.'

Which conviction such justice shall cause to be written on parchment, and returned to the next quarter sessions for the county, city, or place, &c. where conviction was made, to be filed by the clerk of the peace, and there to remain among the records of the county, &c.; and no such conviction shall be removed by *certiorari*; but shall be subject to appeal before the quarter sessions, as in the stamp acts may be directed, *id.* s.5.

120. If upon the trial of any information, indictment, or other prosecution for any offence against this or any other act, touching the stamp duties, whereby any person is deemed guilty of felony, any question shall arise whether any person be an officer of H.M. for any of such duties, or whether any person has been employed by the commissioners of stamps to make or provide any deeds of stamps to denote such duties, or to repair, renew, or alter the same; in any of such cases proof may be

made, that such person was reputed to be, and had in fact exercised such office or employment at the times when the matter of such trials happened to be done, without producing or proving the particular commission, deputation or other authority, whereby such officer or person was appointed, and in such case such proof shall be deemed good evidence, unless other evidence appear to the contrary, 26 G.3. c.82. s.6.

121. All laws and statutes now in force touching such duties, and all articles therein, and not hereby altered or repealed, shall be duly executed, and under the penalties therein contained, to be raised and disposed of as thereby directed, *id.* s.8.

122. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence, and if the plaintiff has a verdict against him, or is nonsuited, the defendant shall have treble costs, *id.* s.12.

123. No person shall commence or prosecute, &c. any action, information, &c. in H. M.'s courts, or before any justice or other magistrate, against any person for the recovery of any fine or penalty incurred by virtue of this or any other stamp act, unless the same be commenced, prosecuted, &c. in the name of H. M.'s attorney-general in Eng., or H. M.'s advocate in Scot., or in the name of the solicitor, or some other officer of the stamps; and if any action or information is commenced in the name of any other person than as before-mentioned, the same, and every proceeding thereon had shall be null, 44 G.3. c.98. s.10. [*But see as to post-horse duty, 57 G.3. c.59. s.26.*]

124. All penalties hereby imposed, except where otherwise directed, shall be sued for, recovered, levied or mitigated by such means as any penalty may be by any laws in force, on or before 10th Oct. 1804, relating to the stamp duties, or by action of debt, &c. or information in the courts of record at Westminster, or in the exchequer in Scot., and all fines heretofore imposed by any stamp act, shall go to H. M. only; provided that the commissioners of stamps may in cases where any such fine was by any such act given to the informer, give any part thereof, as they deem proper, to any person who may inform or discover any such offence, *id.* s.27.

125. IN ALL ACTIONS, INFORMATIONS, PROCEEDINGS, &c. hereafter to be commenced, &c. in the name of H. M., or in the name of any person on his behalf, for the recovery of any duties, debts or penalties granted or imposed by any stamp act now in force, or this act, such duties, &c. shall be recovered with full costs, 53 G.3. c.108. s.23.

126. The commissioners of stamps may stay proceedings in any prosecution commenced by their direction, for the recovering any penalty on payment of part only of such penalty, with or without costs, or on payment of the costs only or part thereof, and such commissioners judge fit, and they may give such sums as shall be so paid, by way of penalty to the persons informing them of the offences for which had, *id.* s.24.

127. All criminal offences against any of the stamp acts shall be tried in the county or city, or town and county, where committed, or where the offenders are apprehended, *id.* s.28.

VI. Forgery.

128. FORGING STAMPS, OR FRAUDULENTLY USING LEGAL ONES, felony without clergy, 5 & 6 W. & M. c.21. s.11., 9 & 10 W.3. c.25. s.60., 8 A. c.9. s.41. [*see the section at length, STAMPS (Apprentice), pl. 231.*] 9 A. c.23. s.34., 10 A. c.19. ss.115—163., 10 A. c.26. s.72., 6 G.1. c.21. s.60., 29 G.2. c.13. s.5., 30 G.2. c.19. s.27., 32 G.2. c.35. s.8., 2 G.3. c.36. s.8., 5 G.3. c.55. s.6., 5 G.3. c.46. s.40., 5 G.3. c.47. s.8., 7 G.3. c.44. s.5., 16 G.3. c.54. s.15., 17 G.3. c.50. s.25., 19 G.3. c.66. s.8., 20 G.3. c.28. s.6., 21 G.3. c.56. s.9., 23 G.3. c.58. s.11., 25 G.3. c.58. s.10., 25 G.3. c.80., s.30., 29 G.3. c.50. s.13., 29 G.3. c.51. s.8., 31 G.3. c.25. s.29., 34 G.3. c.14. s.14., 35 G.3. c.50. s.4., 35 G.3. c.55. s.17., 35 G.3. c.63. s.23., 36 G.3. c.52. s.40., 37 G.3. c.90. s.5., 37 G.3. c.111. s.5., 39 G.3. c.107. s.25., 41 G.3. U.K. c.10. s.8., 41 G.3. U.K. c.86. s.16., 42 G.3. c.56. s.20., 43 G.3. c.126. s.11., 43 G.3. c.127. s.8., 44 G.3. c.98. s.9., 45 G.3. c.28. s.8., 46 G.3. c.43. s.3., 48 G.3. c.149. s.7., and 50 G.3. c.35. s.6.

129. Any person causing or procuring to be forged or counterfeited any stamp or mark to resemble any stamp, &c. provided or used under any stamp act, or causing or procuring any vellum, &c. to be stamped with such counterfeit stamp, shall be adjudged to have actually committed the same himself, and suffer death without clergy, 6 G.1. c.21. s.60.

130. If any person shall counterfeit or forge, or procure to be counterfeited, &c. any seal, stamp or mark to resemble any seal, &c. directed to be used under this or any other act, to denote duties by this or any other act granted, or shall counterfeit or resemble the impression thereof, with intent to defraud H. M., or shall utter or vend any vellum, &c. or any cards, dice, newspapers, liable to any stamp duty, with such counterfeit stamp, &c. thereon, knowing the same to be counterfeit, or shall

privately and fraudulently use any such seal, &c. with intent to defraud H. M., such person shall, on conviction, be adjudged a felon, and suffer death without clergy, 16 G.3. c.54. s.13.

131. If any person shall forge or counterfeit, or cause or procure to be forged, &c. any mark, stamp or die, provided, made, or used under this act, or shall counterfeit or resemble, or cause &c. the impression of the same on any vellum, &c. or other material, or the impression of the stamp or die on any vellum, allowed to be issued or applied under this act, thereby to defraud H. M.; or if any person shall alter or vend any vellum, &c., or other material with such forged, &c. stamp or impression thereon, knowing the same to be forged, &c. such person shall, on conviction, be judged a felon and suffer death without clergy, 44 G.3. c.98. s.9.

132. If any person shall forge or counterfeit, or cause or procure to be forged, &c. any stamp or die, or any part thereof, provided, made, or used, in pursuance of this or any former stamp act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, &c. the impression or any part thereof, of any such stamp, &c. on any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped, &c. any vellum, &c. with any such forged stamp, or part thereof, with intent to defraud H. M. of any of the duties by this act granted; or if any person shall utter or sell, or expose to sale any vellum, &c. having thereon the impression of any such forged stamp or die, or part thereof, or any such forged, &c. impression or part thereof, knowing the same respectively to be forged, &c. or if any person shall privately and secretly use any stamp or die, so provided, &c. with intent to defraud H. M. of any of such duties, or shall fraudulently cut, tear, or get off, or cause or procure to be cut, &c. the impression of any stamp or die, so provided, &c. in pursuance of this or any former stamp act, from any vellum, &c. with intent to use the same for or upon any other vellum, &c. or any instrument or writing chargeable with any of such duties; every person so offending, or knowingly and wilfully aiding or assisting any person in committing any such offence, being thereof convicted, shall suffer death without benefit of clergy, 55 G.3. c.184. s.7. [*But all offences against the revenue laws heretofore declared felony without the benefit of clergy, made clergyable except as herein excepted, 52 G.3. c.143. s.7. and see also 12 G.3. c.48. STAMPS, pl. 91.*]

133. Every person who shall forge or counterfeit, or cause to be forged, &c. any plate, stamp, or die, or any part of any plate, &c. provided or used in pursuance of this or any former act, for denoting the duties on almanacks, newspapers, and licences to keep stage coaches, or shall forge, &c. or cause to be forged, &c. any newspaper, or part thereof, of any such plate, &c. on any paper, or shall stamp or cause to be stamped, any paper with any such forged, &c. plate, &c. with intent to defraud H. M. of such duties; or if any person shall sell or expose to sale any paper having the impression of any such forged, &c. plate, &c. or any such forged impression as aforesaid, knowing the same to be forged, &c., or if any person shall privately use any plate, &c. so provided, with intent to defraud H. M., such person, and all others abetting him shall on conviction, suffer death as felons, without clergy, 55 G.3. c.185. s.6. [*See 5 & 6 W. & M. c.21. s.11. pl. 163.*]

VII. General Issue.

134. GENERAL ISSUE, AND SINGLE, DOUBLE, OR TREBLE COSTS, under 8 A. c.9. (by virtue of 10 A. c.26. s.76.), 10 A. c.19. s.123., 10 A. c.26. s.76., 6 G.1. c.21. s.66., 30 G.2. c.19. s.74., 32 G.2. c.35. s.14., 2 G.3. c.36. s.10., 5 G.3. c.35. s.12., 5 G.3. c.46. s.44., 5 G.3. c.47. s.12., 7 G.3. c.44. s.22., 8 G.3. c.25. s.11., 16 G.3. c.34. s.56., 17 G.3. c.50. s.28., 19 G.3. c.66. s.14., 20 G.3. c.28. s.10., 21 G.3. c.56. s.12., 22 G.3. c.48. s.27., 23 G.3. c.58. s.20., 25 G.3. c.58. s.14., 25 G.3. c.80. s.36., 26 G.3. c.82. s.12., 29 G.3. c.50. s.16., 29 G.3. c.51. s.11., 31 G.3. c.25. s.35., 34 G.3. c.14. s.18., 35 G.3. c.30. s.8., 36 G.3. c.52. s.47., 37 G.3. c.90. s.38., 41 G.3. U.K. c.10. s.13., 42 G.3. c.56. s.30., and 43 G.3. c.126. s.15.

135. Actions brought against any person for any thing done in pursuance thereof, shall be laid in the county where the fact was done, and the defendant therein may plead the general issue, and give this and any other act, and the special matter in evidence; and in case a verdict or judgment shall pass against the plaintiff, or he shall become nonsuit, or discontinue, the defendant shall have treble costs, 5 G.3. c.46. s.44.

136. Actions brought for any thing done in pursuance of this act, shall be commenced within 6 calendar months after the fact done, and be laid in the county where they arose, and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance hereof; and if it so appear, or if the action is brought after the time limited, or is laid in the wrong county, the jury shall find for the defendant, and on such verdict, or if the plaintiff is nonsuited or discontinues, or has a verdict or judgment on demurrer against him, the defendant shall have treble costs with usual remedy to recover the same, 41 G.3. U.K. c.10. s.13.

VIII. *Altering Stamps [Dies] by H. M.*

137. AS OFTEN AS H. M. SHALL THINK FIT TO ALTER OR RENEW the stamps, all persons who shall have any vellum, &c. marked with the stamp which shall be altered or renewed, and upon which none of the things hereby charged shall be written, may within 60 days after such intention published by proclamation, send such vellum, &c. to the head office, or to such officers as shall be appointed; and such commissioners or officers shall deliver to the persons bringing any vellum, &c. the like quantity, and as good, stamp with such new stamp, without taking any money, under the penalty of 100*l.*, to be recovered as in s. 10. *pl.* 71., to be divided as the other penalties; and in case any person shall neglect within such time to bring such vellum, &c. the same shall be of no other use than if it had never been stamped, and persons using it shall forfeit as in case of using unstamped vellum, &c., 5*l.* 6*s.* 7*d.* 3*d.* 21*d.* s. 16., 9*l.* 10*s.* 3*d.* 25*d.* s. 65., 9*l.* 3*s.* 23*d.* s. 32., 10*l.* 3*s.* 19*d.* s. 109.

138. Stamps provided under this act may be altered, renewed, &c. as stamps under any other stamp act may be, 30*l.* 2*s.* 19*d.* s. 22., 16*l.* 3*s.* 34*d.* s. 14., 17*l.* 3*s.* 50*d.* s. 23., 19*l.* 3*s.* 66*d.* s. 7., 20*l.* 3*s.* 28*d.* s. 5., 21*l.* 3*s.* 56*d.* s. 4., 23*l.* 3*s.* 58*d.* s. 10., 25*l.* 3*s.* 48*d.* s. 9., 29*l.* 3*s.* 50*d.* s. 6., 29*l.* 3*s.* 51*d.* s. 7., and 34*l.* 3*s.* 14*d.* s. 13.

139. When H. M. shall think fit to alter such stamps, the proclamation intended to be made, for giving notice thereof, shall within 20 days after date be sent to the mayor or other head officer of every city, corporation, borough, and market town throughout *G. B.*, who shall cause the same to be published on the next market day, or next *Sunday* in church, on pain to forfeit 200*l.*, [to be sued for in any of the courts at *Westminster*, one moiety to H. M., and the other to such person who will sue for the same, 5*l.* 6*s.* 7*d.* 3*d.* 21*d.* s. 23. *only.*] 5*l.* 6*s.* 7*d.* 3*d.* 21*d.* s. 23., 9*l.* 10*s.* 3*d.* 25*d.* s. 67., 9*l.* 3*s.* 23*d.* s. 33., 10*l.* 3*s.* 19*d.* s. 110.

140. All courts and judges, without any proof or allegation in that behalf, shall judiciously take notice of the proclamation issued by king *William* and queen *Mary*, in pursuance of the 5*l.* 6*s.* 7*d.* 3*d.* 21*d.* s. 21., and all types and stamps thereby published, and hereafter to be published by proclamation of H. M., in pursuance of any stamp act, as the lawful types and stamps provided in pursuance of such stamp act, 10*l.* 3*s.* 19*d.* s. 180.

141. "Whereas a proclamation was issued for publishing the devices and types used in stamping vellum, &c. in pursuance of 5*l.* 6*s.* 7*d.* 3*d.* 21*d.* s. 21., which has since been continued by subsequent acts, but no proclamation issued under such subsequent acts;" it is ENACTED, that such devices and types shall, notwithstanding, be deemed the lawful devices, &c. 12*l.* 3*s.* 2*d.* s. 30.

IX. *Calculation of Stamps.*

142. THE NUMBER OF STAMPS REQUIRED TO BE PUT ON EVERY SKIN or piece of vellum, &c. or sheet or piece of paper, upon which any indenture, lease, bond, or other deed is engrossed, &c. shall be calculated according to the number of common law sheets engrossed, &c. thereon, each such sheet containing 72 words as follows, (*viz.*) where the quantity of words expressed thereon shall not exceed 15 such sheets, one stamp, and where they shall amount unto 30 such common law sheets, 2 stamps, and so on, one stamp more for every 15 sheets above the 30 sheets contained thereon; but if the quantity or number of words engrossed, &c. thereon, shall after such calculation of 15 common law sheets, exceed the number of such common law sheets so calculated by a less quantity of words than other 15 such common law sheets, no further stamp shall be required for such excess; and in such case the stamps required to be put upon such skin, &c. on which any indenture, &c. is engrossed, shall be of the same value or denomination, and shall be such stamps which have been provided to denote the duties payable, or such indenture, &c. according to the laws now or hereafter to be in force, 37*l.* 3*s.* 1*d.* s. 1. [See further, 37*l.* 3*s.* 1*d.* s. 90. ss. 7—8., *pl.* 144, 145.]

143. Every schedule or other instrument annexed unto any indenture, lease, bond, or other deed, and indorsement thereon, shall in estimating the number of stamps hereby required to be put thereon, be deemed part thereof; and the number of words contained thereon shall be calculated as if the same were contained in such indenture, &c. *id.* s. 2.

144. The number of stamps required to put on any skin or sheet, or piece of vellum, parchment, or paper on which any indenture, lease, bond, or other deed hereby charged with a duty of 3*s.* or any agreement hereby charged with any duty is engrossed, shall be calculated according to the number of common law sheets (each such sheet containing 72 words) of which such indenture, &c. together with every schedule or instrument annexed unto or indorsement made on the same, shall consist, as follows, *viz.* where the quantity of words of which any indenture, &c. with such schedule, &c. shall consist, shall not exceed 15 such common law sheets, one or more stamps to denote value of the duties charged thereon; and where the number shall exceed 15 such sheets, then pro-

gressively one or more further stamps of the like value for every further entire quantity of 15 common law sheets, of which such indenture, &c. together with such schedule, &c. shall consist; but if after calculating the words, there shall remain any number of words less in quantity than 15 other such sheets, no further stamp shall be required for such excess, 37*l.* 3*s.* 1*d.* s. 7. [See 37*l.* 3*s.* 1*d.* s. 19. s. 1. *pl.* 142.]

145. The number of stamps required to be put on any skin or piece, or sheet of vellum, &c. on which any copy attested to be true copy of any indenture, &c. hereby charged with duty, shall be engrossed, &c. shall be calculated as follows, (*viz.*) where the quantity of words, of which such copy shall consist, shall not exceed 10 such common law sheets, one stamp; and where the quantity shall exceed such 10 sheets, then progressively one further stamp for every entire further quantity than 10 other such sheets, of which such copy consists; but if after such calculation made, there remain any number of words less in quantity than 10 other common law sheets, no further stamp shall be required for such excess, *id.* s. 8.

146. The number of stamps to be put on every copy, purporting to be a true copy, or attested to be true copy of any indenture, lease, or other deed, hereby liable to stamp duty, shall be calculated according to the rules, &c. in 37*l.* 3*s.* 1*d.* s. 8. *pl.* 145. contained, and all the charges, rules, penalties, &c. of such act, with respect to any such attested copies, shall be applied to every such copy hereby charged with duty, 39*l.* 40*s.* 6*d.* s. 72. s. 6.

X. *Spoiled Stamps.*

147. TO ENABLE THE COMMISSIONERS OF STAMPS TO GIVE new stamps in lieu of such stamps as may be spoiled and rendered unfit for use, 5*l.* 3*s.* 46*d.* s. 39. (*This title is framed from these sections.*) [AMD. 44*l.* 3*s.* 98*d.* s. 17., 50*l.* 3*s.* 35*d.* s. 13—15., 53*l.* 3*s.* 108*d.* ss. 11—18.]

148. All persons who shall have in their possession any stamped vellum, &c., written or engrossed upon, and inadvertently and undesignedly spoiled, obliterated, or by any means rendered unfit for the purpose intended, before the same is executed, and which shall not have been used for any other purpose, or in any other manner, nor any money or other consideration paid to the attorney, solicitor, or other person employed to transact the business, or to the writer thereof, for the duty, may bring or send such stamped vellum, &c. unto the head stamp-office in *London* or *Westminster*; and upon oath (which the commissioners may administer) that such stamped vellum, &c. hath not been executed by any party, used for any other purpose, or in any other manner, and that no money or other consideration had been paid or given for the duty (except the money first paid for such duty) the commissioners shall stamp the like quantity of vellum, &c. with the respective duties stamped on the vellum, &c. so written upon, spoiled, obliterated, or rendered unfit for use, without taking any money or other consideration, 5*l.* 3*s.* 46*d.* s. 39.

149. The commissioners of stamp duties may exchange in the manner directed by 5*l.* 3*s.* 46*d.* s. 46., any stamps which have been spoiled, whether the instrument on which the stamp is impressed has been executed or not, upon such proof on oath or affirmation as such commissioners shall require; and they may make rules and orders to regulate the methods and limiting the times for cancelling or allowing other stamps on vellum, &c., in lieu of such as have been spoiled or rendered unfit for use, and which have not been actually made use of for the purposes intended, as they shall deem necessary to secure the stamp duties, 44*l.* 3*s.* 98*d.* s. 17.

150. Where any person shall have inadvertently used, upon any instrument liable under 48*l.* 3*s.* 149*d.* to stamp duty, a stamp of a greater value than the instrument required, by 50*s.* or more; and where any person shall have inadvertently used, on any instrument not liable to duty, a stamp of 50*s.* or more; and also where any person shall have inadvertently used, upon any instrument so liable to stamp duty, any stamp of the value of 50*s.* or more, exclusive of any progressive duty, but which is of less value than the instrument required, the commissioners of stamps may allow as spoiled, and cancel the stamps so misused, and give others of the like description and value, or otherwise at their discretion, stamps of another description, and of equal value, in lieu thereof, and cause such instrument to be stamped with the proper stamp (if liable to be stamped), on payment of such duty, without demanding the penalty; or if another like instrument of the same tenor and effect is produced, duly stamped and executed, and the instrument bearing the misused stamp is delivered up to be cancelled, such commissioners may allow as spoiled, and cancel the stamps thereon, and give such stamps as aforesaid in lieu thereof, provided application for such relief is made 2 calendar months after the date of the instrument bearing the stamp misused, and provided it is proved to such commissioners in cases where the stamps misused are of less value than the instrument required, that the same were used by mistake, and without intention to delay the payment of the full duty, 50*l.* 3*s.* 35*d.* s. 13.

151. The commissioners of stamps may allow as spoiled, and cancel,

as in *s. 13. pl. 151.*, and give other stamps, in lieu of all such stamps as have been used upon any instrument which has been executed, but which, by some mistake, is found unfit for the purpose, or which, by the death of any party thereto, cannot be executed, and which shall in consequence be cancelled, and delivered to such commissioners as use- less, provided application for such relief is made within 2 calendar months after the date of the instrument in question, and provided such fact be proved by affidavit or otherwise, *50 G. 3. c. 35. s. 14.*

152. The time for giving relief under *50 G. 3. c. 35. ss. 13—15.*, where stamps have been used of greater or less value than the instruments re- quired, and where stamps have been used for instruments not liable to any stamp duty, shall be extended to 6 calendar months after the date of the instruments bearing the stamps misused, *53 G. 3. c. 108. s. 13.*

153. (a) Where the commissioners have power to allow and cancel spoiled stamps, and of give others of the same description and value in lieu thereof, they may also give stamps of any other description, and of equal value with the stamps cancelled, in lieu thereof, *50 G. 3. c. 35. s. 15.*

155. The commissioners of stamps may allow as spoiled, and cancel and give other stamps, in lieu of all such stamps as have been used for or upon presentations to ecclesiastical benefices not followed by insti- tution; or for any instruments which have been signed by any party, but afterwards found to be absolutely void in law from the beginning; or which by error therein shall be found unfit for the purpose intended; or which by the death of any person whose signature shall be necessary thereto, without having signed the same, or by the refusal of any such person to sign the same, cannot be completed so as to effect the trans- action in the form proposed; or which, for want of the signature of some material party, shall be insufficient for the purpose; or which, by the refusal of any person to act under the same, or by the refusal or non-acceptance of any office thereby granted, shall fail of their intended purpose; or which, for want of enrolment or registration within the time required by law, shall be null and void; or which shall become useless in consequence of the transaction therein mentioned being effected by some other instrument duly stamped, so that the instrument for which such allowance is claimed in the several cases aforesaid, is de- livered up to such commissioners to be cancelled; and provided appli- cation for such relief is made within 6 calendar months from the date of the instrument in question, except where the same shall become void for want of enrolment within 6 calendar months from the date, and in such case within 6 calendar months next after the same shall be- come void; and except where the same shall be sent abroad, and in those cases within such time after its receipt back; provided no action has been brought or suit commenced, in which such instrument could or would be given in evidence, and provided all such grounds of relief are fully proved by oath or affirmation, *53 G. 3. c. 108. s. 11.*

154. Nothing herein respecting spoiled stamps shall extend to po- licies of insurance for which special provision is made by other acts re- lating thereto, *id. s. 12. [See 54 G. 3. c. 133. STAMPS (Insurance, Sea), pl. 486.]*

155. The commissioners of stamps may allow as spoiled, and cancel and give other stamps in lieu of all such as have been used for bills of ex- change or promissory notes, which have been signed by or on the behalf of the drawers, but which have not been delivered out of their hands to the payees therein named, or any person on their behalf, or have been deposited with any person as a security, or have been any way negotiated, and which bills of exchange have not been accepted or tendered for acceptance, provided such bills and notes are brought for allowance, and delivered up to such commissioners, to be cancelled within 6 calendar months after the date of such bills and notes, or after the signing the same, if they bear no date, and provided all such grounds of relief are fully proved on oath or affirmation, *id. s. 14.*

156. In all cases where any person bound to serve as a clerk, in order to his admission as an attorney or solicitor in the courts at *Westminster*, or of great sessions in *Wa.*, or the 3 counties palatine, or any other court of record in *Eng.*, by articles of clerkship duly stamped, shall by the death of his master or other cause, find it necessary to enter into new articles of clerkship for a new term, and shall inadvertently use for such articles stamps of the like value as for the original articles, whereby the high duty is paid twice, contrary to *48 G. 3. c. 149. s. 10.*, in all such cases the commissioners of stamps may allow as spoiled, and cancel, and give other stamps in lieu of those used in such articles first entered into; provided the same is delivered up to be cancelled within 6 calendar months after the execution of such new articles, and pro- vided such party shall pay the 1*l.* 10*s.* by that act imposed on such articles, and which shall be thereupon stamped, without payment of any penalty, *id. s. 15.*

157. Where the commissioners of stamps are already authorized to allow as spoiled, and to exchange any stamps used for instruments not fully written, or not signed by any party, such commissioners shall not make any allowance unless the same be brought for that purpose to them, at their head office, or their officers at *Edinburgh* in case of spoiled stamps in *Scot.*, within 6 calendar months after the same have

been spoiled, if they belong to persons resident in *London* or *West- minster*, or in *Edinburgh*, or within 10 miles thereof; or within 12 ca- lendar months after spoiled, if belonging to persons resident elsewhere, *53 G. 3. c. 108. s. 16.*

158. The commissioners of stamps may make such rules, &c., and require affidavits or affirmations of all such facts in regard to the allow- ance on spoiled or useless stamps, in the cases provided for by this or any other stamp act, as they think fit, for preventing frauds; such affidavits, &c. to be made before one of such commissioners, or a master in chancery in *Eng.*, or before any person commissioned to take affidavits by the courts of exchequer or session in *Scot.*, who may administer such oath or affirmation, *id. s. 17.*

159. Every person making such affidavit or affirmation who shall knowingly make a false oath or affirmation concerning any of such mat- ters, shall be subject to such penalties as may be inflicted on persons guilty of perjury, *id. s. 18.*

XI. Stamping instruments before or after ingrossed, &c.

160. FOR DIRECTING THE COMMISSIONERS OF STAMPS to stamp vellum, &c. brought to them for that purpose before any thing is in- grossed thereon; for imposing penalties on persons ingrossing any in- struments on unstamped vellum, &c., and for allowing certain instru- ments to be stamped after ingrossment, [*This title is framed from these sections.*] *5 & 6 W. & M. c. 21. ss. 9, 11. 9 A. c. 23. ss. 2, 5, 27., 10 A. c. 91. s. 105., 37 G. 3. c. 19. ss. 3—10., 37 G. 3. c. 90. s. 9., 39 & 40 G. 3. c. 84. s. 2. [See as to stamping bills, &c. after made, STAMPS (Bills and Notes), pl. 311, 312.]*

161. All vellum, &c. hereby charged with duty shall, before any thing is engrossed or written on it, be brought to the head office, or some sub-commissioner or officer appointed by such commissioners, to be stamped, and such commissioners and officers shall, on demand, stamp such vellum, &c. in any quantities, on payment of the duty im- posed hereby, without fee, which stamp shall be a good discharge for such duties, *5 & 6 W. & M. c. 21. s. 9., 9 & 10 W. 3. c. 25. s. 58., 10 A. c. 19. s. 104., 30 G. 2. c. 19. s. 19., 16 G. 3. c. 34. s. 10., 17 G. 3. c. 50. s. 20., 19 G. 3. c. 64. s. 5., 23 G. 3. c. 58. s. 8., 29 G. 3. c. 50. s. 4., 29 G. 3. c. 56. s. 5., 34 G. 3. c. 14. s. 10.*

162. All vellum, &c. upon which any certificate, indenture, bill or note of lading, almanack, or licence is written, &c. shall, before such writing, be brought to the head stamp office to be stamped; and the same shall be stamped in any quantity, on payment of the duties, with- out any other fee; and such stamp shall be a good discharge for such duties, *9 A. c. 23. s. 25.*

163. If any person shall engross or write, or cause to be engrossed, &c., upon any vellum, &c., any thing for which it would be liable to duty, before the same is stamped, or on which there is not some stamp resembling the same; or shall ingross, &c. any thing on any vellum, &c. that is stamped with a lower duty than that hereby made payable for what shall be so ingrossed, &c., he shall forfeit 50*l.* [*This penalty changed into 5*l.*, and the same shall be recovered with full costs of suit, 6 & 7 W. 3. c. 12. s. 7.] [Raised to 10*l.*, 9 & 10 W. 3. c. 25. s. 60.], one moiety to H. M., and the other to the party suing as in *s. 10. pl. 71.* (*viz.* by bill, &c. in the courts of record); and if any clerk, officer, or per- son, who in respect of any public office is entitled or intrusted to make, ingross, or write, any records, deeds, instruments, or writings, hereby charged with duty, is guilty of any fraud to deceive H. M. of any of such duties, by making, &c. the same on any vellum not properly stamped, or on which there is not a stamp resembling the same, or which is stamped with a stamp which he knows to be counterfeited, or which is for a lower duty than as aforesaid, then such clerk, &c. shall, on conviction, besides such penalty, forfeit his office, and be disabled to enjoy the same in future; and if any attorney of any court is guilty of any such fraud, he shall, on conviction, be disabled for the future to practise as an attorney; and if any instrument or writing hereby made liable to duty shall, contrary hereto, be ingrossed or written by any person (not being such known clerk or officer) upon any vellum, &c. not properly stamped, or stamped with a lower duty than that payable, then there shall be paid, besides such duties for such instruments, &c. 5*l.*; and no such record, deed, instrument, or writing, shall be pleaded or given in evidence, or admitted to be good in law or equity, until such duty and such 5*l.* is first paid to H. M., and a receipt for the same produced under the hand and seal of the proper officer, and until such vellum, &c. on which such instrument, &c. is written is stamped; and the proper officer shall, on payment or tender of such 5*l.* and such duty, give a receipt for it, and properly stamp such vellum, &c.; and if any person shall forge or counterfeit any stamp, to resemble any stamp provided under this act, or shall counterfeit or forge the impression of the same, with intent to defraud H. M., or shall utter or sell any such counterfeit stamp or impression, knowing the same to be counterfeited, such person shall be deemed a felon, and suffer death without clergy, *5 & 6 W. & M. c. 21. s. 11., 9 & 10 W. 3. c. 25. s. 60. [See as to the latter part, 52 G. 3. c. 143. s. 7., 55 G. 3. c. 184. s. 7., Div. VI. pl. 132.]**

164. If any officer of customs shall sign any certificate or debenture for a drawback, the same not appearing to be stamped; or if any person shall write, ingross, or print any such certificate, debenture, bill of lading, licence, or almanack, or shall sign any bill of lading, or sell or expose to sale any such almanack, before the same is duly stamped, every person so offending shall forfeit 10*l.* with full costs; and such officer of customs shall, on conviction, besides such penalty, forfeit his office and be incapable to hold the same; and if such certificate, debenture, bill of lading or licence, shall be written contrary to this act, the same not having been duly stamped, then there shall be paid to H. M., besides such duties, 5*l.*, and such certificate, &c. shall not be given in evidence, or admitted in any court, unless such duty and such 5*l.* are first paid, and a receipt for the same under the hand of the receiver-general of stamp duties, and until the same is stamped; and such receipt shall be given and such instrument stamped, on payment or tender of such 5*l.* and the duty, 9*A. c. 23. s. 27.*

165. Every person or corporation who shall write, ingross, or print, or cause to be written, &c., any thing hereby charged with duty, [viz. surrenders of, or admittances to, any copyhold premises, and pamphlets, and newspapers] or utter or expose to sale any newspaper or pamphlet (pamphlets exceeding one sheet in length only excepted) before the vellum, &c. on which it is printed is duly stamped, shall forfeit 10*l.* with costs; and every steward or other officer offending herein shall, on conviction, besides the penalty, forfeit his office, and be incapable to hold the same; and if any such matters are written or printed contrary hereto, upon vellum, &c. not stamped, then there shall be answered to H. M. besides the duties, 5*l.*, and no such matter shall be available in law or equity until such 5*l.* and duty is paid, and a receipt for the same produced under the hand of the receiver-general, and until such vellum, &c. is stamped; and such receiver shall, on payment or tender of such duty and 5*l.*, give a receipt for the same, and stamp the instrument required, 10*A. c. 19. s. 105.*

166. If any matter is written, &c. on any vellum not duly stamped, then there shall be paid, besides such duties, 5*l.*, and no such matter shall be available in law or equity, or given in evidence, or admitted in any court, unless such duty and such 5*l.* is first paid to the receiver-general or his deputy, and until such vellum is stamped, and such receiver or his deputy shall, on payment or tender of such duties and 5*l.*, give a receipt for the same; and the proper officer shall duly stamp the matter required, 12*A. S. 2. c. 9. s. 25., 12 G. 1. c. 33. s. 8., 32 G. 2. c. 35. s. 4. 2 G. 3. c. 36. s. 4., 5 G. 3. c. 47. s. 4.*

167. If any attorney, solicitor, clerk, officer, or other person, shall ingross, &c., or cause to be ingrossed, &c., any indenture, lease, bond, or other deed on vellum, &c., not duly stamped according to this act, and shall neglect to bring the same to be stamped within the time in *s. 4. pl. 168.* allowed for stamping the same, such attorney, &c. shall forfeit 20*l.*, and no such indenture, &c. shall be given in evidence, or be available unless stamped as hereby required, 37*G. 3. c. 19. s. 3.* [See 37*G. 3. c. 90. s. 9. pl. 176.*]

168. Every indenture, &c. which has been stamped with one stamp on every skin or piece of vellum, &c., or on every sheet or piece of paper, before any thing was ingrossed thereon, and shall not be stamped as hereby directed, which shall be brought before its execution, or within one calendar month after its date, to the head stamp office, may be stamped as hereby required, on payment of the duty; and the stamp officer shall calculate the duty thereon, and the number of stamps required, and shall write in words at length, in the margin, the number of common law sheets contained therein, and the day on which such payment shall be made, and subscribe his name thereto; and if the duty is so paid at the head office, such indenture, &c. shall be stamped; and if paid at any other office, such indenture, &c. whereon the number of words contained therein have been calculated and written, shall be transmitted within 21 days from the day of payment of such duty to the head office, to be there stamped; and if the person paying such duty shall desire that such indenture, &c. shall be transmitted to such head office by the officer to whom the duty is paid, and shall leave the same with him for that purpose, such officer shall sign and deliver an acknowledgment that such indenture, &c. was left with him, and transmit the same accordingly; and the same shall be returned to such officer after being stamped, who shall deliver the same to party entitled to it, on the re-delivery of such acknowledgment, *id. s. 4.*

169. Any such indenture, &c. may be carried within 6 calendar after the date thereof, to such head office to be stamped, paying the duty for the same, and 10*l.* by way of penalty, and after the expiration of such 6 months, such indentures may be stamped on payment of the duty, and 10*l.* for every skin, &c. whereon the same is ingrossed, by way of penalty, *id. s. 5.* [See now 37*G. 3. c. 136. s. 2. pl. 181.*]

170. Where any action is commenced against any person for ingrossing, &c. any indenture, &c. contrary to this act, which shall not be brought to the head office to be stamped within one calendar month from the date thereof, and such action is prosecuted with effect, the

same shall not be prejudiced by any payment of the duty and penalty on stamping the same, after the commencement of such action, but the plaintiff shall nevertheless recover, 37*G. 3. c. 19. s. 6.*

171. Every person who shall add any word in any such indenture, lease, &c. after the duty payable thereon has been calculated, and before the same is duly stamped according to this act, or who shall alter any word or letter in any writing by *s. 4. pl. 168.* required to be made by the stamp officer on the margin, after such officer has signed the same, or shall knowingly utter or publish as true any such indenture, &c. with such word added thereto, or any such altered writing, with intention to defraud H. M., shall forfeit 100*l.*, *id. s. 7.*

172. Former acts now in force shall be applied to the regulations of this act, *id. s. 8.*

173. The moiety of all pecuniary penalties hereby imposed shall, if sued within 4 calendar months from the time when incurred, go to H. M., and the other to the informer, with full costs, and they may be sued for in the court of exchequer at Westminster, for offences committed in *Eng.*, and the court of exchequer in *Scot.* for offences committed there, by action of debt, &c., wherein no essoin, &c. and only one imparlance allowed; but H. M.'s attorney-general in *Eng.*, or advocate in *Scot.*, if it appear to them that such penalty was incurred without any intention of fraud, may stay all further proceedings by entering a *noli prosequi* or otherwise, as well with regard to the informer's share of the penalty, as that of H. M. *id. s. 9.* [But see now *pl. 123.*]

174. In default of prosecution within such 4 months, no such penalty shall be afterwards recoverable, except in the name of H. M.'s attorney-general in *Eng.* and advocate in *Scot.*, by information in either of the courts of exchequer, and in such case the whole penalty shall go to H. M. and all penalties and shares thereof belonging to H. M. shall be paid to the receiver-general of stamp duties; and such commissioners may cause such reward as they think fit, not exceeding one-half of any penalty so recovered, after deducting all charges of recovery to be paid thereout, to such persons as may be entitled thereto as informers, in respect of such penalty, *id. s. 10.*

175. All the provisions, rules, &c. of 37*G. 3. c. 19. ss. 4—10.* not hereby altered, for securing the duties on indentures, &c. shall be applied to the stamping indentures, &c. and copies thereof under this act; and if any attorney, solicitor, clerk, officer, or other person shall ingross, &c. any agreement, or any copy attested to be a true copy of any indenture, &c. not duly stamped under this act, and shall neglect to bring the same to be duly stamped within the time allowed for stamping indentures, &c. by 37*G. 3. c. 19. s. 4. pl. 168.* such attorney, &c. shall forfeit 20*l.* to be recovered and applied as any penalty imposed by the 37*G. 3. c. 19. s. 9. pl. 173.* may be; and no such agreement or copy shall be pleaded or given in evidence, or be available, unless the same is stamped as hereby required, 37*G. 3. c. 90. s. 9.*

176. Limitation of action, venue, general issue, and treble costs, 37*G. 3. c. 90. s. 38.* [See the section more at length, STAMPS (Attorneys' Certificates), *pl. 297.*]

177. In case any copy, attested to be a true copy of any indenture, lease, or other deed, and liable to either of the duties granted by 37*G. 3. c. 90.* or 39 & 40*G. 3. c. 72.* shall, within 60 days after the date of the attestation of such copy, be brought to the head stamp office of such commissioners, to be stamped with either of such duties, according to the nature and description of such copy, then such commissioners may duly stamp the same on payment of the duty only, without the penalty, 39 & 40*G. 3. c. 84. s. 2.*

178. TO ENABLE THE COMMISSIONERS OF STAMPS TO STAMP deeds, and other instruments, bills of exchange, promissory and other notes, in the cases therein mentioned, 37*G. 3. c. 136.* [Amended, 43*G. 3. c. 127. s. 5. 44 G. 3. c. 98. s. 24., 53 G. 3. c. 108. s. 20. See 37 G. 3. c. 136. ss. 5, 6. STAMPS (Bills and Notes), *pl. 311, 312.*]*

179. If any vellum, &c., whereon any instrument or thing, (except bills of exchange, promissory or other notes, drafts or orders,) are ingrossed, &c. liable in respect thereof to be stamped with a stamp of a particular denomination or value, and whereon there shall be impressed any stamp of a different denomination, but of equal or greater value with the stamp required, shall be produced to the commissioners of stamps, at their head office, or their proper officer; such commissioners or officer in such case, and on payment of the duty due in respect of the instrument, &c. engrossed, &c. thereon, and one penalty of 5*l.* shall properly stamp the same without making any allowance for the stamps before put thereon; and such instrument so stamped shall be deemed of like force, as if the same had been duly stamped before it was ingrossed, &c., 37*G. 3. c. 136. s. 1.*

180. The commissioners of stamps may stamp any vellum, &c. whereon any instrument (except bills of exchange, promissory notes, or other notes, drafts, or orders) shall be ingrossed, liable in respect thereof, to be stamped with a stamp of a particular denomination or value, and whereon any stamp of a different denomination, but of an equal or greater value is impressed, without payment of the 5*l.* penalty as by

37 G.3. c.136. s.1. required, and instruments so stamped shall be valid, 43 G.3. c.127. s.5.

181. Where any skin, or piece, or sheet of vellum, &c. on which any matter, (except bills, &c. as in *pl.* 179.) shall have been ingrossed, &c. shall be brought to the commissioners of stamps, to be stamped after the same are executed, the same not having been stamped with any stamp, or stamped with one of less value than by law required, and it is desired to have the same duly stamped, but the same cannot by law be stamped without payment of the accumulated penalties exceeding 10*l.* besides the duty, then such commissioners may direct the proper officer to, and he shall accordingly stamp the same, on payment of the duty for such vellum, &c. and one penalty of 10*l.* for every such skin, &c. although the duty was imposed by more than one act, and the penalties may have accumulated to a larger sum than 10*l.*, and every instrument so stamped shall be of the like force as if the same had been duly stamped, before such instrument, &c. was ingrossed, 37 G.3. c.136. s.2.

182. If it appear to such commissioners of stamps, upon oath or affirmation made before one of them, (which oath, &c. he may administer,) or otherwise, that any instrument, [except bills of exchange, promissory, or other notes, drafts, orders, or receipts, 44 G.3. c.98. s.24.] required by law to be ingrossed, &c. on stamped vellum, &c. hath been ingrossed on vellum, &c. not duly stamped, either by accident or necessity, and without intention to defraud H. M., and such instrument is brought to such commissioners to be stamped within [60 days, 37 G.3. c.136. s.3.] [12 months, 44 G.3. c.98. s.24.] after its execution, such commissioners may remit the penalty, or part of it; and every person concerned in the ingrossing, &c. thereof, shall be discharged from all further penalties, &c. than such as shall not be so remitted, 37 G.3. c.136. s.3., 44 G.3. c.98. s.24.

183. But nothing herein shall prevent such commissioners from stamping receipts allowed to be stamped, after the same shall be written, or signed, under such circumstances as such receipts may now be stamped; and such commissioners may make all such payments and allowances as are by any stamp act directed to be made, and are not hereby altered or repealed, 44 G.3. c.98. s.24.

184. Any grants or appointments to offices or employments signed by H. M., or the commissioners of the treasury hereafter omitted to be stamped within the time allowed by law, may be stamped by the commissioners of stamps, on payment of the duty only, without any penalty, and such grants, &c. shall be valid, and all persons shall be indemnified from the penalties incurred on account thereof, 53 G.3. c.108. s.20.

ADVERTISEMENTS. (See NEWSPAPERS, *post.*)

185. FOR BETTER COLLECTING THE STAMP DUTIES ON advertisements, 10*A.* c.19. s.118., 5 G.3. c.46. s.8., 29 G.3. c.50. ss.10—12, [This title is framed from these sections. For the duties, see 55 G.3. c.185. *Sch. tit. Advertisement.*]

186. Every person who shall print or publish any advertisement, shall, within 30 days after the publication, pay the duty to the receiver-general, or his deputy, for all advertisements printed or published within the limits of the weekly bills, and to the next adjacent head officer of the stamp duties, for all advertisements printed or published in any place out of those limits; and such commissioners and officers shall upon payment of such duties, without fee, stamp one copy of such advertisements, or to give a receipt for the duty; and in default of such payment, the printer or publisher shall be liable to pay treble the duties with costs, 10*A.* c.19. s.118.

187. Neither the commissioners of stamps, or any of their officers for distributing stamped vellum, &c. shall sell or deliver any stamped paper for printing any pamphlet, or any public news, intelligence, or occurrences to be contained in any one sheet or lesser piece of paper, unless the person applying for the same shall first give security to H. M. for the payment of the duties for advertisements printed therein, 5 G.3. c.46. s.8.

188. No printer or publisher of any newspaper in which any advertisements liable to the duties by this or any other act imposed, shall be inserted, shall receive from such commissioners any stamped paper for printing any public intelligence or occurrence thereon, until the proprietors interested in such paper, or so many of them as the commissioners think fit, shall join in the security directed to be given by the 5 G.3. c.46. s.8. *pl.* 187. for the punctual payment of the duties payable on such advertisements at the times therein appointed; and in case any printer or publisher shall print or publish any advertisement in any such newspaper before he shall deliver in the name of such proprietors, and such proprietors shall have given security to H. M. for the payment of such duties, he shall forfeit 500*l.*, 29 G.3. c.50. s.10.

189. The commissioners of stamps shall, as often as the duties on advertisements are in arrear, for 30 days after the publication thereof, deliver to the printer or publisher of such newspapers, or leave at the printing-house thereof, an account of the money claimed in respect of such advertisements, distinguishing the times of publication;

and such proprietors, printers, and publishers, shall forthwith pay to the proper officer all such duties; provided that if any thing in such newspaper has been charged with duty, which was not chargeable, such commissioners may allow the same to such proprietors, &c. and strike out such surcharge, 29 G.3. c.50. s.11.

190. All arrears of such duty remaining unsettled for 10 days after such account delivered, may be sued for in the court of exchequer at Westminster, by action of debt or information, in the name of the attorney or solicitor-general, in which no essoin, &c. and only one imparlance is allowed; and in such action or information, a *capias* in the first process may issue, specifying the amount of duties sued for; and such proprietors, &c. against whom such action, &c. is brought, shall be compelled to give bail for the duties sued for, (an affidavit thereof being first filed in such court) by natural born subjects, persons naturalized, or made denizens, to the persons to whom such *capias* is directed, to appear in such court, at the return of the writ, and answer such suit or prosecution, and then give bail to answer and pay the condemnation money in respect of such duties, or yield their bodies to prison, *id.* s.12.

AGREEMENTS.

191. FOR BETTER COLLECTING THE STAMP DUTIES ON agreements, 23 G.3. c.58. s.3—5. [Amended, 48 G.3. c.149. s.9., 55 G.3. c.184. s.9. This title is also framed. For the duties, see 55 G.3. c.184. *Sch. Part I. tit. Agreement.*]

192. Nothing herein shall make liable any label, slip, or memorandum containing the heads of any insurance to be made by the corporations of the Royal Exchange Assurance or London Assurance, or the Royal Exchange Assurance or London Assurance of Houses and Goods from Fire, to the stamp duties hereby charged on any contracts or agreement, 23 G.3. c.58. s.3.

193. This act shall not charge with the duty hereby imposed on agreements, any memorandum or agreement for any lease at rack rent of any messuage under the yearly value of 5*l.* or any memorandum or agreement for the hire of any labourer, artificer, manufacturer, or menial servant, or any memorandum, letter, or agreement made for or relating to the sale of any goods, &c. or to charge any memorandum or agreement, where the matter thereof shall not exceed 20*l.*, or any memorandum or agreement made in *Scot.* that shall be stamped with the duty required on deeds in *Scot.*, *id.* s.4. [See the exemptions in 55 G.3. c.184. *Sch. Part I. tit. Agreement.*]

194. No memorandum or agreement not stamped shall be deemed void, in case the same is stamped at the head office, or the duty paid, and a receipt given thereon by the proper officer within 21 days from the time the same was entered into, *id.* s.5.

195. All the provisions of former acts relating to agreements, shall be applied only to such agreements as are hereby charged with a duty of 1*l.*, and agreements hereby charged with 1*l.* 15*s.* shall be subject to the same regulations, &c. as deeds hereby charged with a like duty, 48 G.3. c.149. s.9., 55 G.3. c.184. s.9.

196. And all agreements for leases or tacks which have been duly stamped with the duty for the time being, payable in respect of such leases, &c. shall be as valid as if stamped with the proper agreement stamp, and all agreements hereby charged with a duty of 16*s.* shall be valid, if stamped with one of 1*l.* 10*s.*, 48 G.3. c.149. s.9.

197. TO EXEMPT CERTAIN LETTERS passing between merchants or other persons carrying on trade and commerce in this kingdom, containing agreements with respect to merchandize, notes, or bills of exchange, from the stamp duty on written agreements, 32 G.3. c.51.

198. The duties imposed by 23 G.3. c.58. s.1. on written agreements, shall not extend to make liable thereto any letter passing by the post between merchants or persons carrying on trade or commerce within this kingdom, and residing 50 miles from each other, by reason of such letters containing an agreement in respect of any merchandize, notes, or bills of exchange, or evidence of such an agreement; but such letters may be received in evidence, although not stamped, 32 G.3. c.51. s.1.

199. This act shall not extend to any letters passing between persons who are residents of the same town or place, nor to any letter or correspondence written or so passing between persons not at the time of writing it 50 miles from each other, s.2. [See also the exceptions at end of the title *Agreement, Sch. Part I.* of 55 G.3. c.184.]

ALE AND BEER LICENCES.

200. FOR BETTER COLLECTING THE STAMP DUTIES ON ale and beer licences, 6 G.1. c.21. s.56., 29 G.2. c.12. ss.1—9. & 20. 25. 27., 24 G.3. S.2. c.30. [No reference, except as above, is made to these acts, because the duties have been repealed, and those now payable on such licences are under the commissioners of excise, by force of the 48 G.3. c.143. See *ALEHOUSE, pl.* 107.]

ALMANACS.

201. FOR REGULATING THE METHOD OF COLLECTING the duty on

almanacs, 9 A. c. 23. ss. 26. 38. 52, 53. [Amo. 10 A. c. 19. s. 175., 30 G. 2. s. 19. s. 26., 21 G. 3. c. 56. ss. 5—7. 10., 55 G. 3. c. 185. s. 8. *This title is also framed; and for the duty see 55 G. 3. c. 185. tit. Almanac, ante, pa. 1415.*]

202. Where any almanac contains more than one sheet of paper, it shall be sufficient to stamp only one sheet or piece of paper, on which such almanac is printed, and to pay the duty accordingly, 9 A. c. 23. s. 26.

203. The commissioners of stamps shall deliver to the persons or corporations by or for whom any almanac is printed or published, paper duly stamped for printing such almanacs upon, on their giving security to pay the duties within 3 months after such delivery; and such commissioners, on bringing to them any number of such almanacs, within such 3 months, and on request made, shall cancel all stamps thereon, and abate so much of the money due on such securities, *id.* s. 38.

204. Nothing in this act shall extend to prejudice any right the two universities, or the company of stationers, or any persons have, or claim to have, to the printing of any almanac or calendar, subject to such duties, *id.* s. 52. [See *pl.* 211.]

205. This act shall not charge any calendar, or perpetual almanac [in any Bible or common prayer book, 9 A. c. 23. s. 52.] or any other calendar or almanac, with more than the duty that would be payable for such other calendar, &c. in case it were made for 3 years only, 9 A. c. 23. s. 53., 21 G. 3. c. 56. s. 7.

206. All books and pamphlets, serving chiefly to the purpose of an almanac, by whatever name entitled, shall be charged with duty by virtue of the 9 A. c. 23., but not with any of the duties charged by this act on pamphlets, or other printed papers, 10 A. c. 19. s. 175.

207. Every person who shall sell, utter, or expose to sale any almanac liable to any stamp duty, not being duly stamped, shall be liable to the same punishment as is by 16 G. 2. c. 26. s. 5. inflicted on any hawkers of unstamped newspapers; and every justice of peace shall have like power to convict as by such act is granted; and persons apprehending such offenders shall be entitled to the like reward as by that act granted, 30 G. 2. c. 19. s. 26. [See 16 G. 2. c. 26. s. 5. STAMPS (*Newspaper*, *pl.* 626.)]

208. Persons sued for any thing done under this act, may plead general issue. Treble costs, 30 G. 2. c. 19. s. 74.

209. Every almanac or calendar shall be printed in such manner that some part of the printing shall be upon the stamp under this act impressed thereon; and every person who shall print, or cause to be printed, any almanac or calendar otherwise than aforesaid, or shall sell, or expose to sale, any such almanac, before the same is duly stamped, and on which the stamp is visible, shall forfeit 10*l.*, to be levied and applied as by the stamp laws now in force is directed, 21 G. 3. c. 56. s. 5.

210. If any almanac or calendar is sold, or exposed to sale, with the stamp affixed thereto in any other manner than as the same was impressed at the stamp-office, then such almanac shall be deemed unstamped, and the person selling or exposing it to sale shall be liable to the penalty for selling or exposing an unstamped almanac, *id.* s. 6.

211. "Whereas 1000*l.* was paid to the two universities by the company of stationers, for the power to exercise a supposed right belonging to them of an exclusive privilege of printing almanacs, heretofore granted by the crown; and whereas it has lately been determined that no such exclusive privilege exists," 500*l.* shall be paid to Oxford and 500*l.* to Cambridge yearly, in lieu thereof, out of the duties hereby granted, *id.* s. 10. [See 2 *Hla. Rep.* 1004.]

212. If any apprentice, journeyman, or servant of any printer, shall, without his knowledge, print at his press any almanac or calendar, or any book or pamphlet serving as such, liable to any duty imposed hereby, upon any paper not duly stamped, any person may apprehend such apprentice, &c., and carry him before any justice for the county, city, or place where the offence was committed; and such justice on convicting such apprentice, &c., by confession or the oath of one witness, may commit him to the house of correction for not exceeding 3 calendar months, 55 G. 3. c. 185. s. 8.

APPRAISERS.

213. FOR GRANTING TO H. M. CERTAIN STAMP DUTIES ON appraisements, and on licences in G. B. [and for better collecting the same,] 46 G. 3. c. 43. [For the duties, see 55 G. 3. c. 184. Sch. Part I. tit. Licence.]

214. Former stamp acts extended to this act, *id.* s. 3.

215. Every person who shall value or appraise any estate or property, real or personal, or any interest in possession or reversion, remainder or contingency, in any estate or property, real or personal, or any goods or effects, for hire or fee, shall be deemed an appraiser within this act, *id.* s. 4.

216. No person shall exercise the calling of an appraiser without taking out a licence as herein mentioned, and such licence shall state the name and abode of the person taking out the same; and 2 com-

missioners of stamps, or any person authorized by them, may grant such licences; and such licences, issued between 5th July or 5th Aug. shall be dated 6th July, and when issued at any other time on the day granted; and such licences shall be in force till 5th July following, 46 G. 3. c. 43. s. 5.

217. No person shall appraise any estate, property, or effects, or any interest in possession, &c. as in s. 4. *pl.* 215. for hire, without being so licensed, on pain to forfeit 50*l.*, *id.* s. 6.

218. But auctioneers duly licensed may act as appraisers, without taking out any licence under this act, *id.* s. 7.

219. Every appraiser shall write in words or figures every appraisement made by him, or any person for him, and the full amount thereof; and within 14 days after making it, deliver the same to his employers, so written on duly stamped paper, &c., on pain to forfeit for neglect herein, 50*l.*, *id.* s. 8.

220. No person who shall employ any appraiser to make any appraisement, shall receive or pay any compensation for the same unless the same is written on duly stamped paper, &c. on pain to forfeit 20*l.*, *id.* s. 9.

221. Provided nothing herein shall require any stamp on any piece of paper, &c. whereon shall be written any appraisement extending to more than one sheet, except on the sheet containing the aggregate amount of the articles valued, *id.* s. 10.

222. Nothing herein shall charge with stamp duty any vellum, &c. upon which any appraisement made under the order of any court of admiralty, vice-admiralty, or appeal from any sentence, &c., shall be written, *id.* s. 11. [See similar exception, 55 G. 3. c. 184. Sch. tit. Appraisement.]

223. Duties to be paid into the exchequer, and carried to the consolidated fund, *id.* s. 12. Accounts to be kept separate, and annually laid before parliament, *id.* s. 13.

APPRENTICE.

224. FOR THE BETTER COLLECTION OF THE DUTIES ON INDENTURES of apprenticeship, 8 A. c. 9. ss. 35—41. 43. 45. [MADE PERF. 9 A. c. 21. s. 7. AMO. 9 A. c. 21. s. 66., 10 A. c. 19. s. 76, 20 G. 2. c. 45. s. 4—8., 5 G. 3. c. 46. s. 18, 19. *This title is framed from the general purport of these sections, and for the duties, see 55 G. 3. c. 184. Sch. Part I. tit. Apprenticeship.*]

225. The full sum agreed to be paid with every clerk, apprentice, and servant, which in G. B. shall be placed to any master or mistress to learn any profession, trade, or employment, shall be truly inserted in words at length, in some indenture or other writing that contains the covenants, articles, contracts, or agreements relating to the service of such clerk, &c.; and shall be dated the same day as signed, sealed, or executed; on pain that every master or mistress offending herein shall forfeit double the sum so paid, to go one moiety to H. M. and the other with full costs, to the person suing by action of debt, &c. or information, in any court of record at Westminster, or of the exchequer in Scot., at any time after such execution, or within one year after the time limited for the service of such clerk, &c., 8 A. c. 9. s. 35.

226. The commissioners of stamps shall provide new stamps for the purpose of this act, and all indentures or other writings, containing the sums so paid, which shall be executed within London, Westminster, or the bills of mortality, shall be brought to the head office to be stamped, and the duties thereon paid to the receiver-general, within one month after the date thereof, *id.* s. 36.

227. All such indentures or other writings executed without such limits, in any other part of G. B., shall, at the option of the party, be sent to such head office, or to some of the collectors appointed for such duties, residing without such limits, as in s. 36. *pl.* 226. in Eng., Wa., or Ber., or to some such officers for such duties in Scot., within 2 months after the date thereof; and on production of such indentures, &c., and the payment of the duties, the same shall be stamped, if the same are sent to the head office; and if to such officers, such officers shall indorse, in words at length, a receipt for the money so paid, bearing date the day of payment, and subscribe their names thereto, and redeliver the same to the bringer, *id.* s. 37.

228. All such indentures, &c. so indorsed, if executed within 50 miles from the weekly bills of mortality, shall, within 3 months from the date, or if at a greater distance within 6 months from the date thereof, be brought or sent to the head-office, where being produced, with receipt indorsed, the same shall be stamped, *id.* s. 38.

229. All such indentures, &c. wherein shall not be truly inserted the sum so paid, or wherein the said duties shall not be paid or tendered, or which shall not be lawfully stamped within the times hereby limited, shall not be available in any court; and the clerk, &c. whom it may concern, shall be incapable of being free of any city, town, corporation, or company, or of following the intended profession, &c., *id.* s. 39.

230. This act shall not charge any master or mistress with the payment of any duty in respect of any money received with any appren-

lice or servant placed out by any parish or township, or by any public charity, or require their indentures to be stamped, 8 A. c. 9. s. 40. [See similar exception, 55 G. 3. c. 184. Sch. Part I. tit. Apprenticeship.]

231. Persons forging any stamps provided under this act, or any impression thereof, or any receipt for money payable under this act, shall, on conviction, suffer as a felon without clergy, *id.* s. 41. [See 55 G. 3. c. 184. s. 7. *pl.* 132. *Div.* VI. *qnte.* page 1421.]

232. No indenture, &c. hereby required to be stamped shall be admitted in evidence in any suit by any party thereto, unless the party producing the same do first make oath that the sum therein inserted was all that was given or contracted for, on behalf or in respect of such clerk, &c., for the benefit of his master or mistress, *id.* s. 43.

233. Where any thing not being the lawful money of G. B. is given, assigned, or contracted for, to or for the use of any master or mistress, in respect to any such clerk, &c., for whom a duty is hereby chargeable, such duty shall be answered to the full value of such thing, in the same manner and under like pain as if the same was money, *id.* s. 45.

234. Persons sued for any thing done under 8 A. c. 9., or this act, may plead the general issue, and give the special matter in evidence; and if a verdict passes against the plaintiff, or if he is nonsuited, the defendant shall have treble costs, 10 A. c. 26. s. 76.

235. If any master or mistress shall neglect to pay the duties on indentures of apprenticeship within the times limited, he or she shall forfeit 50*l.*, to go one moiety to H. M., and the other, with full costs, to the party suing in any of the courts at *Westminster*, or the exchequer in *Scot.*, by action of debt, &c., or information, wherein no essoin, &c., and only one imparlance allowed, 9 A. c. 21. s. 66.

236. Time given till 29th Sept. 1747, for the payment of duties omitted to be paid for indentures of clerks and apprenticeships, on payment of double duties, 20 G. 2. c. 45. s. 4.

237. If any master or mistress who shall become liable to forfeit double the stamp duties shall pay the same to the person to whom the same ought to be paid under any former stamp act, and also tender the indentures to be stamped within 2 years after the determination of the apprenticeship or service, and before any prosecution is commenced, for the recovery of any penalty inflicted by such former stamp acts, then the indentures of such clerk, apprentice, or servant, shall be available in law and equity, and may be given in evidence; and such clerk, &c., may follow their intended trades, &c., as if the duties had been duly paid at the proper time; and all persons paying the duties within such times, shall be discharged from penalties incurred by reason thereof, *id.* s. 5.

238. If any master or mistress, having so become liable to pay double the duties, and any such clerk, &c. shall and do, when the forfeiture is incurred, either in the presence of one witness, or by writing under his hand signed by him in the presence of one witness, require such master or mistress to pay such double duties, and such master, &c. shall not, within 3 months after such request, pay the same, and such clerk, &c. shall, within 2 years after the expiration of his clerkship, &c., pay such double duties, then such clerk, &c. may, within 3 months after such payment, demand of his master or mistress, or his or her executors or administrators, double the sum or other consideration given in respect of such clerkship, &c.; and if the same is not paid within 3 months after such demand, such clerk, &c. may recover the same, with full costs, against such master, &c., his or her executors, &c., by action of debt, &c., or information in the courts at *Westminster*, wherein no essoin, &c., and only one imparlance allowed; and such clerk, so paying such double duties, and immediately after paying them, upon signifying, by writing under his hand, that he desires to be discharged from his clerkship, &c., shall be accordingly discharged from the same, and from all actions, &c. for not serving his time, *id.* s. 6.

239. Every such clerk, &c. shall avail himself, and have the benefit of the time he served such master or mistress, as in the case of any assignment over to another master, &c., *id.* s. 7.

240. In case where any prosecution is commenced against any master or mistress for recovering any penalty, inflicted by any former stamp act, the clerk, &c., of such master, &c., shall pay such double duties within 2 years after his time is out, such clerk, &c., shall be qualified to follow his trade, &c., and his indentures shall be valid, and may be given in evidence, *id.* s. 8.

241. Every chamberlain and other proper officer of every city, corporate town, and company, within G. B., where any clerk, apprentice, or servant, obtains his freedom by servitude, shall enter in a book the names of all persons placed out within the jurisdiction of such city or town corporate, and also the names and residences of the masters or mistresses, and sums given, or contracted to be given, with or in relation to such clerks, &c., and the professions, &c., which they are to learn, and the dates of the indentures, covenants, articles, or contracts, by which such clerks, &c., are placed out; and if any such chamberlain or officer shall neglect to make such entry, he shall forfeit 20*l.*, 5 G. 3. c. 46. s. 13.

242. All printed indentures, covenants, articles, or contracts, for

binding clerks or apprentices in G. B., shall have the following memorandum printed under the same, viz.

'The indenture, article, or contract, must bear date the day it is executed, and what money or other thing is given or contracted for with the clerk or apprentice, must be inserted in words at length, and the duty paid to the stamp office if in *London*, or the weekly bills of mortality, within one month after the execution; and if in the country, and out of the bills of mortality, within 2 months, to a distributor of stamps or his substitute, otherwise the indenture will be void, the master or mistress forfeit 50*l.*, and another penalty, and the apprentice be disabled to follow his trade, or be made free.' And every person selling such indentures, &c., without such notice, shall forfeit 10*l.*, 5 G. 3. c. 46. s. 19.

243. Penalties how to be recovered, 5 G. 3. c. 46. s. 41. [See STAMPS (*Penalties*), *pl.* 114.]

ARTICLED CLERKS.

244. FOR GRANTING TO H. M. CERTAIN STAMP DUTIES on indentures of clerkships, to solicitors and attorneys in any of the courts in *Eng.* therein mentioned, 34 G. 3. c. 14. [AMD. (37 G. 3. c. 60., 39 G. 3. c. 39. both EXP.), 48 G. 3. c. 149. s. 10.] [For the duties, see 55 G. 3. c. 184. Sch. Part I. tit. Articles of Clerkship.]

245. Duties imposed on contracts made by any person, whereby he becomes bound to serve as a clerk in order to his admission as a solicitor or attorney, in any of the courts at *Westminster*, of great sessions in *Wa.*, or in the counties palatine of *Chester*, *Lancaster*, or *Durham*, or in any court of record in *Eng.*, holding pleas where the debt or damages amount to 40*s.*, 34 G. 3. c. 14. s. 1.

246. No person who shall be so bound to serve as such clerk, shall be admitted to be a solicitor or attorney in any of such courts, unless the indenture or other writing containing the contract duly stamped, shall be registered with the proper officer, to be appointed in the court where he is to be so admitted, by virtue of his service, together with an affidavit of the time of executing such contract by such clerk; and in case such indenture, &c. and affidavit shall not be registered within 6 months after the execution thereof, the service of such clerk shall commence from the time of registry, and not from the time of execution, *id.* s. 2.

247. Every person to be admitted a solicitor or attorney in any of such courts, under any such contract and service under the same, before he shall be permitted to practise as a solicitor or attorney in any such court, or be inrolled or registered therein, shall make an affidavit of the due payment of the duty hereby imposed, and shall insert therein the sum paid for such duty, and specify the name and residence of the person with whom such contract of service was entered into, the time of its execution and inrolment; and in case such person has been previously admitted a solicitor or attorney in some other court, shall also specify such court, and the time of his admission therein; and the same shall be duly filed in the court where he is to be admitted, with the proper officer to be appointed by the court; and such affidavit shall be openly read in such court before such person is inrolled or registered therein, *id.* s. 3.

248. In case any person other than such who have been admitted attorneys in one of the courts of great sessions in *Wa.*, or of the said 3 counties palatine, or in some other court of record in *Eng.*, where attorneys have been customarily admitted and sworn, by virtue of a contract made within the bills of mortality before the 5th, and in any other part of *Eng.*, and in *Wa.* before 10th Feb. 1794, and a service in pursuance thereof, or who have been admitted as solicitors in one of such courts of great sessions, or of the said counties palatine, or some other inferior court of equity in *Eng.* by virtue of a like contract and services, and according to the directions of the several acts now in force for the regulation of attorneys and solicitors, shall, in his own name or in the name of another, sue out any writ or process, or prosecute or defend any action or suit, or any proceedings in any of the courts at *Westminster* as an attorney or solicitor in expectation of fee, without being an inrolled attorney or solicitor in one of the said courts at *Westminster*, according to the acts in force for the regulation of attorneys and solicitors, such person shall forfeit 100*l.*; to go one moiety to H. M., and the other, with full costs, to the party suing by action of debt, &c. or information in the courts of record at *Westminster*, wherein no protection, &c. nor more than one imparlance allowed; and such person shall be incapable to maintain any suit in any court for any fee, disbursement, &c. made in carrying on any such action, *id.* s. 4.

249. All persons admitted to be solicitors or attorneys in any of the courts at *Westminster* by virtue of such contracts and service, and who have duly paid the duty of 100*l.* hereby imposed, may be admitted a solicitor, &c. in any of the courts in s. 1., *pl.* 245. mentioned, without payment of any further duty, but subject nevertheless to all the provisions of law heretofore prescribed for their admission, *id.* s. 5.

250. Any person admitted a solicitor, &c. of the courts of great sessions in *Wa.*, or in any court of the 3 counties palatine, or in any such inferior court as in s. 4. *pl.* 248. under any such contract and service, and who has paid the duty of 50*l.* hereby imposed, may be admitted a

solicitor of any other of such courts as in s. 1. *pl.* 245. except the courts at *Westminster*, without the payment of any further duty, but subject to the like provisions of former laws in relation to such admissions, 54 G. 3. c. 14. s. 6.

251. Any person admitted a solicitor or attorney in any of such courts under any contract *bonâ fide* made and service under the same, actually commenced before 5th and 10th Feb. 1794, may be admitted a solicitor, &c. in all or any other of such courts without payment of any duty hereby imposed, in such manner and subject to such regulations as he might have been before this act, *id.* s. 7.

252. If any person having been articulated to any attorney or solicitor for 5 years, and having duly paid the duty hereby imposed, (in case such articles were entered into, after 5th and 10th Feb. 1794,) shall in the event of such attorney, &c. dying or leaving off practice, or of such articles being cancelled, or on any other event before the expiration of such 5 years, enter into any subsequent contract with any other attorney, &c. to serve for the residue of his term, such last-mentioned contract shall not be subject to any duty hereby imposed, *id.* s. 8.

253. Where any person shall become bound to serve as a clerk, in order to his admission as an attorney or solicitor in any of the courts at *Westminster*, or in the courts of great sessions in *Wa.*, or in the counties palatine, or in any other court of record in *Eng.*, by articles of clerkship, duly stamped according to the laws in force when the same was executed, and shall, in consequence of the death of his master or from other cause, be necessitated to enter into new articles for a new term for the same purpose, such new articles shall be chargeable only with 1*l.* 10*s.*, — the duplicate thereof with the like sum, 48 G. 3. c. 149. s. 10. [See as to allowing the stamps on second articles where the high duty has been paid twice contrary to this clause, 53 G. 3. c. 108. s. 15. *pl.* 156. STAMPS, Div. X.]

254. All vellum, &c. liable to the duties hereby imposed, shall be brought to the stamp-office, to be stamped before any thing is engrossed, &c. thereon; and the commissioners of stamps shall stamp the same in any quantities, on payment of the duties to the receiver-general, 34 G. 3. c. 14. s. 10.

255. Where any such contract is made by indentures of different parts, or duplicates thereof are executed, it shall be sufficient to stamp one part only with the stamp denoting the duties hereby payable; and the commissioners of stamps shall provide a stamp to put on such other part or duplicate which shall not be so stamped, and stamp such other part therewith, on proof of the due payment of the duties hereby imposed, at any time after the execution thereof; and such part or duplicate so stamped shall be as available as if it had been duly stamped before the engrossing thereof, *id.* s. 11.

256. Allowance on prompt payment, s. 12. [but see 44 G. 3. c. 98. *Sch. C. ante*, *pa.* 1416.] Stamps provided under this act may be altered or renewed as any other stamps under the commissioners of stamps may be; and persons having vellum, &c. stamped with altered stamps, may have it exchanged in the same way, *id.* s. 13. [See 9 & 10 W. 3. c. 25. s. 65. Div. VII. *pl.* 137.]

257. Counterfeiting stamps, &c. felony. Former acts in force. Duties to be paid to the receiver-general. Duties applied, *id.* s. 14—17.

258. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence; and on verdict against the plaintiff, or if he is nonsuited, the defendant shall have treble costs, *id.* s. 18.

ATTORNEYS, &c. CERTIFICATES.

259. FOR GRANTING TO H. M. CERTAIN DUTIES on certificates to be taken out by solicitors, attorneys, and others, practising in certain courts of justice in *G. B.* and certain other duties, with respect to warrants, mandates, and authorities, to be entered or filed of record as therein mentioned, [and for better collecting the same,] 25 G. 3. c. 80. [AMD. 37 G. 3. c. 90. ss. 26—32., 44 G. 3. c. 59., 54 G. 3. c. 144. ss. 13, 14. [See as to notaries, 39 & 40 G. 3. c. 72. s. 7., *post*, NOTARY. For the duties, see 55 G. 3. c. 184. *Sch. Part I. tit. Certificate*.]

260. Every solicitor, attorney, notary, proctor, agent, or procurator admitted, enrolled, or registered in any of H. M.'s courts at *Westminster*, or in any ecclesiastical court, or in any of the courts of admiralty or cinque ports, or in any of H. M.'s courts in *Scot.*, the great sessions in *Wa.*, or in the counties palatine, or in any other court in *G. B.* holding pleas, where the debt or damages amounts to 40*s.* or more, shall, before he commences or defends any suit, &c., take out annually a certificate of such his admission, &c., 25 G. 3. c. 80. s. 1.

261. Every person admitted, sworn, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator in any of such courts as in s. 1., who shall carry on or defend any action or prosecution therein, shall annually, during the time he shall practise, deliver into some one of such courts in which he has been so admitted, &c., in such manner as hereinafter mentioned, a note in his proper handwriting, containing his name and residence, on paper duly stamped with the duty certificates,

according to his residence, which shall entitle him to have a certificate — in s. 5. *pl.* 268. directed, 25 G. 3. c. 80. s. 3.

262. Every person admitted, &c. a solicitor, &c. in the courts, in 25 G. 3. c. 80. s. 1. mentioned, shall annually, between 1st Nov. and the end of Michaelmas term, [see 44 G. 3. c. 59. s. 3. *post*, *pl.* 265., 54 G. 3. c. 144. ss. 13, 14. *pl.* 263, 64.] during the time he shall practise, or before he shall commence or carry on, or defend any action or proceedings, deliver in to the commissioners of stamps at their head office a note in writing, containing his name and usual place of residence; and thereupon and upon payment of the duties by 25 G. 3. c. 80. imposed, such person shall be entitled to a certificate duly stamped, which such commissioners shall forthwith issue under the hand of the proper officer, in such form as they may devise, 37 G. 3. c. 90. s. 26.

263. All attorneys, solicitors, proctors, notaries public, and others, who by the laws in force, would be bound to take out stamped certificates, and pay the duty thereon, at the head stamp office in *Middlesex* annually, between the 1st Nov. and the end of Michaelmas term following, shall in future take out such certificates and pay the duty thereon, and do all other acts necessary for that purpose annually, between the 15th Nov. and 16th Dec.; and in default thereof shall be subject to the same penalties and disqualifications as they would be under such laws for not taking out such certificate within the period first mentioned, 54 G. 3. c. 144. s. 13.

264. All certificates taken out between 15th Nov. and 16th Dec. by attorneys, &c. shall be dated on the 16th Nov.; and all such certificates taken out at any other time shall be dated on the day granted; and all such certificates shall be in force from the day of date until 15th Nov. following, *id.* s. 14.

265. Every certificate so obtained shall be entered in one of the courts in which the person described therein is admitted, &c. with the officers by 25 G. 3. c. 80. s. 4. *pl.* 267. appointed to grant such certificates, within the time in s. 26. *pl.* 262 prescribed, [R.E.P. and any time before the commencement of Hilary term substituted, 44 G. 3. c. 59. s. 3. and see *pl.* 265.] and such officers shall, on payment of 1*s.* fee, enter in alphabetical order the names of all persons described in such certificates, and their residences, and the date of such certificates, in a book or roll, to which all persons shall have free access without fee, 37 G. 3. c. 90. s. 27.

266. Every certificate issued under this act, between 1st Nov. and the end of Michaelmas term, shall bear date on the 2d Nov., and when issued at any other time on the day issued, and all such certificates shall cease on the 2d Nov. following, *id.* s. 28. [But see *pl.* 264.]

267. The chief clerk of *K. B.*, the clerk of the warrants in *C. P.*, the clerk of the pleas in the exchequer office of pleas, the prothonotaries of the respective counties palatine, and of great sessions and their respective deputies, and such officers of the inferior courts of law as the judges thereof shall appoint to enrol the names of persons admitted attorneys thereof, the senior clerk of the petty bag office, H. M.'s remembrancer, the chief clerk of the court of the duchy chamber of *Lancaster*, the register of the courts of equity in the 3 counties palatine and of great sessions in *Wales*, and such officers of the inferior courts of equity as the judges thereof shall appoint to enrol such names, or their respective deputies, shall, on payment of 1*s.*, enter in an alphabetical order the name and residence of every attorney or solicitor enrolled in such courts (and who have delivered in such note, as in s. 3. *pl.* 261, and required a certificate of enrolment), in rolls or books to be kept in their offices; and the registers of all ecclesiastical courts, courts of admiralty or cinque ports, or their deputies, shall likewise so enter the names and residences of every notary proctor or procurator admitted in such courts, (and who have delivered in such note, as in s. 3., and required a certificate of admission) in rolls or books to be kept in their offices; and also all such officers of the *Scotch* courts as the judges thereof shall appoint to register any certificate of the oaths appointed by law, to be taken and subscribed in such courts by persons officiating therein as procurators, agents or solicitors, shall enter in like manner the names and residences of such procurators, &c. delivering in such note as in s. 3., and requiring a certificate, in rolls or books; and all such officers shall subscribe to every such note a certificate signed by them according to the form in the schedule, which rolls shall be open to public inspection without fee, 25 G. 3. c. 80. s. 4.

268. All such officers as in s. 4. *pl.* 267. or their deputies, after they have signed, shall forthwith issue such certificates to the persons requiring the same, and such certificate shall bear date on the day issued, and be in force for one year, to commence from the date; and certificates issued for the first time shall be dated on the day issued, which certificates shall be renewed 10 days before it expires, and so yearly; and if any of such officers or their deputies shall neglect to issue within a convenient time such certificate, or shall issue the same otherwise than as before directed, they shall forfeit 50*l.*, to be recovered and applied as in s. 29. *pl.* 294, and also satisfy to the party grieved all damages sustained by such neglect, *id.* s. 5. [Such officers only to register them, 37 G. 3. c. 90. s. 27. *ante*, *pl.* 265.]

269. If any solicitor, &c. as in s. 3. *pl.* 261. liable to the duties hereby

imposed on certificates, shall reside in any of the inns of court, or in London, Westminster or Southwark, the parish of St. Pancras or St. Mary-le-bone, or within the bills of mortality, or within the city of Edinburgh, for forty days or more in any one year, such solicitor, &c. shall be deemed to be resident within such limits, and shall be liable to the higher duties imposed on certificates during such time as he shall continue so to reside for 40 days or more in each year, and notwithstanding he may at other times reside elsewhere without such limits, 25 G. 3. c. 80. s. 6.

270. Every person who shall, in his own name or that of another, sue out any writ or process, or carry on or defend any proceeding as a solicitor, attorney, notary, proctor, &c. in any of the courts in s. 1. pl. 260. in expectation of fee, without having obtained such certificates, or who shall deliver to any such officers any false or fictitious residence with intent to evade the higher stamp duties, shall forfeit 50*l.*, to be recovered, &c. as in s. 29. pl. 294., and shall be incapable to maintain or prosecute any suit in any court for the recovery of his fees or disbursements in carrying on or defending any such action or proceeding, *id.* s. 7.

271. Every person who shall, in his own name or that of another, sue out any process, or carry on or defend any action or proceeding in the courts, in 25 G. 3. c. 80. s. 1. pl. 260., mentioned, in expectation of gain, or shall do any act therein as an attorney, solicitor, notary, proctor, agent or procurator without obtaining a certificate, as in s. 26. pl. 262. directed, or without entering the same in one of the courts where he is admitted, &c. as such, or shall deliver at the stamp office any account containing a place of residence as his residence, contrary to 25 G. 3. c. 80., with intent to evade the higher duties, shall forfeit 50*l.*, and be incapable to maintain or prosecute any action, &c. in any court for the recovering any fee, &c. for having prosecuted or defended any action, &c. without such certificate, 37 G. 3. c. 90. s. 30. [See 34 G. 3. c. 14. s. 4. pl. 248.]

272. Every person admitted, &c. in any of the courts in 25 G. 3. c. 80. s. 1. pl. 260. mentioned, who shall neglect to take out such certificate, as in s. 26. pl. 262. directed, for one whole year, shall be incapable of practising either in his own name or that of another in any such court by virtue of such admission, &c. and the admission, &c. of such person in such courts shall be void; but any of such courts may re-admit such persons on payment of the duty accrued since his last certificate, and such sum by way of penalty as such court may deem proper; provided nothing herein shall include within this act any person exempted by 25 G. 3. c. 80. from the duty thereby imposed, *id.* s. 31.

273. Any person having obtained such certificate may sue out any writ or process, or prosecute or defend any proceeding in any court in the name and with the consent of any other solicitor, &c. as in s. 3. pl. 261. of such court, in writing first had and signed by him, as he might before this act; provided such other solicitor, &c. has also duly obtained his certificate out of his court, or in default thereof every such solicitor, &c. shall be liable to the like pains and incapacities as any other solicitor, &c. by this act is liable to, 25 G. 3. c. 80. s. 8.

274. Any person duly sworn, &c. as in s. 3. pl. 261. a solicitor, &c. in any two or more of such courts may, under one proper certificate from either, carry on or defend any proceedings in any other court in which he is so sworn, &c. although such certificate may not have issued from such other court, *id.* s. 9.

275. The 6 clerks of the court of chancery, the sworn clerks in their office, the waiting clerks of such 6 clerks, the cursitors of such court, the clerks of the petty bag office, the clerks of the king's coroner and attorney in K. B. the filazers of the same court, and of the court of C. P. at Westminster, the attornies of the courts of the duchy chamber of Lancaster, of exchequer at Chester, or of the lord mayor and sheriffs of London, the attornies or clerks of the offices of the king's remembrancer, treasurer's remembrancer, pipe, or office of pleas in the court of exchequer at Westminster, the solicitors of the treasury, customs, excise, post-office, salt and stamp duties, or any other branches of the revenue, the solicitors of the city of London, the assistant to the counsel for the affairs of the admiralty and navy, shall not be permitted in their own names, or that of another, to sue out any writ or process, or carry on or defend any proceedings in any of the courts in s. 1. pl. 260. in expectation of fee, as solicitors or attornies (except as hereinafter mentioned, s. 12. pl. 277.), unless they shall, for the purposes of this act, cause their names to be enrolled in the court to which their offices belong, or in which they carry on such proceedings as such solicitors or attornies with the proper officer, and shall annually obtain a certificate stamped according to his place of residence, in like manner as in s. 4. pl. 267. directed, on pain to be subject to the like pains and incapacities as in s. 7. pl. 270. mentioned, *id.* s. 10.

276. No officer or clerk of any of the courts in s. 1. pl. 260. mentioned (except as hereinafter excepted, s. 12. pl. 277.) shall, in his own name, or in the name of another, sue out any writ or process, or commence, prosecute, carry on, agent, manage, solicit or defend any suit or other proceedings in any of such courts in expectation of reward as a solicitor, &c. unless he shall cause his name to be enrolled or registered in the court in

which he is such officer, or in which he shall so commence, &c. such suit, &c. with the proper officer therein; and shall annually, during such time as he shall act in manner aforesaid, obtain a certificate stamped according to his residence, as in s. 4. pl. 267. directed with respect to attornies and solicitors, under the like penalties and incapacities as in s. 7. pl. 270. directed, 25 G. 3. c. 80. s. 11. [And see pl. 270, 271.]

277. Nothing in this act shall subject to the duty hereby imposed any officer or clerk of any of the courts, in s. 1., who is or shall be charged with land tax in respect of his office in such court, by reason of his being employed in the management of any suit or other proceeding therein relating to the business of his office only, and wherein such officer shall not be also employed by the party to such suit, &c. or by any solicitor, &c. in expectation of reward, over the fee payable to such officer, in respect of his office, *id.* s. 12.

278. No solicitor, attorney, notary, proctor, agent or procurator, shall sue out any writ or process, or commence, prosecute or carry on any suit, action or any prosecution, or other proceedings whatsoever in any of the courts in s. 1. pl. 260., or defend or appear for any defendant, for or in expectation of reward, unless such solicitor, &c. shall have delivered to the proper officer, or his deputy, hereby appointed for the receipt and entry thereof, a memorandum duly stamped in pursuance of this act of his warrant, mandate or authority containing the names of the parties prosecuting and defending, and of the court in which the same shall be commenced, and also the name of the solicitor, &c. immediately retained to prosecute or defend, to be filed of record, as after directed; which memorandum may be made out according to the form of the schedule annexed, *id.* s. 13.

279. Where any *præcipe* (except a *præcipe* for any original writ out of the court of chancery) is required, by the practice of such courts, to be filed with the proper officer previous to the signing or issuing any writ, precept, citation or monition, or other first process, for any plaintiff upon the commencement of any suit, such solicitor, &c. may deliver in to such officer the memorandum hereby required to be stamped, and insert therein the nature of the process and return thereof in such manner as hath been heretofore used with respect to such *præcipes*; and such memorandum, so stamped and delivered in, shall be as valid, for the signing or issuing any such writ, &c. as if the *præcipe* heretofore used had been delivered in to the proper officer, *id.* s. 14.

280. The officers, or their deputies, who shall be appointed to sign or issue any writ, &c. upon the commencement of any suit, &c. or to enter or file of record any bail, appearance, admission or other act to be first done in the defending or appearing for the defendant in any such suit, shall receive and file every such memorandum which shall be delivered to them by any solicitor, &c. stamped pursuant to this act, and shall sign thereon the day of the month and year on which such memorandum was delivered, to which entries all persons shall have free access without fee; and such officer, or deputy, neglecting the due performance of his office in the premises, shall forfeit 50*l.*, to be recovered and applied as in s. 29. pl. 294. directed, *id.* s. 15.

281. Every person who shall sue out any writ or process, or commence, carry on, agent or defend any suit, or other proceedings, except as after mentioned, s. 18. pl. 283. without having delivered to the proper officer the memorandum of his warrant, &c. stamped as directed, shall forfeit 5*l.*, *id.* s. 16.

282. No suit or proceedings shall be staid, nor any judgment, sentence or decree thereon reversed for any omission or defect in the filing such memorandum, but the courts shall proceed, as far as concerns the parties, as if such memorandum was filed, *id.* s. 17.

283. This act shall not rescind, change or alter any of the rules, or the practice of any of the courts, as in s. 1. pl. 260., relative to the filing warrants of attorney, appearances or proxies, or any admissions to sue or defend either for the plaintiffs or defendants; but the rules and practice of the respective courts relating thereto shall continue to be used as heretofore, unless the judges shall think it necessary to rescind or amend the same; and such judges may make such rules and orders, and do such other things, for the securing such duties as shall be lawful and reasonable, *id.* s. 18.

284. Where any defendant shall, before appearance, confess any action, or execute any warrant of attorney to acknowledge judgment, the attorney who shall enter up judgment thereupon, shall previously deliver to the proper officer a memorandum of such *cognovit actionem*, or warrant of attorney, stamped as before directed, according to the form prescribed in schedule (No. 4.), under pain of 5*l.*, *id.* s. 19.

285. No solicitor, &c. liable to these duties, who shall be retained by any person to prosecute, carry on, manage, solicit, agent or defend any suit or other proceedings in any of the courts in s. 1. pl. 260. aforesaid, shall, directly or indirectly, demand or receive from the parties, or under any pretence whatsoever insert in any bill any sum in respect of the payment of such duties; but it shall be lawful, upon application of the party charged therewith, unto any of the courts in which such suit shall

have been transacted, to refer such bill to be taxed, by the proper officer, as practised in such court for the taxation of such bills; and if, upon the taxation, it shall be found that such solicitor, &c. shall have charged, or received from the party any money contrary to this act, then such charge shall be disallowed and struck out of such bill; or if paid, such solicitor, &c. shall refund and pay unto the party all such money as such officer shall certify to have been so overcharged or paid; and in such case shall also be liable to the costs of the taxation, 25 G. 3. c. 80. s. 20.

286. But if the person by whom any memorandum shall have been delivered to be filed, and by whom the duty shall have been paid, shall not be immediately employed by the parties prosecuting or defending, but shall act therein for the solicitor, &c. immediately employed, such person may charge and place to the account of the solicitor, &c. so immediately employed, the duty hereby imposed on such memorandum, *id.* s. 21.

287. Any solicitor, &c. employed to prosecute any suit for the plaintiff, may file any common appearance or common bail for the defendant, according to the statute, without filing any memorandum for the defendant, and freed from the duties hereby imposed thereon, in such manner as might have been done before this act, *id.* s. 22.

288. But no solicitor, &c. for such defendant shall, where an appearance hath been entered according to the statute, plead or carry on any further proceedings for such defendant, until the memorandum, stamped as aforesaid, of a warrant to defend, shall have been delivered to the proper officer to be filed according to the directions of the act, upon pain to forfeit 5*l.*, *id.* s. 23.

289. In every suit where any person shall, under any rule or order of court, be added as a defendant, it shall be lawful for any solicitor, &c. for the plaintiff to sue out the usual process against such person so added, without delivering any further memorandum by specifying in the *præcipe* to the officer, that the defendant named therein hath been added thereto by rule or order, *id.* s. 24.

290. Every attorney of the court of K. B. who shall put in any special bail before any judge of such court, at the time of putting in thereof, may deliver to the judge's clerk, before whom such bail shall be put in, the memorandum of his warrant stamped according to this act, which such clerk shall receive *gratis*, and shall, within 6 days after the end of each term, deliver the same to the officer appointed to file special bails in such court, to be filed of record; and such officer shall, out of the monies paid to such officer by the receiver-general of the stamp-duties, according to this act (*s. 28. pl. 293.*), pay to such clerk two-pence for every pound sterling which the duties upon such memorandums shall amount unto; and in case such judge's clerk neglect to deliver to the officer all the memorandums deposited in his hands, or shall wilfully deface the same, or the stamp, he shall forfeit 50*l.*, *id.* s. 25.

291. Nothing in this act shall charge with the duties hereby imposed any warrant to sue or defend, or any memorandum thereof, filed in any inferior court wherein the debt or damages claimed shall not amount to 40*s.*, but in such case the attorney, writer, agent or procurator employed to carry on or defend such suit, may deliver in a memorandum of his warrant, in manner hereinafter directed, not stamped, and may insert therein the amount of the debt or damages, under 40*s.*, claimed; and no plaintiff in such suit shall sue for or recover more than shall be expressed in such memorandum not stamped, *id.* s. 26.

292. Nothing in this act shall subject to the payment of the duties any person for any proceedings prosecuted or defended upon any indictment, or upon any information, suit, writ or process in the name of H. M., or at the instance of the attorney-general, the advocate of Scot., or any other officer authorised to prosecute in H. M.'s name, or to sue for H. M.'s interest, except informations in the nature of *quo warranto*, filed by the coroner and attorney in the court of K. B., informations in courts of equity at the relation of private persons, informations wherein any person, other than H. M., shall be entitled to any penalty or part thereof; in all which last cases such duties shall be paid, *id.* s. 27.

293. The receiver-general of the duties on stamped vellum, &c. or some person employed by the commissioners, shall take an account of the number of memorandums filed, and of the amount of the duties paid thereon, and shall pay to the clerks and officers aforesaid, sixpence for every pound which the duties upon such memorandums filed and produced shall amount unto, *id.* s. 28.

294. All penalties may be recovered in any of the courts of record at Westminster for offences in Eng., Wa. or Ber., and in the court of session, court of justiciary, or court of exchequer in Scot., for offences in Scot., by action of debt, &c. wherein no *essoin*, &c.; and if the plaintiff recover he shall have full costs, *id.* s. 29.

295. Forgery of stamps felony without clergy, *id.* s. 30. [See 55 G. 3. c. 184. s. 7. Div. VI. pl. 132.] Former acts extended to the duties hereby imposed, *id.* s. 31. Application of duties, *id.* ss. 32—35.

296. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence; and if a verdict is

given for the defendant, or if the plaintiff is nonsuited, the defendant shall have treble costs, 25 G. 3. c. 80. s. 36.

297. All actions against any person for any thing done under this act shall be commenced within 6 calendar months after the fact committed, and shall be laid in the county or place where they arise, and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance hereof, and if it appears to have been so done, or if the action is brought after the time limited, or is laid in the wrong county, the jury shall find for the defendant; and upon such verdict, or if the plaintiff is nonsuited or discontinues, or if a verdict or judgment on demurrer passes against him, the defendant shall recover treble costs, with usual remedy to recover the same, 37 G. 3. c. 90. s. 38.

BILLS AND NOTES.

298. FOR REPEALING THE DUTIES NOW CHARGED on bills of exchange and promissory notes, and other notes, drafts and orders, and on receipts, and for granting other duties in lieu thereof, [and for better collecting the same], 31 G. 3. c. 25. [REP. as to receipts, *viz.* ss. 12—17. 20. 22. by 35 G. 3. c. 55. s. 4. *Amend.* 37 G. 3. c. 90. s. 15., 37 G. 3. c. 136. ss. 5, 6., 39 G. 3. c. 107. ss. 2—7., 48 G. 3. c. 149. ss. 12—15. 21., 55 G. 3. c. 184. ss. 11—22. 29. For the duties, see 55 G. 3. c. 184. Sch. Part 1. *tit. Bills of Exchange, Promissory Notes.*]

299. All the duties by 23 G. 3. c. 49. imposed on bills and notes, and all the regulations of that or any other act [*viz.* 24 G. 3. s. 1. c. 7.] in relation thereto shall be REP., except as to arrears, 31 G. 3. c. 25. s. 1.

300. All rates and duties hereby imposed on bills of exchange, promissory and other notes, drafts or orders, shall be paid by the drawer, *id.* s. 2.

301. This act shall not charge any foreign bills of exchange drawn in sets, according to the custom of merchants, with any higher duty than the sums here set down, *id.* s. 3. [See 55 G. 3. c. 184. Sch. Part 1.]

302. This act shall not charge any draft or order for the payment of money to bearer on demand, bearing date on or before the day issued, and at the place where issued, and drawn on any banker residing or transacting his business within 10 miles of the place where issued, *id.* s. 4. [See 48 G. 3. c. 149. s. 12., 55 G. 3. c. 184. s. 13. pl. 324.]

303. Bank composition, 31 G. 3. c. 25. s. 5., 39 G. 3. c. 107. s. 3., 44 G. 3. c. 98. Sch. (A.), 48 G. 3. c. 149. s. 15., 55 G. 3. c. 184. s. 21. pl. 332.

304. If any bill of exchange, promissory or other note, draft or order for the payment of money amounting to 40*s.* or more, hereby intended to be stamped, shall, contrary thereto be written, &c. on vellum, &c. not stamped, or on vellum stamped with a lower duty than that payable, then there shall be paid to H. M. the full duty, and which shall be paid by each person who shall draw, utter and negotiate the same, his and their executors, administrators and assigns, *id.* s. 6.

305. Regulations respecting notes re-issuable only at the place where first issued, *id.* s. 7. In what case notes not exceeding 5*l.* 5*s.*, or 30*l.*, legally stamped, may be re-issued, *id.* s. 8. [See 37 G. 3. c. 90. s. 15. REP. 55 G. 3. c. 184. s. 14. pl. 325.]

306. Such promissory or other note for the payment of money to bearer on demand, issued after such payment in pursuance of this act, shall be construed by virtue thereof to be payable to, and the property of the holder, notwithstanding such payment, and such person shall be possessed thereof in such manner as he would have been upon its first issuing, and may maintain an action thereon in such manner as he might do, and have all the remedies as he might have had upon the first issuing thereof, 31 G. 3. c. 25. s. 9., 39 G. 3. c. 107. s. 7.

307. Every person shall write or sign, or accept or pay any bill of exchange, promissory or other note, draft or order hereby liable to duty, without the same being first duly stamped, or upon which there shall not be some stamp resembling the same, shall, for such offence, forfeit 20*l.*, to be recovered as in s. 24. pl. 312. directed, 31 G. 3. c. 25. s. 10.

308. No person shall, under this act, make any bills of exchange, promissory or other notes, drafts or orders for the payment of any sum, otherwise than they might have done before this act, *id.* s. 11.

309. All vellum, &c. liable to any stamp duty by this act, shall be brought to the head stamp office to be stamped before written on, and the commissioners of stamps shall stamp the same in any quantities on payment of the duties, and no bill of exchange, promissory or other note, draft or order [nor any receipt, &c. REP. 35 G. 3. c. 55. s. 4. STAMPS (Receipts)], nor any note, memorandum or writing liable to the duties hereby imposed, shall be pleaded or given in evidence in any court, or admitted to be available in law or equity, unless the same is properly stamped, or stamped with any higher duty; and such commissioners, and their officers, shall not, under any pretence, stamp any vellum, &c. after such bill, &c. is written, &c. except as provided in s. 20. [which relates to receipts only, and which is repealed as above], 31 G. 3. c. 25. s. 19.

310. Any person being the holder of any bill of exchange, promissory or other note, draft or order, and liable to stamp duty under 31 G. 3. c. 25., which shall be stamped with a stamp of a different denomination

than that required by such act, if the same shall be of an equal or superior value to the stamp required, may produce the same, within the times hereinafter mentioned, to the commissioners of stamps at the head office, or to their proper officer; and such commissioners shall direct such officer, and he shall, upon payment of the duty and the penalty hereinafter mentioned, besides the duty, stamp such bills, &c. and give a receipt for the duty and penalty on the back of such bill, &c. and such bill, &c. so stamped, shall be of the like force as if it had been duly stamped; and every person procuring such bill, &c. to be so stamped, shall be indemnified from all penalties incurred by reason of such bill, &c. not having been stamped, 37 G. 3. c. 136. s. 5.

311. If any such bill, &c. shall be produced to such commissioners before it is payable, the same shall be stamped on payment of the duty, and 40s.; but in case such bill, &c. shall be payable before it is so produced, then the same shall not be stamped, unless on payment of the duty, and 10s., *id.* s. 6.

312. One moiety of all pecuniary penalties hereby imposed shall (if sued within 3 calendar months from the time when incurred) go to H. M., and the other, with full costs, to the person suing for the same within such time in the courts at Westminster for offences committed in Eng., and in the court of exchequer at Edinburgh for offences committed in Scot. by action of debt, &c. or information, wherein no essoin, and only one imparlance allowed, 31 G. 3. c. 25. s. 24. [Ext. to receipts, 35 G. 3. c. 55. s. 12. See STAMPS, Receipts.]

313. Any justice of peace residing near the place where the offence was committed may determine any offence against this act for which a pecuniary penalty is inflicted, and he shall, on information or complaint made within 3 calendar months after the offence committed, summon the party and witnesses on either side, and on proof made, either by confession or on oath of one witness, give judgment for the penalty as hereby is directed to be divided, in moieties to H. M. and the informer, and shall award his warrant under hand and seal to levy such penalty on the goods of the offender, and cause sale to be made thereof if not redeemed within 6 days; and where sufficient goods cannot be found, he may commit the offender to prison for 3 calendar months, unless the penalty is sooner paid; and persons aggrieved by such judgment may, on giving security to the value of the penalty, together with the costs to be awarded in case such judgment is affirmed, appeal to the next quarter sessions for the county, &c. which shall happen 14 days after such conviction made, and of which appeal reasonable notice shall be given; and the justices there may summon and examine witnesses on oath, and finally determine the same, and if the judgment of such justice is affirmed, may award such costs to the appellant as they think fit, *id.* s. 25. [Ext. to receipts, 35 G. 3. c. 55. s. 15. But see Div. V., 44 G. 3. c. 98. s. 10., *pl.* 123.]

314. Any justice may, if he thinks fit, mitigate such penalties (the reasonable costs of the officers and informers being always allowed over such mitigation), so as they be not lessened more than one moiety, *id.* s. 26. [Ext. to receipts, 35 G. 3. c. 55. s. 14.]

315. If any person summoned as a witness before such justice or justices touching any such matters, shall neglect to appear at the time and place appointed, without some excuse, to be allowed by such justice or justices, or appearing, shall refuse to be examined on oath, then such person shall forfeit 40s., to be levied and paid as other penalties under this act may be, *id.* s. 27. [Ext. to receipts, 35 G. 3. c. 55. s. 15.]

316. In default of any prosecution within the time limited, no such penalty shall be recoverable, except in the name of the attorney-general in Eng., or advocate in Scot., by information in any of such courts as in s. 24. *pl.* 312. in which case the whole penalty shall go to H. M. and all penalties, &c. and shares thereof so incurred belonging to H. M., shall be paid to the receiver-general of stamp duties; and where the whole of such pecuniary penalties shall go to H. M., the commissioners may thereout reward as they think fit, not exceeding one moiety of such penalties, after deducting the charges of recovery, any person appearing entitled thereto as informers, *id.* s. 28. [Ext. to receipts, 35 G. 3. c. 55. s. 16.]

317. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence, and on verdict against plaintiff, or if he is nonsuited, such defendant shall have treble costs, *id.* s. 35.

318. Nothing herein contained, shall charge any draft or order for the payment of money on demand, upon any banker or person, acting as such, and residing or transacting the business of a banker, within 10 miles of the place where draft, &c. was drawn, 39 G. 3. c. 107. s. 2.; [See similar exception, 35 G. 3. c. 184., *Sch. Part I. tit. Bills of Exchange.*]

319. No bill of exchange hereby required to be stamped, shall be issued on any pretence whatever, 39 G. 3. c. 107. s. 5.

320. Certain regulations as to re-issuing notes, 31 G. 3. c. 25. ss. 7, 8., 39 G. 3. c. 107. ss. 5, 6., 41 G. 3. U. K. c. 10. s. 6. No note payable to bearer on demand for more than 20l., shall be re-issued in Scot., with an exception in favour of the 2 banks of Scot., and the British linen com-

pany, 44 G. 3. c. 98. ss. 20, 21. Further regulations as to re-issuing notes for 2l. 2s., or less, and notes re-issuable under 44 G. 3. c. 98. s. 20., 48 G. 3. c. 149. s. 13. Further regulations as to re-issuing notes, for not exceeding 100l., and for 2l. 2s., 53 G. 3. c. 108. ss. 1, 2. [all virtually *Rerp.*, 55 G. 3. c. 184. s. 14. *pl.* 323.]

321. All notes allowed to be re-issued by the 44 G. 3. c. 98., or by this act, for 3 years from the date thereof, shall, on payment thereof, at the end of such 3 years, and all promissory notes, bills, drafts, or orders for money, not allowed to be re-issued, shall, on payment thereof, be deemed to be wholly discharged, and no longer available, but shall be forthwith cancelled; and if any person shall re-issue or cause or permit to be re-issued, any promissory note so allowed to be re-issued, at any time after the expiration of the term allowed for that purpose, or shall re-issue, or cause or permit to be re-issued any promissory note, bill, &c. not allowed to be re-issued, or shall neglect to cancel the same on payment, they shall forfeit 50l.; and in case of any note, bill, &c. being re-issued contrary to this act, the person re-issuing the same, shall answer to H. M. a further duty in respect thereof of the same amount as would have been chargeable thereon, in case the same then been first issued, which further duty may be sued for, and recovered as a debt to H. M.; and if any person shall take such note, bill, &c. in payment, or as a security, knowing the same to be re-issued contrary hereto, he shall forfeit 20l., 48 G. 3. c. 149. s. 14.

322. Every person who shall make, sign, or issue, or cause to be made, &c., or shall accept or pay, or permit so to be, any bill of exchange, draft, order, or promissory note, for the payment of money liable to the duties hereby imposed, without the same being stamped, shall forfeit 50l., 48 G. 3. c. 149. s. 11., 55 G. 3. c. 184. s. 11.

323. Any person who shall make and issue, or cause to be made, &c., any such bill, &c., at any time after date or sight, which shall bear date subsequent to the day on which issued, so that it shall not in fact become payable in 2 months, if made payable after date, or in 60 days, if after sight, next after the day on which issued, unless stamped for the duty hereby imposed on a bill or note payable at any time exceeding 2 months after date, or 60 days after sight, shall, for every such bill, &c., forfeit 100l., 55 G. 3. c. 184. s. 12.

324. Every person who shall make and issue, or cause to be made, &c., any bill, draft, or order, payable to bearer on demand, on any banker or person acting as such, which shall be dated on any day subsequent to that on which issued, or which shall not truly specify the place where issued, or fall as strictly within the exception in the schedule, Part I., unless duly stamped as a bill of exchange under this act, shall for every such bill, &c., forfeit 100l.; and any person knowingly receiving such bill, &c., in payment of or as security for the sum therein mentioned, shall for every such bill, &c. forfeit 20l.; and any banker, on whom any such bill, &c. shall be drawn, who shall pay, or cause or permit to be paid, the sum therein expressed, or any part thereof, knowing it to be post-dated, or that the place where issued is not truly set forth therein, or knowing it does not in any other respect fall within such exemption, shall, for every such bill, &c., forfeit 100l.; and shall not be allowed the money so paid, in account against the person, by or for whom such bill, &c. shall be drawn, or his executors, &c., assignees or creditors, in case of insolvency or bankruptcy, or other person claiming under them, 48 G. 3. c. 149. s. 12., 55 G. 3. c. 184. s. 13.

325. Any banker or person, who shall make and issue any promissory note payable to bearer on demand, for any sum not exceeding 100l. each, duly stamped under this act, may reissue the same from time to time, as often as he thinks necessary, without paying any further duty; and all notes so re-issued, shall be good in law, 55 G. 3. c. 184. s. 14.; [In whom the property of such notes shall vest, 31 G. 3. c. 25. s. 9., 39 G. 3. c. 107. s. 7. *pl.* 306.]

326. Notes payable to bearer on demand for any sum not exceeding 100l., made and issued by any bankers or other persons, and once duly stamped under this act, shall not be liable to any further duty, although re-issued by and as the note of some only of the persons who originally made it, or by and as the note of any one or more of such original makers, and any other person in partnership with him or them jointly; nor although such note, if payable at any other than the place where drawn, is re-issued with any alteration therein, only of the house or place at which first made payable, *id.* s. 15.

327. All notes payable to bearer on demand, in *bonâ fide* circulation, on 31st Aug. 1815, duly stamped and re-issuable under 48 G. 3. c. 149. and 53 G. 3. c. 108. ss. 1, 2., shall continue re-issuable from their respective dates for 3 years, but not afterwards, without further duty paid; and persons, who after 31st Aug. 1815, issue such notes, shall forfeit 50l. per note, *id.* s. 16.

328. Notes issued by bankers in Scot. for not exceeding 2l. s. each, payable to bearer on demand, with the dates printed therein, and in *bonâ fide* circulation, before 31st Aug. 1815, duly stamped, and which shall bear date prior to 31st Aug. 1813, shall be re-issuable until 31st Aug. 1816; and if any banker or other person shall, after 31st Aug.

1815, issue or cause to be issued, any such note, bearing a printed date prior to 31st Aug. 1813, he shall forfeit 50*l.*, 55 G.3. c.184. s.17.

329. No banker or other person shall issue any promissory note payable to bearer on demand, liable to the duties hereby imposed, with the date printed therein; and if any banker or other person shall issue any such note, with the date printed therein, he shall forfeit 50*l.*, *id.* s.18.

330. All notes hereby allowed to continue re-issuable for a limited period shall, on payment thereof, after the expiration of such period, and all notes, bills of exchange, drafts or orders, for money not allowed to be re-issuable hereby, shall, on payment thereof, be deemed to be wholly discharged, and shall be immediately cancelled; and if any person shall re-issue, or cause or permit to be re-issued, any such note hereby allowed to be re-issued for a limited time after that time is elapsed, or shall issue, &c. any such other notes, bills, &c. after the payment thereof as aforesaid, or shall neglect to cancel the same according to this act, such persons shall forfeit for each note, &c. 50*l.*; and in case such note, &c. is re-issued, the party re-issuing the same shall be accountable to H. M. for a further duty in respect thereof of the like amount, as if the same had then been issued for the first time, which further duty may be sued for as a debt to H. M.; and if any person shall take any such note, &c. in payment or as security, knowing it to be re-issued contrary to this act, he shall forfeit 20*l.*, *id.* s.19.

331. All promissory notes and bank post bills issued by the bank of *Eng.* shall be freed from the duties hereby granted, and may be re-issued at pleasure, *id.* s.20.

332. The composition payable by the bank of *Eng.* for stamp duties on their notes, and bank post bills under 48 G.3. c.149. s.15. shall cease, and such bank shall annually, in the 1st May, deliver to the commissioners of stamps, a just account verified on the oath of their chief accountant of the value of all their notes and bills in circulation, in some given day in each week, for the 3 years preceding the 6th April, in the year in which the account is given, together with the average value thereof, according to such account; and the bank shall pay to the receiver-general as a composition for such duties 3,500*l.* for every million, and after that rate for every half million, but for no less sum, one half thereof to be paid on the 1st Oct., and the other on the 1st April, next after such account given, *id.* s.21.

333. When the bank of *Eng.* shall resume cash payments, a new composition for stamp duties shall be submitted to parliament, *id.* s.22.

334. Promissory notes payable to bearer on demand, made or purporting to be made, out of *G. B.*, by or on the behalf of any person, resident out of *G. B.*, shall not be negotiated or paid in *G. B.*, whether made payable there or not, unless duly stamped as hereby required, for notes of the like tenor and value made in *G. B.*; and any person who shall negotiate, or offer or receive in payment any such note, or shall demand or receive the whole or part of the sum therein mentioned, from or on account of the drawer thereof in *G. B.*, the same not being duly stamped; and any person in *G. B.* who shall pay such sum or any part thereof, either as drawer or in pursuance of any appointment therein contained, shall forfeit for each such note, 20*l.*; provided this clause shall not extend to notes made and payable only in *Ire.*, 48 G.3. c.149. s.21, 55 G.3. c.184. s.29.

335. FOR REGULATING THE ISSUING OF SMALL NOTES, by the 2 banks of *Scot.* and the *British* linen company, and the granting of licences to issue re-issuable notes, 48 G.3. c.149. ss. 16—20. [AMD. 55 G.3. c.184. ss. 23—28. *This title is framed from the purport of these sections.*]

336. The bank and royal bank of *Scot.*, and the *British* linen company in *Scot.*, may issue their promissory notes for 1*l.*, 1*l.* 1*s.*, 2*l.*, and 2*l.* 2*s.*, payable to bearer on demand, on unstamped paper, in the manner hitherto practised, with regard to 1*l.* and 1*l.* 1*s.* notes of the said banks of *Scot.*, under 39 G.3. c.107. s.9; such banks and company respectively, giving such like security and keeping and producing such accounts of the notes issued by them, and paying the duties in the manner prescribed by the said act, in regard to such notes of such banks thereby allowed to be issued on unstamped paper; and may re-issue such notes as often as they think fit; and such banks and company, instead of taking out the licence after mentioned, shall pay 20*l.* per ann. to the head stamp collector at *Edinburgh*, 48 G.3. c.149. s.16, [And see 55 G.3. c.184. s.23. *pl.* 337.]

337. The bank of *Scot.* and royal bank of *Scot.*, and *British* linen company, may issue their notes for 1*l.* and 1*l.* 1*s.*, and 2*l.* and 2*l.* 2*s.*, on unstamped paper, as they are authorized to do by 48 G.3. c.149. s.16, giving such security and producing accounts of all notes issued by them, and paying the duties in the manner by that act prescribed, and may re-issue such notes at pleasure, 55 G.3. c.184. s.23.

338. No banker or other person, (except the bank of *Eng.*, the 2 banks of *Scot.* and the *British* linen company, see ss.16. 19.), shall issue any promissory notes for money payable to bearer on demand hereby charged with duty, and allowed to be re-issued without taking out a licence yearly for that purpose, which shall be granted by 2 commissioners of stamps, or some person authorized by them, on payment of

the duty payable thereon; and a separate and distinct licence shall be taken out for every town or place where such notes be issued, by such bankers or persons, or their agents, [except that one licence shall be sufficient for all towns or places where such banker or person shall have established a branch bank, or employed an agent to issue notes before this act was passed, so that all such towns, &c. shall be notified to the stamp office, and be specified in the first licence granted under this act, and that an affidavit of the fact be transmitted to the stamp office at the time of applying for such licence, 48 G.3. c.149. s.17.; and such licence shall specify the name and residence of the person to whom granted, and also the name of the town or place where, and the name of the firm, or title under which such notes are issued, and where any such licence is granted to persons in partnership, it shall set forth the names and residences of all the partners, whether all their names appear on their notes or not, and in default thereof, such licence shall be void; and such licences, which shall be granted between the 10th Oct. and 11th Nov. yearly, and shall be dated on the 11th Oct., and licences granted on other days shall be dated on day granted, and be in force from that day till the 10th Oct. following, both inclusive, 48 G.3. c.149. s.17., 55 G.3. c.184. s.24.

339. The exception herein contained (s.17. *pl.* 338.) in favour of the 2 banks of *Scot.* and the *British* linen company, shall only extend to exempt them from taking out such licences in respect of their several present establishments and branches; viz. those of the bank of *Scot.* at *Edinburgh*, *Glasgow*, *Perth*, *Aberdeen*, *Dumfries*, *Cupar*, *St. Andrews*, *Kirkcaldy*, *Dumfermline*, *Kelso*, *Inverness*, *Ayr*, *Stirling*, *Banff*, *Tain*, *Dundee*, *Montrose*, *Haddington*, *Greenock*, *Wigton*, and *Kircudbright*; those of the royal bank of *Scot.* at *Edinburgh* and *Glasgow*, and those of the *British* linen company, at *Edinburgh*, *Leith*, *Cupar*, *Dumfermline*, *Montrose*, *Inverness*, *Forres*, *Elgin*, *Glasgow*, *Dumfries*, *Hawick*, *Jedburgh*, *Dunse*, *Dunbar*, *Newton Stewart*, and *Perth*; but that if they set up a branch bank, or employ any agent to issue such notes at any other town than those herein mentioned, they shall take out such licence for the same as other bankers, &c. do, and in default thereof, shall be liable to the same penalties as such bankers, &c. in that behalf, 48 G.3. c.149. s.19.; [See s.18., *post*, *pl.* 343.]

340. When any such licence shall be granted to any persons in partnership, the same shall continue in force for the issuing of promissory notes duly stamped under the firm or title herein specified, until 10th Oct. following the date thereof, notwithstanding any alteration in the partnership, 48 G.3. c.149. s.20., 55 G.3. c.184. s.28.

341. No hanker or person shall be obliged to take out more than 4 licences in all, for any number of towns in *Scot.*; and in case any banker or person shall issue such promissory notes by themselves or their agents, at more than 4 different towns or places in *Scot.*, then after taking out 3 distinct licences for 3 of such towns or places, such banker, &c. may have the rest included in a fourth, 55 G.3. c.184. s.25.

342. In cases where under 48 G.3. c.149. s.17. *pl.* 338. several places in *Eng.* may be included in one licence; the same may be done under this act, *id.* s.26.

343. Persons applying for such licences, shall produce to, and leave with the proper officer a specimen of their notes, that the licence may be framed accordingly; and any person (except the bank of *Eng.*) who shall issue reissuable notes without a licence, or at any other place, or under any other firm than specified in the licence, shall forfeit 100*l.*, 48 G.3. c.149. s.18., 55 G.3. c.184. s.27.

CARDS AND DICE.

344. FOR BETTER COLLECTING THE STAMP DUTIES ON cards and dice, 9 A. c.23. ss. 40—43. [AMD. 10 A. c.19. ss. 162, 163, 166—170., 6 G.1. c.21. ss. 55. 57. 59, 60., 29 G.2. c.13., 5 G.3. c.46. ss. 9—17. 41., 16 G.3. c.54. s.17., 41 G.3. U.K. c.86. ss. 4—11.; *This title is framed from the general purport of these sections: for the duties, see 44 G.3. c.98., Schedule B. ante, pa. 1401.*]

345. The duties on cards and dice imported, shall be levied and brought into the exchequer in such manner, and under such penalties, as H. M.'s customs on subsidy goods in wards are by the laws now in force, 9 A. c.23. s.40.

346. The makers of playing cards or dice in *G. B.*, shall, before they make any new cards or dice, give notice in writing of the house or place where they make them, to the commissioners of stamps, or to their officers, next to the place where such cards or dice are made, and such notice shall be given as often as such places are changed; and every person in *G. B.*, who shall exercise the employment of making cards or dice in *G. B.*, shall likewise give such notice, upon pain to forfeit 50*l.*; and all persons making cards or dice, in any place not so notified, shall forfeit 50*l.*; and such persons shall permit the proper officers to enter such places, and take account of the cards or dice made, under the penalty of 10*l.* for each refusal; and no maker of cards or dice, chargeable with such duties, shall remove or suffer the same to be removed from such place of making, until such mark upon such dice, and such

seal upon the paper, and thread inclosing every pack of cards shall be put thereon, as the commissioners of stamps shall appoint in writing under their hands, upon pain to forfeit all such cards and dice, and treble the value thereof, 9 A. c. 23. s. 41. [May be removed for exportation without sealing, &c. and before duty paid, 10 A. c. 19. s. 170. *pl. 355.*]

347. Every person who shall make any cards or dice, in any house or place, before he has given notice of his intention to make cards or dice there according to 9 A. c. 23. s. 41. *pl. 346.* shall, besides the penalties thereby inflicted, forfeit all cards and dice, and all materials and utensils for making the same found in such house, &c. or manufactured there before such notice given; and no material begun to be wrought, shall be removed from the place where so begun, until completely made into cards or dice, or the duties for the same paid, or secured, on pain that every person removing, or permitting to be removed any such materials, contrary hereto, shall forfeit double the duty on the cards or dice such materials would make, with full costs, 10 A. c. 19. s. 166.

348. The 3 E. 4. c. 4. against the importation of cards and dice, confirmed, *id.* s. 167.

349. Such makers of cards and dice shall once in 28 days make entry on oath, with the commissioners of stamps, or with their officer next adjacent to their place of making, (which oath such commissioners, or 3 of them, or such officer may administer,) of all cards or dice by them made, within the time of such entry, and shall once in 6 weeks clear all such duties by them owing, by paying the same to the receiver general, upon pain of forfeiting 20*l.* for not making such entry, or double duty for nonpayment thereof, 9 A. c. 23. s. 42.

350. Makers of cards or dice endeavouring to defraud H. M. by any concealment, shall forfeit 20*l.*; and all penalties hereby imposed in relation to cards and dice, shall go one moiety to H. M., and the other to the informer, and may be recovered, as hereby directed, with reference to other stamp duties, [see s. 37. *Div. V. pl. 109.*] and monies arising by such duties shall be paid into the exchequer, *id.* s. 43. [See 44 G. 3. c. 98. s. 10. *Div. V. pl. 123.*]

351. No playing cards or dice shall be sold, or exposed to sale, or used in any public gaming house, unless the paper and thread inclosing the same was sealed and stamped according to the 9 A. c. 23. s. 41. *pl. 346.* and unless one of the cards of each pack shall be also marked on the painted side, with such mark as the commissioners of stamps shall appoint, on pain that every person offending against this act, or the 9 A. c. 23. shall forfeit for each pack, and every one of such dice, 5*l.*, with full costs, to be recovered and distributed, as the penalties, in the said former act are to be, 10 A. c. 19. s. 162. [See 41 G. 3. U. K. c. 86. s. 10. *pl. 384.*]

352. If any person shall counterfeit, or forge, any seal or stamp, to resemble any seal or stamp, in pursuance of this or of such former act, provided to denote the payment of the duties on cards and dice, or shall counterfeit, or resemble the impression of the same, on any card or dice, or any thread or paper, inclosing any cards, or shall utter, or vend any cards or dice with such counterfeited seal or stamp, knowing the same to be counterfeited, or shall privately and fraudulently use any seal or stamp used under this or the former act, relating to such duties on cards and dice, so as thereby to defraud H. M. such person so offending shall on conviction suffer death without clergy, *id.* s. 163. [See 29 G. 2. c. 13. s. 5. *pl. 360.*, 41 G. 3. U. K. c. 86. s. 16. *pl. 385.*]

353. All pieces of ivory, bone, or other matter, made or used in any game, or play, with any letters, figures, spots, or other marks thereon, to denote any chance, shall be deemed dice, and chargeable with duty, and if there are more than 6 chances signified on one of such pieces, then such piece shall be charged with the full duty payable for a pair of dice; and if there shall be more than the number of chances usual in a pair of dice, then such one piece shall be charged with a further duty, proportionate to the number of chances exceeding one pair of dice, *id.* s. 168.

354. Any officer appointed by the commissioners of stamps, may enter any house where cards or dice are made, sold, or exposed to sale, or suspected to be privately made, or into any public gaming house or place, and there search and see what cards or dice shall be making, and whether such cards or dice so sold, or exposed to sale, or so used in play, be duly sealed and stamped; and if the owner or occupier of any house or place, where cards or dice are made, sold, or exposed to sale, or of any such gaming house shall refuse entrance, or search to such officer, he shall forfeit 10*l.*, with full costs, to be recovered and divided as in s. 119. [which see ante, *Div. V. pl. 110.*] *id.* s. 169.

355. Any cards or dice may be removed from the place where made, without sealing, stamping, or paying any duties for the same, provided that within one month after made, and before so removed, a bond is entered into to H. M., with sufficient surety in a penal sum, of double the duties on such cards or dice, with a condition to export such cards or dice, within a time limited within such bond, and that the same shall not be relanded in G. B.; and such bond shall be left with the commissioners of stamps, and a certificate given by such commissioners

or their officer, that such bond is entered into, 10 A. c. 19. s. 170. [See 41 G. 3. U. K. c. 86. s. 6. *pl. 380.*]

356. Justices may determine pecuniary forfeitures, not exceeding 20*l.*, 10 A. c. 19. s. 172—173. [See the sections more at length in *Div. V. pl. 111, 112.*]

357. Every person who shall fraudulently cut, tear, or get off any stamp, in respect whereof or whereby any duties are payable to, or are denoted to be paid or payable to H. M. on playing cards, [see further 12 G. 3. c. 48. *pl. 90. General Regulations,*] or shall file, square, or new spot any dice, which have been sold, or played with, or shall fraudulently inclose any new pack of playing cards, in any outside paper duly sealed, the same having been once used, and every person who shall sell, or expose to sale any playing cards, the same not being then duly stamped, and inclosed in paper and thread, as by 10 A. c. 19. s. 162. *pl. 351.* directed, shall forfeit 10*l.*, to be recovered by action of debt, &c. or information in any of the courts of record at Westminster, wherein no essoin, &c. and only one imparlance allowed, and shall go one moiety to H. M., and the other to the informer, who shall have his costs allowed him, 6 G. 1. c. 21. s. 55. [See 44 G. 3. c. 98. s. 10. *Div. V. pl. 123.*]

358. All card makers at the time of entering any parcel of playing cards, shall enter into a bond to H. M., with sufficient surety, in a penal sum of treble the duties on such cards, with condition for the payment of such duties within 6 weeks after the date of such bond, 6 G. 1. c. 21. s. 57.

359. If the commissioners of stamps suspect that any person makes playing cards or dice, in any house or place in G. B., without sending notice in writing to them, and affidavit being made thereof by the person giving the information before one justice, declaring the grounds of his suspicion, then any of the stamp officers in the day time, and in the presence of a constable, or other peace officer, (who shall assist therein,) by warrant from such justice, may direct to such officers, to break open the door or any part of such house or place so suspected, and enter therein, and seize all such cards, dice, tools, or materials there found, and detain the same in such house or place, as such commissioners shall appoint; and in case the same shall not within 5 days after such seizure be claimed and replevied, then they shall be absolutely forfeited, and may be sold; one moiety of the produce (all charges being first deducted) shall go to H. M., and the other to the party discovering the same, *id.* s. 59. [See 44 G. 3. c. 98. s. 27. *Div. V. pl. 124.*]

360. If any person shall counterfeit, or forge any seal, stamp, or mark, to resemble the seal, &c. used for denoting the duties on cards and dice, or shall counterfeit, or resemble the impression of the same on any cards or dice, or any thread, or paper inclosing any pack of cards, with intent to defraud H. M., or shall utter or vend any cards or dice with such counterfeit seal, &c. knowing the same to be counterfeit, or shall privately and fraudulently use any seal, &c. hereby directed to be used, with intent to defraud H. M., or shall cause, or procure to be forged, &c. any seal, &c. to resemble any such seal, &c. as aforesaid, or shall cause, &c. any card or dice, or any thread or paper, inclosing any pack of cards, to be sealed, &c. with any such counterfeit seal, &c. or shall in like manner forge, or counterfeit, or cause, or procure to be forged, &c. any seal, &c. to resemble any seal, &c. by 10 A. c. 19. s. 163. *pl. 352.* directed to be impressed on the painted side of one card of each pack, or shall utter, vend, or expose to sale any card, with such counterfeit seal, &c. knowing the same to be counterfeit, or shall privately and fraudulently use any seal, &c. used for sealing, &c. the painted side of any card, with intent to defraud H. M. shall on conviction be adjudged a felon, and suffer death without clergy, 29 G. 2. c. 13. s. 5. [See 41 G. 3. U. K. c. 86. s. 16. *pl. 385.*, 55 G. 3. c. 184. s. 7. *Div. VI. pl. 132.*]

361. All playing cards in G. B. intended for exportation, shall before they are packed up, be inclosed in paper and thread in packs as the commissioners of stamps shall direct, and one card of each pack intended for exportation, or so many cards as the commissioners think fit, shall also be stamped on the painted side as such commissioners direct; and every person who shall utter, vend or expose to sale to be used in G. B., or shall permit to be used in any public gaming house any playing cards so stamped as for exportation shall forfeit 20*l.*, to be recovered and distributed as any other penalty, under any act relating to cards and dice may be, *id.* s. 6.

362. No bond entered into for exporting cards and dice under 10 A. c. 19. s. 170. *pl. 355.* shall be vacated unless and until proof is made that such cards or dice have been entered and shipped as such, and not as stationary, and unless and until a certificate thereof signed by the proper custom officer is produced, which certificate shall be given without fee, the 5 G. 1. c. 19. s. 48. [which see *REP.* 41 G. 3. U. K. c. 86. s. 8.] notwithstanding, *id.* s. 7.

363. Every person who shall buy or sell any covers or labels which have been before used to denote the duties on cards, in order to be used for inclosing any cards, such person shall forfeit 20*l.*, to go one moiety to H. M. and the other to the party suing for the same, *id.* s. 8. [But see as to the penalty, 44 G. 3. c. 98. s. 10. 27. *Div. V. pl. 123, 124.*]

354. If either the buyer or seller of any such cover shall inform against the other, the party informing shall be admitted evidence, and be indemnified against the penalties by him incurred, 29 *G. 2. c. 13. s. 9.*

355. If any maker of playing cards or other persons, shall sell or dispose of any cards, commonly called waste cards, unless he shall before such sale mark each painted card in such manner as to prevent their being used in play, such person shall forfeit 20*l.* to be recovered and distributed as in *s. 8. pl. 363., id. s. 10.*

356. If any person shall sell or dispose of any cards by way of second-hand cards in packs or parcels after the wrapper or cover has been broke open, unless he shall before such sale, mark the back or plain side of every painted or pictured card, so as to render them unfit for play, such person shall forfeit 5*l.* for each pack so sold, to be recovered as by 29 *G. 2. c. 13. s. 8., pl. 363. directed, 16 G. 3. c. 34. s. 17.*

357. In all actions for any thing done under this act, the defendant may plead the general issue, and give this act and the special matter in evidence, and if the plaintiff shall discontinue, or is nonsuited, or has judgment against him, the defendant shall have treble costs, 29 *G. 2. c. 13. s. 11.*

358. Makers of playing cards in *G. B.* shall send to the commissioners of stamps or their officers, a sufficient quantity of paper to have aces of spades impressed thereon; and no pack of playing cards made for play in *G. B.* or for exportation shall be used in play or exported, without one of such aces impressed as herein directed; and such commissioners shall instead of that now used, prepare a new stamp with such device as they think proper to denote such ace, as well in each pack of cards made for play in *G. B.* as for exportation, so as in such device there shall be some distinguishing mark between cards for home, and cards for foreign consumption, and such commissioners may alter and renew such device as they think fit, 5 *G. 3. c. 46. s. 9.*

359. All card makers shall send to the commissioners of stamps or their officers, jews or wrappers made for inclosing cards used for play in *G. B.* with his name, and any other thing directed by such commissioners printed thereon in order to be stamped and redelivered as the maker requires; and such commissioners shall denote one of the 6*d.* duties charged on playing cards on such wrapper, *id. s. 10.*

370. Distinct accounts shall be kept by the proper officer of stamps, with all card makers of cards made for use in *G. B.* and of those for exportation, and the charges thereof shall be made out against him from the number of aces of spades, labels and wrappers delivered; and such card makers shall once in 28 days attend at the stamp office or on the distributor nearest to them and settle and sign the same, and in case of dispute the commissioners shall on application made within one week, or in cases when the distance shall exceed 10 miles from London, within 20 days, finally settle the same, and if such card makers shall neglect so to apply, then such accounts whether signed or not, shall be deemed conclusive, and be admitted evidence against them, *id. s. 11.*

371. In case any pack of playing cards or part thereof is damaged, defaced or spoiled in making the same, then on oath made thereof by the maker (which oath 3 of such commissioners may administer) he shall be allowed another ace of spades instead of that so damaged on delivering to such commissioners such damaged, &c. ace, *id. s. 12.*

372. If any card maker shall use in making up any cards any ace of spades jew or wrapper that has been used before, he shall forfeit 20*l.*, *id. s. 13.*

373. If any person shall sell or buy any such ace of spades, jew or wrapper, in order to use the same in, about or for inclosing any pack of cards, such person shall forfeit 20*l.*, *id. s. 14.*

374. If either the buyer or seller of such ace, jew or wrapper, will inform against the other party concerned, he shall be admitted evidence, and be indemnified for all penalties so by him incurred, *id. s. 15.*

375. If any person shall fraudulently reland any parcel of cards after the same have been entered and shipped for exportation, in any place other than the port of consignment, such person shall forfeit 50*l.*, *id. s. 16.*

376. If any person concerned in such relanding, shall inform against any other party concerned therein, he shall be admitted evidence, and be indemnified against all penalties so by him incurred, *id. s. 17.*

377. All penalties hereby imposed, and not hereinbefore disposed of, shall go one moiety to H. M., and the other to the party suing in any court of record, with costs, by action of debt, &c. or information wherein no essoin, &c. and only one imparlance allowed, *id. s. 41.*

378. The commissioners of stamps shall cause all dice brought to the head stamp office to be stamped, to be wrapped and inclosed after being stamped in a paper wrapper duly stamped and fastened with a thread or seal; and they shall when required by the maker of any dice provide an additional stamp containing the name of such maker, or other mark to distinguish such maker, and cause the same to be printed on or affixed to the wrapper of such dice, 41 *G. 3. U. K. c. 86. s. 4.*

379. No playing cards or dice shall be exported to parts beyond the seas out of *G. B.* without being duly stamped until 10 days after notice shall be given at the head stamp office by the makers thereof, of the

quantity to be exported, and of the port or place from whence they are to be exported, and of the port, &c., where they are to be carried, nor unless a certificate under the hand of the proper officer appointed by the commissioners of stamps, expressing the matters required in such notice, and also certifying that bond has been given according to this act for the exportation thereof, be delivered to the custom officer, which certificate shall be given without fee; nor shall any cards or dice be laden or put on board of any ship but in the presence of the proper custom officer according to the laws in force for exporting non-enumerated goods from *G. B.*, 41 *G. 3. U. K. c. 86. s. 5.*

380. Any maker of cards or dice may remove the same from the place where made without payment of duties, provided the same be duly stamped for exportation, and provided that a bond has been previously entered into to H. M. with sufficient surety to be approved by the commissioners of stamps or their officer, in treble the amount of duty payable on such cards or dice respectively, if the same had been made for use in *G. B.*, with condition to export such cards or dice beyond seas within a time limited in such bond, and to land the same (the dangers of the seas excepted) in some foreign port mentioned in such bond, and which shall be the same port mentioned in the certificate of the stamp officer, as in *s. 5. pl. 379.* and not to land or put any of the same on board any other vessel, either in any port in *G. B.* or elsewhere, or at open sea, and that the same shall not be relanded in any part of *G. B.*; which bond shall be lodged with the commissioners of stamps or their officers, and may be prosecuted for any breach according to any stamp law now in force, *id. s. 6. [See 10 A. c. 19. s. 170. pl. 355.]*

381. Such bond so given as in *s. 6. pl. 380.* shall be discharged as follows; viz. for such cards or dice as shall be entered to be landed in *Ire.* the condition of the bond shall be to bring a certificate in discharge thereof within 6 months from the date of the bond; and 12 months for such cards or dice as shall be entered for or landed in any other place in *Europe*; 18 months for H. M.'s plantations in *America* or *Africa* or the *United States of America*; and 24 months for places beyond the *Cape of Good Hope*, and such certificate shall be signed by the proper officer of H. M.'s customs at the port where landed; and if no such officer, then by the *British* consul or other person acting as such there, importing that such cards and dice were there landed, and testifying the landing thereof, and if no such officer, consul or other such person, such certificate shall be under the common seal of the chief magistrate of the place or under the hands and seals of two known *British* merchants being at such port, or such bond shall be discharged by proof in either of such cases, that such cards were taken by enemies or perished in the sea or by fire, such proof being left to the discretion of the commissioners of stamps, *id. s. 7.*

382. The 5 *G. 1. c. 19. s. 48.*, for limiting the time for putting in suit of such exportation bonds shall be *Rep., id. s. 8.*

383. All playing cards and dice made for sale in *G. B.* exported contrary to this act, or which shall be relanded after entry for exportation, or which after such entry shall be found in any place, not being an entered place for making the same, or which shall be found removing from place to place in *G. B.* without being duly stamped, except for exportation under this act, shall be forfeited, and may be seized by any excise or custom officer, and be proceeded on to condemnation as any non-enumerated goods forfeited and seized may be by the excise or custom laws, *id. s. 9.*

384. No playing cards or dice shall be sold or exposed to sale in *G. B.* unless duly stamped, and unless one of the cards in each pack shall be actually stamped on the spotted or printed side with the stamp provided for such purpose by the commissioners of stamps, and unless the thread or paper or wrapper inclosing such cards or dice shall be sealed, stamped or fastened according to law; upon pain that every person who shall sell or expose to sale any such cards or dice which have not been so stamped, wrapped, inclosed or fastened, shall forfeit for each pack and every one of such dice 10*l.* with full costs, to be recovered and distributed as any other penalty relating to the duties on cards and dice may be, *id. s. 10. [See 10 A. c. 19. s. 162. pl. 351., 5 G. 3. c. 46. s. 9. pl. 368.]*

385. Every person who shall counterfeit or forge, or cause, &c. to be forged, &c. any stamp directed to be used under this act, or shall counterfeit or resemble the impression of the same, with intent to defraud H. M., or shall utter, vend or sell any vellum, &c. liable to any stamp duty hereby imposed, with such counterfeit stamp thereon, knowing the same to be counterfeit, or shall privately use any stamp directed to be used under this act with intent to defraud H. M., or shall counterfeit, or forge, or cause, &c. to be forged, &c. any mark or name provided by the commissioners under this act for inclosing any dice, or making any part of or being affixed to any such wrapper, such person shall on conviction suffer death without benefit of clergy, *id. s. 16. [See 52 G. 3. c. 143. s. 7., and 55 G. 3. c. 184. s. 7. Div. VI. pl. 132.]*

386. Actions under this act limited to 6 months, shall be laid in the proper county, general issue, and treble costs, *id. s. 20. [See the section at length STAMPS, Div. VII. pl. 136.]*

CHARTER-PARTY.

387. The duties imposed by 12 A. St. 2. c. 9. and 30 G. 2. c. 19. shall extend to policies of insurance or charter-parties made in G. B., 5 G. 3. c. 35. s. 10. [For the present duties, see 55 G. 3. c. 184. Sch. Part I. tit. Charter-party.]

388. Every deed, instrument, note, memorandum, letter, or other muniment or writing, between the captain or master or owner of any vessel, and any merchant, trader, or other person in respect of the freight or conveyance of any money, goods, or effects laden on board of any vessel, shall be deemed a charter-party, *id.* s. 11.

CONVEYANCERS AND PLEADERS.

389. EVERY PERSON WHO SHALL, FOR ANY FEE OR gain, draw or prepare, any conveyance of, or deed relating to, any real or personal estate, or any proceedings in law or equity, other than and except serjeants at law, barristers, solicitors, attorneys, notaries, proctors, agents, or procurators, having obtained regular certificates and special pleaders, draftsmen in equity, and conveyancers, being members of the 4 inns of court, and having taken out the certificates mentioned in the schedule hereto annexed, at the head stamp-office in London, and other than and except persons solely employed to engross any deed or instrument or other proceedings not drawn or purchased by themselves, and except public officers preparing official instruments in the course of their duty, shall forfeit 50*l.*; but nothing herein, shall prevent any person drawing or preparing any will or other testamentary papers, or any agreement not under seal, or any letter of attorney, 44 G. 3. c. 98. s. 14. [For the duty, see 55 G. 3. c. 184. Sch. Part I. tit. Certificate.]

CONVEYANCES, DEEDS, &c.

390. FOR THE BETTER COLLECTION OF THE *ad valorem* duties on conveyances, deeds, &c., 48 G. 3. c. 149. ss. 22—28. [AMD. as to the exemptions of certain leases and tacks, 50 G. 3. c. 35. s. 17. further AMD. 55 G. 3. c. 108. ss. 5—10., 55 G. 3. c. 184. ss. 30, 31.] [This title is framed. For the duties, see 55 G. 3. c. 184. Sch. Part I. tit. Conveyance, and the rules, &c. there set forth.]

391. In all cases of the sale of lands, tenements, rents, annuities, or other property real or personal, heretable or moveable, or of any right, title, interest, or claim in, to, or out of, or upon any lands, &c. or other property where an *ad valorem* duty is imposed on the conveyance thereof the full consideration paid or agreed to be paid for the same, shall be truly expressed in words at length in the principal deed or instrument, whereby the land or thing sold, is conveyed to, &c. or vested in the purchaser, or any other person by his direction; and also where, on the sale of any annuity, easement, servitude, or other right not before in existence, the same shall not be created by actual grant or conveyance, but shall only be secured by bond, warrant of attorney, covenant, contract, or other security, the full consideration paid or agreed to be paid for the same shall be truly set forth in words at length, in the instrument by which the same is secured, and if in any of such cases the same is not truly set forth as hereby directed, the purchaser and seller shall forfeit 50*l.* and be charged with 5 times the amount of the excess of duty due beyond what was actually paid, which quintuple duty shall be a debt to H. M., and be recovered accordingly, 48 G. 3. c. 149. s. 22.

392. If either of the parties hereby made liable to the payment of such penalty and quintuple duty, shall give information to the commissioners of stamps, whereby such penalty or quintuple duty, or part thereof, shall be recovered from any other party liable thereto, he shall not only be indemnified from his liability, but shall also be rewarded by such commissioners, out of such penalty or quintuple duty so recovered at their discretion, but not exceeding one half of what shall be so recovered; and where any other person shall give such information, he shall be rewarded in like manner, *id.* s. 23.

393. Where the full consideration is not truly expressed, the purchaser or his executor or administrator, may recover back from the seller, or his executors or administrators, so much of the consideration as is not expressed as aforesaid, or the whole thereof, if no part of the same is so expressed, either by action for money had and received for the use of the party suing, or by action of debt, &c. or information in the courts of record at Westminster, wherein no essoin, &c. and only one imparlance allowed, or by ordinary action or summary complaint in the court of session, or in the sheriff or steward court of the shire, &c. when the person sued shall reside in Scotland, together with double costs of suit, *id.* s. 24.

394. If any attorney, solicitor, writer to the signet, or other person who is employed in preparing any such deed, bond, or instrument in which the full consideration is hereby required to be truly expressed, or who is employed for any of the parties thereto, in anywise about or relating to the transaction therein mentioned, shall knowingly insert in any such deed, &c. any other than the full consideration paid or agreed to be paid, or shall in anywise assist therein, such attorneys, &c. and persons so offending, shall forfeit 500*l.*, and such attorneys, solicitors, and writer to the signet, so offending, shall, on conviction, be disabled to practice as such, and any other person being entitled or entrusted to

prepare any such deed, in virtue of his office, and being guilty of such offence, shall, on conviction, lose his office, and be incapable henceforward to hold the same, 42 G. 3. c. 149. s. 257.

395. No party, attorney, solicitor, writer to the signet, or other person, shall be liable to any penalty, by reason of the full consideration not being truly expressed in any deed, bond, &c. unless the duty actually paid for the same is less than would have been payable, in case the full consideration had been truly expressed according to this act, *id.* s. 26.

396. Where, on the sale of any estate of inheritance or freehold in any lands or hereditaments in Eng., the same are conveyed by bargain and sale inrolled, and also by lease and release, or feoffment, the commissioners of stamps shall, on production of both conveyances, and on proof that the full consideration money is truly expressed therein, as hereby directed, and on its appearing that the release or feoffment is stamped with the *ad valorem* duty, and that the bargain and sale as stamped with the ordinary duty, may cause the deed of bargain and sale to be also stamped with some particular stamp for testifying the payment of the said *ad valorem* duty on the release or feoffment; and also where, on the sale of any such estate of inheritance or freehold, the same is conveyed by lease and release, and also by feoffment, the commissioners of stamps shall, on production of both conveyances, and a proof that the consideration has been truly expressed therein, in manner aforesaid, and on its appearing that the release is stamped with the *ad valorem* duty, and the feoffment, with the ordinary duty, may cause such feoffment to be also stamped, so as to testify the payment of the *ad valorem* duty on the release, and thereupon the bargain and sale in the former case, and the feoffment in the latter, shall be as available in law, as if the same had been stamped with the *ad valorem* duty itself; but until the same is so stamped, it shall not be given in evidence, or be in any way available, *id.* s. 27.

397. If any officer of the courts at Westminster, or any clerk of the peace or other person entrusted to enrol deeds of bargain and sale of estates of freehold in Eng., shall enrol any deed of bargain and sale, whereby any freehold lands or hereditaments is conveyed to any purchaser or other person by his direction, unless such deed of bargain and sale is stamped with the proper *ad valorem* duty on conveyances upon the sale of lands or other property, according to the amount of the purchase-money therein expressed, or some particular stamp, as in s. 27., *pl.* 396., to testify the payment of the *ad valorem* duty on a deed of release or feoffment of the same lands or hereditaments, he shall forfeit 50*l.*, *id.* s. 28.

398. Where any instrument operating as a conveyance on the sale of any property, shall also operate as a conveyance of any other than the property sold, by way of settlement, or for any other purpose, or shall also contain any matter, besides what shall be incident to the conveyance of the property sold, such instrument, in addition to the duty it shall be liable to, as a conveyance on the sale of property, and to any progressive duty to which it may also be liable [shall be charged, omitted in the act], with such further duty as any separate deed containing the other matters would have been chargeable with, exclusive of the progressive duty; but all instruments of this description, made before this act passed, shall be deemed duly stamped, although such further duty has not been paid, 55 G. 3. c. 108. s. 5.

399. Where any lands or other property, separately contracted to be purchased of different persons, shall be conveyed to the purchaser, or according to the purchaser's direction, by one instrument, such instrument shall be charged with the *ad valorem* duties imposed by 48 G. 3. c. 149. [now 55 G. 3. c. 184.], on conveyances on the sale of property, for and in respect of the separate prices paid or agreed to be paid for such lands or property, and not in respect of the aggregate amount thereof; but all instruments of this description, made before this act passed, shall be deemed duly stamped and valid, whether the duty has been paid according to the separate prices, or the aggregate amount of the purchase-moneys, *id.* s. 6.

400. Where the equity of redemption, or reversion of any lands or other property in mortgage or wadset, or standing pledged, or charged with the payment of any money, shall be conveyed to the benefit of, or according to the direction of the persons entitled to the money charged thereon, either in consideration of the money due, or in consideration of that and of any further sum paid or agreed to be paid, the conveyance thereof shall be deemed a conveyance on the sale of property, and the money due shall be deemed the purchase-money, or part thereof, as the case may be, for the same, and the conveyance liable to the *ad valorem* duty accordingly; but all conveyances of this kind, made before the passing of this act, shall be deemed duly stamped, though such *ad valorem* duty has not been paid thereon, *id.* s. 7.

401. Where there shall be duplicates or triplicates made, of any instrument, by 48 G. 3. c. 149. [now 55 G. 3. c. 184.] charged with the *ad valorem* duty thereby imposed on mortgages or on conveyances on the sale of lands or other property, one of such duplicates or triplicates only shall be charged with such *ad valorem* duty, and the others shall be exempted therefrom, but shall nevertheless be charged with the ordinary duty on conveyances

and deeds in general; and the commissioners of stamps, upon the whole being produced to them duly stamped, shall cause the latter to be also stamped so as to testify the payment of such *ad valorem* duty, 53 G.3. c.108. s.8.

403. Where there are several deeds or instruments for effecting the conveyance of any property upon the sale thereof, and a doubt shall arise which is the principal instrument chargeable with the *ad valorem* duties in cases not expressly provided for by the 48 G.3. c.149., [now 55 G.3. c.184.] the parties concerned, may determine for themselves, which shall be the principal instrument, and upon all such instruments being produced, and appearing to be duly stamped, the commissioners of stamps may stamp those not stamped with the *ad valorem* duty, with some other stamp to testify the payment of the *ad valorem* duty, *id.* s.9.

405. In cases where instruments by the 48 G.3. c.149. [now 55 G.3. c.184.] are exempted from the *ad valorem* duty on mortgages, on the ground of being made in pursuance of any agreement, contract, or bond thereby charged with, and which has actually paid such *ad valorem* duty, the commissioners of stamps, where it is necessary for the sake of evidence, may cause such exempted instruments to be also stamped, so as to testify the payment of such *ad valorem* duty, provided such instruments have paid the other duties to which they are liable, and be produced duly stamped accordingly, *id.* s.10.

404. Any conveyances to be made after 31st Aug. 1815, of lands or other property contracted to be sold prior to the 12th April 1808, which, under the regulations of the 48 G.3. c.149., would have been exempt from the *ad valorem* duty thereby granted, shall be exempt from the *ad valorem* duty hereby granted, and be charged with the ordinary duty of 1*l.* 1*s.* in lieu thereof, together with the progressive duty of 1*l.* 5*s.* if any such duty is chargeable, but subject to the regulations of the said act, 55 G.3. c.184. s.30.

405. The releases and other conveyances of annuities and rent-charges made in the original grant thereof, subject to be redeemed or repurchased, shall, on the re-purchase thereof, be exempted from the *ad valorem* duty hereby imposed on conveyances on the sale of property, and shall be charged only with the ordinary duty on instruments of the like kind not on sale, *id.* s.31.

406. All leases and tacks of lands, hereditaments, and heritable subjects, not exceeding the term or interest specified in the exemption in 48 G.3. c.149. Sch. [Qu. now in 53 G.3. c.184. Sch. Part I. tit. Lease.] contained, granted in pursuance of a previous contract, to any other than the person with whom such contract was made, or his heirs, executors, administrators, or assigns, shall be deemed within scope of such exemption, if made prior to 1st Aug. 1810, and after time, shall not 50 G.3. c.35. s.17.

COPYHOLDS.

407. FOR BETTER COLLECTING THE DUTIES ON surrenders of and admittances to copyhold tenements and grants, and leases by copy of court roll, 12 A. St.1. c.2. s.48. [AMD. 5 G.3. c.46. s.7., 6 G.3. c.40. s.34., 37 G.3. c.90. ss.11—13., 38 G.3. c.85. s.1. (These last two REP. 44 G.3. c.98. s.25.) 48 G.3. c.149. s.30—32., 53 G.3. c.108. s.4. This title is also framed. For the duties, see 55 G.3. c.184. Sch. Part I. tit. Copyhold; and see the rules, &c. there.]

407.(a) No copies of any surrender, or admittances to any custom right or tenant right estate, not being copyholds, ought to be stamped, 12 A. St.1. c.2. s.48. [But now charged, 55 G.3. c.184. Sch. Part I. tit. Copyhold.]

408. If any steward or other officer of any copyhold court shall demand or take any fee for any surrender of or admittance to any copyhold land or tenement within Eng., Wa., or Ber., or for any grant or lease by copy of court roll, or any other copy of any court roll, without taking the stamp duty due, on delivering the surrender, &c. to the person entitled, he shall forfeit 1*l.*, 5 G.3. c.46. s.7.

409. The intention of 5 G.3. c.46. s.7. and the time thereby meant for delivering the copy of such surrender, admittance, grant, or lease, was, as soon as it could be properly prepared, after receiving the fees and duty thereon, and not at the time, or immediately on receiving the same, 6 G.3. c.40. s.3.

410. Every such steward or other officer of any copyhold court, shall deliver the copy of such surrender, &c. to the person entitled thereto, or the person authorized to receive the same, and if no such person, then to the bailiff of the manor, for the use of such person within one year from holding such court; and shall not incur the penalty by 5 G.3. c.46. s.7. inflicted till the expiration of one year from the day of holding such court, *id.* s.4. [But see 48 G.3. c.149. s.33., pl.415.]

411. Distinct stamp duties for surrender of copyhold tenements required. Penalty on steward of the manor and officer receiving duties, 37 G.3. c.90. ss.11—13. Distinct duties not to be so required, except in certain cases, 38 G.3. c.85. s.1. [REP. 44 G.3. c.98. s.25.]

412. Where any copyhold or customary lands or hereditaments shall be proposed to be surrendered in court, the person proposing to surrender, shall deliver to the steward of the manor or honour, whereof such lands, &c. are holden, a note in writing, stating whether the sur-

render proposed is upon a sale or not; and in the former case, specifying the amount of the consideration, to the intent that the same may be set forth in words at length, in or on the copy of the court roll to be afterwards made out of such surrender pursuant to this act, and until such note is delivered, the lord or lady, or steward of the manor or honour, shall not accept the proposed surrender, on pain to forfeit 5*l.*; and if in such former case, such steward shall neglect to insert such consideration in the copy of court roll to be afterwards made out of such surrender in words at length, he shall forfeit 5*l.*; and if upon the sale of such lands, &c. any person shall, in such note, state the proposed surrender to be not on sale, he shall forfeit 10*l.*, 48 G.3. c.149. s.30.

413. Where any copyhold or customary lands or hereditaments are intended to be conveyed to any person (either upon sale or mortgage thereof or otherwise,) by a surrender made out of court, or by a deed of bargain and sale, or other deed by commissioners named in a commission of bankrupt, or by executors or others, by virtue of a power given by will or act of parliament; the lord or lady, or steward of the manor or honour, whereof such lands or hereditaments are parcel or holden, shall not inrol any such surrender or deed, or accept any presentment thereof, or admit any person to be tenant of such lands or hereditaments under the same, unless such deed or surrender, or the memorandum thereof, is duly stamped with the duty hereby charged thereon respectively, on pain to forfeit 5*l.*, *id.* s.31.

414. If any lord or lady, or steward of any manor or honour, shall accept any surrender, or admit any person tenant of any copyhold or customary lands or hereditaments out of court, or make any voluntary grant of such lands, &c. out of court, or grant any licence to demise any such lands, &c. out of court, without causing some memorandum thereof to be put in writing on duly stamped vellum, &c. he shall forfeit 5*l.*, *id.* s.32.

415. In all cases of surrenders, admittances, and voluntary grants, of or to any copyhold or customary lands or hereditaments; and in all cases of licences to demise such lands, &c. which shall be taken in court, the steward of the manor or honour shall make out a copy of court roll of every such surrender, &c. on stamped vellum, &c. within 4 calendar months after such surrender, &c. is made, and shall deliver the same to the party entitled thereto, when the same is called for after such 4 months; and if the same is not called for, the steward shall deliver it to the bailiff of the honour or manor, or to the crier of the court, or some copyhold or customary tenant of the manor, &c. to the use of the party entitled to it at the next general court holden for such manor or honour, and if such steward shall neglect to make and deliver such copies of court roll in the manner and within the time aforesaid, he shall forfeit 5*l.* for each surrender, &c. in which such neglect takes place; and the stamp duty payable for such copy of court roll shall be a debt to H. M., of the steward so neglecting, whether he has received the duty or not; and if he has not received the duty, the same shall be also a debt to H. M. from the party entitled to such copy of court roll; and such steward shall make out and deliver such copy, without fee, and if any fees have been previously paid, the same shall be deemed to be paid without consideration, and the party who paid them, or his executors or administrators, may recover them back by action for money had and received with full costs, *id.* s.33. [See ante, 6 G.3. c.40. s.4. pl.410.]

416. The steward of any manor or honour, previously to accepting any surrender, or granting or making any admittance, voluntary grant, or licence to demise in court, may demand the payment of his lawful fees for the same, and for the copy of court roll to be made out thereof, together with the stamp duty payable on such copy; and in case of nonpayment of such fees and duty, the lord or lady, or steward of the manor may refuse to accept such surrender, or grant such admittance or licence, or make such voluntary grant, until they are paid, *id.* s.34.

417. Copies of court roll made subsequent to 10th Oct. 1808, of surrenders made in court prior to that day, upon mortgage or sale of copyhold or customary estates, shall not be deemed to be charged with the *ad valorem* duties imposed by 48 G.3. c.149. under the head of mortgage or of conveyance upon sale of lands, 53 G.3. c.108. s.4.

INSURANCES, SEA AND FIRE.

418. FOR BETTER COLLECTING THE DUTIES ON SEA AND FIRE policies, 10 A. c.26. ss.68—75., 23 G.3. c.58. s.3. [This title is also framed.]

419. All deeds, instruments, and writings for the payment of any sum upon the loss of any ship or goods, or any loss by fire, or for any other purpose for which any writing called a policy of assurance or insurance is usually made, shall be deemed policies of assurance within this act, 10 A. c.26. s.68.

420. All vellum, &c. upon which any policy shall be written, shall, before any name, or any particular day, time, or sum is inserted therein, be brought to the head stamp office to be stamped; and the commissioners, or their officers shall stamp any quantities on payment of the duties, without any fee; and the stamp put thereon shall be a good discharge for the duty, *id.* s.70.

421. Every person who shall write, or cause to be written the name of any person, or any day, time, or sum in or upon any policy, deed,

instrument, or writing, as in *s. 68. pl. 419.* or sign, seal, execute or subscribe the same before the same is stamped, shall forfeit *5l.*, one moiety to H. M., and the other to the person suing, by action of debt, &c. or information in any court of record, wherein no essoin, &c.; and if any such policy is signed, &c. upon vellum, &c. not stamped, then there shall be paid to H. M. besides such duties *5l.* for each policy; and no such policy shall be available in law or equity, or given in evidence, or admitted in any court until such duty and such *5l.* is first paid, and a receipt produced for the same under the hand of the receiver-general of stamp duties, or his deputy, and until the same is stamped; and such receiver, or his deputy shall, on payment or tender of such duty and *5l.* give such receipt, and the proper officer shall stamp the policy, *10 A. c. 26. s. 71.* [See commissioners prohibited stamping sea insurances after written, *35 G. 3. c. 63. s. 14. pl. 474.* and see as to spoiled stamps, *54 G. 3. c. 133. pl. 486.*]

422. Nothing herein shall make liable any label, slip, or memorandums, containing the heads of any insurance to be made by the corporations of the *Royal Exchange Assurance*, or *London Assurance*, or of the *Royal Exchange Assurance of Houses and Goods from Fire*, and *London Assurance of Houses*, &c. to the payment of any duty hereby charged on contracts or agreements, *23 G. 3. c. 58. s. 3.* [See *35 G. 3. c. 63. s. 15. post, pl. 475. s. 18. pl. 478.*]

INSURANCE, FIRE.

423. FOR CHARGING A DUTY ON PERSONS WHOSE PROPERTY IS insured from loss by fire, and for better collecting the same, *17 G. 3. c. 50. s. 24. 22 G. 3. c. 48.* [AMD. as to insurances in *West Indies*, *50 G. 3. c. 35. ss. 1—10.* The law further AMD., *38 G. 3. c. 85. s. 3.*, *41 G. 3. U. K. c. 10. s. 2.*, *55 G. 3. c. 184. ss. 32—36.* For the duty, see *55 G. 3. c. 184. sched., Part I. tit. Policy.*]

424. Every person who shall sign, seal, execute, or subscribe any policy of insurance, or other deed or instrument in writing, whereby houses and goods shall be insured from loss by fire to the amount of *1000l.* before the same shall appear to be stamped, shall forfeit *10l.*, one moiety to H. M., and the other with full costs to the person suing for the same, in any court of record; and if such policy shall be so signed, &c. upon vellum, &c. not duly stamped, then there shall be paid, besides such duties, *5l.*; and such policy shall not be available in law or equity, or given in evidence, unless such duty and such *5l.* is first paid, and a receipt produced for the same under the hand of the receiver-general, and until such policy is stamped; and such receiver shall, upon payment or tender of such duty and such *5l.*, give a receipt for the same, and the proper officer shall stamp the matter required, *17 G. 3. c. 50. s. 24.*

425. Nothing herein contained shall extend to charge any public hospital to the payment of the duty laid on by this act, *22 G. 3. c. 48. s. 2.* [See similar exemption, *55 G. 3. c. 184. Sch., Part I. tit. Policy.*]

426. No person shall publicly or privately insure, or keep any office for insuring houses, or any property from fire in *G. B.* without first taking out a licence from the commissioners for the stamp duties, *22 G. 3. c. 48. s. 4.*

427. Any person in *G. B.* may insure houses, goods, or other property in the *West Indies*, or elsewhere, beyond seas, in any place under the dominion of H. M. against fire, without taking out a licence under *22 G. 3. c. 48.* and without being liable to the yearly duty by *44 G. 3. c. 98.* imposed under the regulations hereby imposed, *50 G. 3. c. 35. s. 1.*

427. (a) A duty imposed instead of such yearly duty, *id. s. 2.* [REPE. *55 G. 3. c. 184.* and a new duty granted.] No such insurance shall be made by any person not so licensed for a longer period than 12 calendar months, either absolutely or conditionally, in any one policy, and any policy made or attempted to be made for a longer period, shall be void, and the party making it shall forfeit *50l.*, *id. s. 3.*

428. If any such policy of insurance, (viz. of houses and goods in the *West Indies* from fire), shall be underwritten by any person for part only of the sum thereby insured, and for which the same was stamped, so that a greater duty is paid than is hereby required, or if it is underwritten inadvertently for a greater sum than that for which stamped, whereby it is in law unavailable; and if in either case the insured shall procure another policy duly stamped to be underwritten for the same risk and sum, and shall produce the same to the commissioners of stamps within one calendar month after the last subscription on the first policy, and if in the latter case it is proved that such underwriting for a greater sum was made through mistake, such commissioners may allow as spoiled and cancel the stamps on the first policy, and give other stamps of the same description and value, or otherwise at their discretion, and where expedient stamps of any other description, and of equal value in lieu, *id. s. 8.*

429. Nothing herein shall exclude the *Royal Exchange* and *London Assurance* from assuring houses, or other property from fire, as they now do, without taking out any licence, *22 G. 3. c. 48. s. 5.*

430. The commissioners for stamp duties shall, under their hands and seals, grant a licence for insuring houses, &c. to all persons applying for the same; which licence shall set forth the names and other description of the persons, and also the principal place where such business of insuring houses, &c. shall be principally carried on, *id. s. 6.*

431. All persons who shall insure, or keep any office for insuring houses, &c. from fire, without such licence, or in any place, except the place named in the licence, or such other places as shall be subordinate thereto, and be kept by some agents to persons having such licence, or in any other manner contrary to such licence, or this act, shall forfeit for every day in which such offence shall be committed, *50l.* and also double the amount of the premiums of insurance which such persons shall receive on any such day, *22 G. 3. c. 48. s. 7.*

432. All persons to whom such licence shall be granted, shall, at receiving such licence, give security with sureties, to be approved of by the commissioners of stamps, by bond to H. M. in such sum as the commissioners think reasonable, so as the same do not exceed the probable amount of the duty payable by such persons for half a year; with condition, that if such persons make out, sign, and deliver an account of all money received for the duty, and make payment of all money payable in pursuance of this act; and also observe all directions herein, such bond shall be void, but otherwise to be in force, *id. s. 8.*

433. Every licence taken out under this act shall have force only for one year; but if a licence be granted to 2 or more, and any of them die, it shall continue until expiration in favour of the survivors, *id. s. 9.*

434. Where such business of insuring is carried on by companies not incorporate, or by a greater number of partners than 4, the licence granted by the commissioners shall be granted to two of such company for the whole; and in such case the licence shall continue in force until the end of one year, notwithstanding the deaths of all the persons to whom such licence shall be granted, *id. s. 10.*

435. All persons so to be licensed who shall grant any policy for insuring property from fire, or shall continue to insure, shall by themselves, or persons employed by them, previously to the granting or continuing such policy, receive from the person whose property is insured, and give a receipt for the same the duty payable for one year on such policy, from the date thereof; and in default of receiving such year's duty, such person so granting such policy shall be accountable to H. M. for such year's duty, as if the same had been received, *id. s. 11.*

436. The persons entitled to the benefit of such policy, shall, at the end of the year for which such policy shall be granted, or within 15 days thereafter, and so at the end of every subsequent year, pay to the insurer one year's duty; and such insurer shall, on such payment, give a receipt for the duty to the person paying the same; and in case of default of payment of such duty, the policy shall, as to the insured, be void, *id. s. 12.*

437. In case of insurance for less than a year, the insured shall pay only so much of the yearly duty as shall bear a proportion to the part of the year for which such policy is given, *id. s. 14.*

438. In case of any policy for one or more years, and part of a year, the insured shall, as to such part of a year, only be liable to so much of the duty as shall bear a proportion to such part of a year; if the insured shall, on the first payment of the duty, pay as well the proportion of the duty for such part of a year, as the whole of the first year's duty; except a fraction less than a penny, which shall not be accounted for, *id. s. 15.*

439. In case of taking out a new policy before the expiration of an old one, for insuring a greater or different sum, the same proportionable abatement which shall accrue on the new policy, shall be made, as the insurer shall make in respect of the premium, *id. s. 16.*

440. All insurers against fire, may take by one payment the duty hereby imposed for the whole of the term for which the policy is granted, if the person insured shall so desire; and in consideration of such prompt payment of the duty as by this act would not be payable till a future time, and in such case, such insurer may make the same abatement of the duty as the insurer shall make, in consideration of receiving the premium for the whole term of insurance by one payment, *id. s. 18.* [The per centage duties to be paid at once, *55 G. 3. c. 184. s. 32. pl. 451.*]

441. Where the property of a person insured for a term shall cease before the expiration of the term, the commissioners of stamps shall, upon proof of the truth of the fact, pay back to the person appointed to receive the tax, so much of the duty as shall appear to have been paid for the unexpired term of the insurance, *id. s. 19.*

442. All persons who shall obtain a licence for any office of insurance under this act, shall keep a true account in writing, in which shall be inserted the number of the policy, the name of the person insuring, with his abode, the sum insured, and the time for which the same is insured; and also the day of the month and year in which such policy shall be issued; which account shall be open for the inspection of any person authorized under the hands and seals of the commissioners for stamps, *id. s. 20.*

443. All persons who shall have any licence for an insurance office within *London* or *Westminster*, or within 5 miles of either of them, whether the licence shall or shall not extend to any office out of such limits, shall, some time within 2 months after the *25th Dec.*, *25th March*, *24th June*, and *29th Sept.* in every year, or at such other time

after the expiration of the 2 months, as may be appointed by the commissioners, giving a previous public notice of 14 days in the *London Gazette*, deliver to such commissioners true copies of the accounts by s. 20. *pl. 442*, directed to be kept by them for the quarter completed, before such day of delivery or notice; and shall at the same time pay such sum as shall appear due on such accounts to the receiver-general of stamp duties, for the use of H. M. at the head office, upon pain to forfeit for not delivering such accounts 500*l.*, and for each default in paying the same double the amount due, 22 G. 3. c. 48. s. 21. [See 55 G. 3. c. 184. s. 33. *pl. 452*.]

444. All insurance offices, bodies corporate, and persons who shall obtain any such licence as in s. 6. *pl. 430*, without such limits as in s. 21. *pl. 443*, without having any office within the same, shall within the like times, or at such other times as may be directed by the distributor or person authorized to receive the same duties, giving a previous notice of 14 days by advertisement in the *London Gazette*, or a newspaper circulated in his county, deliver to such distributor or person true copies of such accounts so directed to be kept for the quarter completed before such day of delivery or notice, and to pay to him all sums due on such accounts; on pain to forfeit for each default in not delivering such account, 200*l.* and in not paying the money due, double the amount thereof, *id.* s. 22. [See *pl. 452*.]

445. Such receiver-general and such head distributor or persons authorized by such commissioners to receive such stamp-duties, may make an allowance to the persons so to be licensed at the rate of 1*s.* in the pound out of the money to be by them regularly accounted for, *id.* s. 23. [See new allowances, 55 G. 3. c. 184. s. 36. *pl. 455*.]

446. Receivers of such duties shall not on that account be thereby disqualified from voting at any election for members to serve in parliament, *id.* s. 24.

447. All pecuniary penalties hereby imposed shall go one moiety to H. M. and the other, with full costs, to the person suing in the courts at Westminster for offences done in Eng., Wa., or Ber., or in the courts of session or exchequer in Scot. for offences committed in Scot., by action of debt, &c. or information, wherein no essoin, &c. and only one imparlance allowed, *id.* s. 25. [But see 44 G. 3. c. 98. s. 10. *pl. 123*.]

448. Persons and corporations sued for any thing done under this act, may plead the general issue, and give this act and special matter in evidence; and if a verdict shall pass against the plaintiff, or if he is nonsuited, the defendants shall have treble costs, *id.* s. 27.

449. Every policy made for insuring houses, furniture, goods, &c. or other property from loss by fire shall be exempt from the duties by 37 G. 3. c. 111. granted, 38 G. 3. c. 85. s. 3.

450. Duties hereby imposed shall not charge fire policies chargeable under the 22 G. 3. c. 48., nor any insurance made for insuring any events or contingencies relative to a life whereon the duty by the laws now in force imposed has been duly paid, 41 G. 3. (U.K.) c. 10. s. 2. [But see now 55 G. 3. c. 184. *sch. Part I. tit. Policy*.]

451. The per-centage duty on insurances against loss by fire granted by this act, shall be collected and received from the persons whose property is insured, for the use of H. M., by the public companies or other persons licensed, by the commissioners of stamps, pursuant to 22 G. 3. c. 48. s. 6. *pl. 430*, and by the Royal Exchange and London Assurance corporations at the time of receiving the premium for the insurances in respect of which the duty is payable, and for the whole period for which the insurances is made; and such duty shall be accounted for and paid over as directed by 22 G. 3. c. 48.; and the Royal Exchange and London Assurance Corporations shall be subject to all the provisions, &c. of this and that act, as any other public companies, except only as to the taking out of a licence from such commissioners of stamps, 55 G. 3. c. 184. s. 32.

452. Every quarterly account to be delivered to the commissioners of stamps, or their officers, by the corporations or companies, or others insuring against fire, pursuant to the 22 G. 3. c. 48., shall contain a true account of all the policies and insurances issued and made or renewed or continued by them, whether for a year or for more or less than a year, from the first to the last day of the quarter (both inclusive) for which such account shall be rendered; together with the numbers and dates of the policies, the names and places of abode of the persons whose property is insured, the amount of the sums insured by each policy, the time for which each insurance made or renewed or continued, and the duty received for the same; and there shall be annexed to such account an affidavit or affirmation, made by the secretary, or if no secretary, by the chief clerk of the corporation or company, by whom delivered, stating that he has examined and checked the same with the books of such corporation or company, and that to the best of his knowledge it does contain a true and faithful account of the matters hereby required, and also of any allowances or returns of duty in respect of time unexpired on policies surrendered, which may be stated therein to be made under 22 G. 3. c. 48.; and corporations or companies or persons making any default in the delivery of such account with such affidavit, shall forfeit 500*l.*, *id.* s. 33.

453. Any public company who shall use any other quarter-days than those mentioned in the 22 G. 3. c. 48. as the time of commencing or terminating their insurances, may make up their quarterly accounts to the quarter days used by them, and deliver the same to the commissioners of stamps or their officers within 2 calendar months after the expiration of the quarter for which made up, 55 G. 3. c. 184. s. 34.

454. All companies or persons having offices or carrying on the business of fire-insurance more than 5 miles from London or Westminster shall, if required by the commissioners of stamps, transmit their quarterly accounts, with such affidavits and affirmations thereto annexed, immediately to them at their head office, and pay the duties due thereon to the receiver-general of stamp duties, or in default thereof, shall be subject to the penalties imposed by 22 G. 3. c. 48. for non-delivery of accounts or non-payment of the duties due, *id.* s. 35.

455. An allowance shall be made to the corporations or companies, and others, collecting such duties on insurances against loss by fire, and accounting for, and paying over the same, as by 22 G. 3. c. 48. s. 23. *pl. 445*, required, viz. to those having their head office in London or Westminster, an allowance at the rate of 4*l.* per cent., and at the rate of 5*l.* per cent. on the amount of duties collected by their agents out of London or Westminster, and to those not having their head office in London or Westminster 5*l.* per cent.; provided they deliver their quarterly accounts, and make payment of such duties within the time in s. 33. *pl. 452*, of this act prescribed, *id.* s. 36.

INSURANCE, SEA.

456. WHEN ANY VESSEL, GOODS, &c. shall be insured, a policy duly stamped shall be issued within three days at furthest, and the insurer neglecting to make out such policy within such time shall forfeit 100*l.*, to be sued for, recovered, and divided as other stamp-forfeitures may be; and all promissory notes for insurances of ships or goods at, or going to sea, shall be void, 11 G. 1. c. 30. s. 44. [For the duty, see 55 G. 3. c. 184., *sch. Part I. tit. Policy*.]

457. FOR THE BETTER COLLECTING THE STAMP DUTIES ON sea insurances in cases where more than one person's property is insured by the same policy, 5 G. 3. c. 46. ss. 3, 4. [AMD. 7 G. 3. c. 44. ss. 1, 2, 7., 8 G. 3. c. 25. ss. 4—6.]

458. If the properties of more than one person in any ship, cargo, or both, or of more than a particular number of persons in general partnership, or of more than one body politic or corporate to a greater amount in the whole than 100*l.* in any ship or cargo, or both, be assured on the same policy, such policy shall be void, and the premium, the property of the assurer, 5 G. 3. c. 46. s. 3.

459. The properties of any number of persons in any ship or cargo, or both, to the amount of 1000*l.* in the whole, may be insured in any one policy duly stamped, and to any amount by one policy stamped with two stamps, and such policy shall be valid, the 5 G. 3. c. 46. s. 3. notwithstanding, 7 G. 3. c. 44. s. 1.

460. If any risque or adventure distinct from that mentioned in the original policy, and upon which any further premium is given, shall be by any writing, not stamped, added to such original policy, such additional assurance shall be void, and the premium paid thereon remain the property of the assurer, 5 G. 3. c. 46. s. 3., 7 G. 3. c. 44. s. 2., 8 G. 3. c. 25. s. 6.

461. But the properties of any number of persons in any ship or cargo, or both, may be assured in one policy if stamped for each person, 5 G. 3. c. 46. s. 4.

462. If any person is sued under this act for assuring the properties of any number of persons [or of one person, or any number of persons in partnership, or of one corporate body, 8 G. 3. c. 25. s. 5.] in any ship or cargo, or both, to a greater amount than 1000*l.* by a policy stamped with one stamp only, then the proof of the value so assured shall lie on party prosecuted, and not on the party prosecuting, 7 G. 3. c. 44. s. 7., 8 G. 3. c. 25. s. 5.

463. All policies of assurance by which the property of one person or of any particular number of persons in partnership, or of one body politic or corporate in any ship or cargo, or both, is assured to the amount of more than 1000*l.*, shall be stamped with two stamps, and such policies not so stamped shall be void, and the premium remain the property of the assurer, 8 G. 3. c. 25. ss. 2, 4.

464. FOR GRANTING TO H. M. certain stamp-duties on sea-insurances [and for better collecting the same], 35 G. 3. c. 63. [R&P. as to s. 2. and ss. 8. 10. by 39 & 40 G. 3. c. 72. ss. 9, 10., 54 G. 3. c. 133. s. 1. AMD. 39 & 40 G. 3. c. 72. ss. 8—12. which is R&P. as to ss. 9—11. by 54 G. 3. c. 133. s. 1. further AMD. 41 G. 3. (U.K.) c. 10. ss. 2—7., 42 G. 3. c. 99. ss. 7, 8.]

465. Nothing herein shall extend to charge with any stamp-duty by this act imposed any policy of insurance made for insuring houses, furniture, goods, &c. or other property, from loss by fire whereon the duty imposed by 22 G. 3. c. 48. has been duly paid, nor any insurance made for insuring any events or contingencies relative to a life or lives whereon the duty imposed by the laws in force when this act was passed has been paid, 35 G. 3. c. 63. s. 2., 41 G. 3. (U.K.) c. 10. s. 2.

466. Upon every insurance upon any ship or goods, or other property on which insurances may be lawfully made, where the premium or consideration in nature thereof is actually and *bonâ fide* paid shall not exceed 10s. *per cent.* on the sum insured, and where the sum insured shall amount to 200*l.* or more, stamps of 2s. 6*d.* for every 200*l.* of the sum insured may be used instead of stamps of 1s. 3*d.* for every 100*l.* of the like sums so insured, 35 G. 3. c. 63. s. 4. [See the new duties, 55 G. 3. c. 184. s. 1. *Sch. Part I. tit. Policy.*]

467. The commissioners of stamps shall provide sufficient quantities of stamped vellum, &c. adapted for policies of insurance, and cause to be printed thereon the several forms for blank policies hereto annexed; and the same, so printed, to be duly stamped, in order that all persons may buy such forms so stamped of the officers of such commissioners at the price of such duty marked thereon, without any charge for the vellum, &c. or for printing; or, at their election, may bring their own vellum, &c. to the head stamp-office to be so stamped on the payment of such duty; and such officers shall mark thereon the day, month, and year when any such printed vellum, &c. so stamped shall be delivered by them to be used; and if any such officer shall wilfully neglect his duty herein, he shall forfeit 100*l.* and be dismissed his office: [provided such commissioners shall not be obliged to provide at the public charge any vellum, &c. so stamped where the sum to be insured shall not amount to 10,000*l.* or more, RER. 39 & 40 G. 3. c. 72. s. 8.], *id.* s. 5.

468. So much of 35 G. 3. c. 63. s. 5. as enacts that the commissioners of stamps or their officers should not provide at the public charge any parchment stamped for blank policies of insurances where the sum to be insured thereon shall not amount to 10,000*l.* or more, shall be RER., and such commissioners shall provide sufficient quantities of parchment or paper only, and not of vellum adapted for policies of insurance, with the several forms for blank policies of insurance thereon, and stamped according to such act for the respective sums of 5000*l.*, 6000*l.*, 7000*l.*, 8000*l.*, and 9000*l.* respectively, to be insured thereon, 39 & 40 G. 3. c. 72. s. 8.

469. The commissioners of stamps shall establish offices in the city of London at some place near the Royal Exchange, and appoint a proper officer there to distribute policies of insurance printed on vellum, &c. according to the forms hereto annexed, and stamped according to this act, to any person carrying on the business of insurance within such city, on prompt payment of the duty, subject to the usual allowance made on stamps; provided the officer so appointed, with the consent of such commissioners, may open an account in books to be provided by such commissioners with any persons or bodies corporate carrying on the business of such insurance-offices within such city, who shall give to such commissioners security by bond to H. M. for the payment of the duties at the times and in the manners prescribed by such commissioners as after mentioned, and may supply them with such vellum, &c. printed and stamped as aforesaid, on the credit of such persons or bodies so having given such security, in such quantities as such commissioners shall authorize, making the like allowance on payment of the duties within the times by them prescribed, as may be made on prompt payment of such duties; and such officers shall progressively number all such policies as shall be issued to the credit of any such person or body, beginning such enumeration at the commencement of each account, and so on to the close of each account, or at such stated periods as such commissioners shall direct; and shall in such books set down the numbers of such policies, with the sums payable thereon for such duties, to the distinct account of the persons or bodies applying for the same, and also the date and time of delivering the same; and if any such officer shall knowingly make any false entry to the damage of any such person or body, he shall be liable by action of debt or on the case to pay treble damages and costs to the party grieved, and be dismissed his office, 35 G. 3. c. 63. s. 6.

470. All persons or bodies corporate to whose credit any stamped vellum, &c. shall be delivered under this act, shall previously give bond to H. M. on such sum as such commissioners deem reasonable, so as it does not exceed the probable amount of the duty payable by such person or body, for any time not exceeding 3 calendar months, nor less than 6 weeks, with condition that if such person shall truly make payment of all such sums which shall be due to H. M. according to the intent of this act, such bond shall be void, but otherwise to be in full force; and such commissioners, or the major part of them, may fix the times of making such payments, and specify the same in such bond; and which shall not be by less than 8 payments in the year, at equal intervals; and such bond shall be renewed at the discretion of such commissioners, as often as forfeited, or the party shall die or become bankrupt or insolvent, or reside beyond the seas; and such bond shall, at the request of the obligor or his executors, administrators, or assigns, be delivered up to be cancelled; or otherwise, if detained, shall be put in suit for some breach thereof before the end of the second term from such request, or in default thereof shall be void, *id.* s. 7.

471. Every contract or agreement made or entered into for any insurance in respect whereof any duty is hereby made payable, shall be

engrossed, printed or written, and be deemed and called "A Policy of Insurance," and the premium, or consideration in the nature of a premium, given, and the particular risk or adventure insured against, and the names of the subscribers and underwriters, and the sums insured, shall be expressed therein; and in default thereof, such insurance shall be void, 35 G. 3. c. 63. s. 11.

472. No policy of insurance upon any ship, or any share or interest therein, shall be made for any longer period than 12 calendar months, and every policy made for a longer period shall be void, *id.* s. 12.

473. Nothing herein shall prevent the making of any alteration which may lawfully be made in the terms or conditions of any policy duly stamped after the same has been underwritten, or require any additional stamp-duty by reason thereof, so that such alteration be made before notice of the determination of the risk originally insured, and the premium originally paid shall exceed the rate of 10s. *per cent.* on the sum insured, and so that the thing insured shall remain the property of the same persons, and so that such alteration shall not prolong the term insured beyond the period hereby allowed, and so that no additional sum be insured by such alteration, *id.* s. 13.

474. No insurance entered into in G. B. in respect whereof any duty is payable, nor any contract or agreement for such insurance, shall be pleaded or given in evidence, or admitted in any court to be available in law or equity, unless the same is lawfully and duly stamped; and the commissioners of stamps shall not stamp any vellum, &c. with any stamp provided under this act after any such insurance or contract or agreement for the same has been engrossed, &c. thereon, *id.* s. 14. [See 10 A. c. 26. s. 71. *pl.* 421.]

475. Every person who shall effect or knowingly procure to be effected any insurance hereby made liable to duty, or shall give or pay or agree to give or pay, or render himself liable to pay any sum, premium, or consideration in the nature of a premium, upon any such insurance, or shall enter into any contract, &c. for any such insurance, unless the same insurance and contract, &c. is engrossed, &c. on vellum, &c. first duly stamped, or stamped with some stamp of an higher denomination or value than hereby directed, shall, for such offence, forfeit 500*l.*; and every broker, agent, or other person negotiating any such insurance contrary to this act, or engrossing, &c. any such agreement for insurance before the same is duly stamped, shall forfeit 500*l.*, *id.* s. 15. [See 23 G. 3. c. 58. s. 3. *ante*, *pl.* 422.]

476. No broker, agent, scrivener, or other person negotiating any such insurance, shall charge his employer any sum for brokerage or agency in negotiating such insurance, or engrossing, &c. the same, or for money expended by way of premium for such insurance, unless the same is engrossed, &c. on vellum, &c. duly stamped, or is stamped with a stamp of higher denomination or value than hereby required; and all sums paid by such employer on any such account, to any such broker, &c. contrary to this act, shall be deemed paid without consideration, and remain the property of such employer or his executors, &c., *id.* s. 16.

477. If any person shall become an assurer upon any such insurance, or shall underwrite the same, or receive or contract for any premium or consideration for the same, or pay or allow, in account or otherwise, any sum upon any loss, peril, or contingency relative to any such insurance, unless such insurance is engrossed, &c. in vellum, &c. duly stamped; or if any person shall be concerned in any fraudulent contrivance to evade the duties hereby granted, such person shall forfeit 500*l.*, *id.* s. 17.

478. Nothing herein shall extend to subject any of the members, officers, or servants of the London and Royal Exchange Assurances to any of the penalties of this act by reason of their making agreement to insure by any label, slip, or memorandum, in writing, containing the heads of any insurance about to be made on vellum, &c. unstamped, provided the day on which such agreement is made shall be truly expressed in words at length on such label, &c., and a policy according to the agreement expressed in such label shall be made out according to one of the forms in the schedule of this act, and be duly executed and stamped within 3 office days after such agreement made, *id.* s. 18. [See as to these and memorandums, 54 G. 3. c. 144. *post*, *pl.* 500.]

479. One moiety of all pecuniary penalties hereby imposed, except where other provisions are made, shall, if sued for within 6 calendar months from the time when incurred, go to H. M., and the other, with full costs, to the informer; and may be sued for within such time in the courts of exchequer in Eng. for offences committed there, and in the like court in Edinburgh for offences committed in Scot. by action of debt, &c. or information wherein no essoin, &c. and only one imparance allowed, *id.* s. 19. [But see 44 G. 3. c. 98. s. 10. *Dio. V. pl.* 123. s. 27. *pl.* 124.]

480. In default of prosecution within such time no such penalty shall be afterwards recoverable, except in the name of the attorney-general in Eng. or advocate in Scot. by information in either of such courts, in which case the whole penalty shall go to H. M.; and all such penalties or shares thereof belonging to H. M. shall be paid into the hands of the receiver-general of stamp-duties; and in such case the commissioners of

stamps may cause such reward as they think fit, not exceeding one moiety after all charges deducted, to be paid thereout amongst the discoverers or informers in respect of such penalties, 35 G. 3. c. 63. s. 20.

481. In case any prosecution is commenced against any person for the recovery of any penalty incurred under this act, H. M.'s attorney-general or advocate, if it appear to them that such penalty was incurred without intention of fraud, may stop all further proceedings on such prosecution, as well in respect of all shares of such penalties as belong to any person as to those that belong to H. M., upon such terms as to costs or otherwise as they think fit, *id.* s. 21.

482. Former acts extended to this act, *id.* s. 22. If any person shall counterfeit or forge or procure to be counterfeited, &c. any stamp directed to be used under this act, or shall counterfeit or resemble any impression of the same with intent to defraud H. M. of such duties, or shall utter, vend, or expose to sale any vellum, &c. with such counterfeit mark or impression thereon, knowing the same to be counterfeited, or shall privately or fraudulently use any stamp directed to be used by this act with intent to defraud H. M., such person shall be adjudged a felon, and suffer death without clergy, *id.* s. 23. [See 52 G. 3. c. 143. s. 7., 55 G. 3. c. 184. s. 7. Div. VI. pl. 133.]

483. On all policies on which any duty is hereby imposed, and which are duly stamped under this act, all the former duties shall cease, *id.* s. 24.

484. Nothing herein shall charge with the additional duty hereby granted, any insurance on ships, goods, &c. or other property or interest for any voyage to or from any port of G. B. or Ire., or the islands of Guernsey, Jersey, Alderney, or Sark or Man, from or to any port in the same kingdom or islands, 41 G. 3. (U. K.) c. 10. s. 7.

485. Stamp-duties on sea policies reduced, 42 G. 3. c. 99. s. 7. On all insurances where the premium shall not exceed 20s. *per cent.*, and the sum insured shall be 200*l.* or more, a stamp of 5*s.* shall be used for every 200*l.* insured, *id.* s. 8. [QU. if not REP. as new duties have been imposed by 55 G. 3. c. 184. s. 1. ?]

INSURANCE SPOILED STAMPS.

486. FOR BETTER ENABLING THE COMMISSIONERS OF STAMPS TO make allowances for spoiled stamps on policies of insurance in G. B., and for preventing frauds relating thereto, 54 G. 3. c. 133.

487. All the provisions in 35 G. 3. c. 63. (ss. 8. & 10.) and all other provisions in any other act [viz. 39 & 40 G. 3. c. 72. ss. 9. & 11.] for the allowance and exchange of stamps on policies of insurance in G. B. as being spoiled shall be REP., and the commissioners of stamps may allow as spoiled and cancel stamps on policies or insurance in G. B. in the following cases, and on the following terms only: viz.

First, Where a policy shall be inadvertently filled up in an incorrect or improper manner, or be obliterated or otherwise spoiled and rendered unfit for use, or shall be filled up for some insurance which shall not be proceeded in, and the same shall not be signed by any underwriter, provided application shall be made for the allowance within 6 calendar months after the passing of this act, or after such policy shall be spoiled or become useless. [See s. 6. pl. 492.]

Secondly, Where a policy shall be underwritten, but not to the full amount of the sum which the stamp duty thereon will cover, and another policy shall be produced underwritten in lieu thereof, by the same persons, to the same amount, on the same property or interest, and for the same risk in all respects, provided application shall be made for the allowance within 6 calendar months after the passing of this act, or 3 calendar months after the date of the last subscription on the first policy. [See s. 6. pl. 492.]

Thirdly, Where a policy shall be underwritten, and there shall afterwards be found any error or mistake therein, so that the insurance intended shall not be thereby effected, and another policy shall be produced underwritten in lieu thereof by the same persons, in which the error or mistake shall be rectified, provided the underwriters shall sign a declaration that the insurance made by the first policy is cancelled, and the premium returned on that ground only, and provided satisfactory proof shall be given of the error or mistake, and that the new policy shall be underwritten before notice of the termination of the risk first insured, and provided application shall be made for the allowance within 6 calendar months after the passing of this act, or 3 calendar months after the date of the last subscription on the first policy. [See s. 4. pl. 490. and s. 6. pl. 492.]

Fourthly, Where a policy shall be underwritten, and the terms and conditions of the insurance shall afterwards be agreed to be altered and another policy shall be produced underwritten in lieu thereof, by the same persons, to the same amount, on the same property or interest, and with such alteration in the terms and conditions of the insurance as may have been agreed upon; provided the underwriters shall sign a declaration that the insurance made by the first policy is cancelled, and the premium returned on that ground only, and provided the new policy shall be underwritten before notice of the termination of the risk originally insured, and the thing insured shall remain the property of the same person or persons, and provided application shall be made for the allowance within 6 calendar months after the passing of this act, or 3 calendar months after the date of the last subscription on the first policy. [See s. 6. pl. 492.]

Fifthly, Where a policy shall be underwritten, and the insurance shall be made subject to the approbation of the insured, and such condition shall be expressed in the policy, and the insured shall signify his or their disapprobation thereof within the time to be prescribed for that purpose in and by the policy, provided all the underwriters on such policy (except such as may be deceased,

or have become bankrupt or insane, or have departed out of the realm) shall sign a declaration that the insurance is cancelled and the premium returned on that ground only, and provided application shall be made for the allowance within 6 calendar months after the passing of this act, or 3 calendar months after the time so prescribed for disapprobation. [See s. 4. pl. 490. s. 6. pl. 492.]

Sixthly, Where insurance shall be made upon any ship or ships, or upon any goods or other property on board any ship or ships, or upon the freight of any ship or ships, or upon any other interest in or relating to any ship or ships, for a particular voyage, and the ship or ships shall not proceed at all upon the voyage specified, or shall not proceed thereon at or within the time specified, if any, and also where insurance shall be made upon goods or other property on board any ship or ships, or upon any interest in or relating to any ship or ships, for or upon a particular voyage, and the goods or property intended to be insured shall not be shipped at all, or not within the time specified, or not on board the ship or ships named or described, or it shall turn out that the insured had not the interest intended to be insured; provided in all these cases, that all the underwriters (except such as may be deceased, or have become bankrupt or insane, or have departed out of the realm) shall sign a declaration that the insurance is cancelled, and the premium returned for some or one of the reasons here specified, and provided application shall be made for the allowance within 6 calendar months after the passing of this act, or 3 calendar months after the insured, if in G. B., or his or their broker or agent, if the insured be out of G. B., shall know the facts upon which the allowance is hereby authorized to be made; but no allowance of the duty shall be made in any of these cases, if the underwriters shall have run any risk whatever under the policy brought for allowance, unless another policy shall be produced, whereby the same property or interest shall be insured to the same amount for or upon some other voyage, or for or upon the same voyage to be performed at some other time. [See s. 4. pl. 490. s. 6. pl. 492.]

And upon the allowance of any stamps or policies of insurance as spoiled or misused in the several cases aforesaid, the commissioners of stamps shall give the party delivering up such policies to be cancelled, other policy stamps of the same amount or value in lieu thereof, 54 G. 3. c. 133. s. 1.

488. Provided that if in 2d, 3d, and 4th cases some only of the underwriters on the policy brought for allowance shall have underwritten another policy in lieu thereof, such commissioners may nevertheless make such allowance for the stamp-duty on the first policy, except so much thereof as is due for the sums not transferred to the second policy, and if it appear to them that any legal proceedings which require the production of the first policy are to be instituted by the insured in respect of any sums underwritten in the first and not transferred to the second policy, such commissioners may cancel the stamp thereon and substitute another for denoting only the duty payable for the sum not so transferred, and deliver the same to the insured or his agent, *id.* s. 2.

489. If where any policy being underwritten, but not to the full amount which the stamp will cover, it is found inconvenient to get another policy underwritten in lieu thereof, and the same is brought to the commissioners within 3 calendar months after the date of the last superscription, such commissioners may cancel the stamp thereon and substitute another to denote only the duty payable on the amount actually underwritten, and deliver another policy-stamp equal to the difference, *id.* s. 3.

490. Where any insurance is made on any ship or goods or other property on board of any ship, or on the freight of or other interest in or relating to any ship, and the sum insured on the account of one person, or on the joint account of 2 or more, shall exceed the value of his or their property or interest by 1000*l.* where the duty is at the rate 1*s.* 3*d.* *per cent.*, or by 500*l.* when at the rate 2*s.* 6*d.* *per cent.* or above, such commissioners may allow so much duty on the policy whereby such insurance is made as shall exceed the duty payable in respect of the value of the property or interest on which the risk attached, on the policy being delivered up to be cancelled, and proof made to them of the value of such property or interest, and provided all the underwriters (those who are deceased, have become bankrupt or insane, or have departed the realm, excepted) shall sign a declaration [see post, ss. 7, 8. pl. 493, 494.] that the premium is returned on account of short interest; and provided that the application is made for the allowance within 3 calendar months after the value of such property or interest is known to the insured if in G. B., or to his broker or agent if out of G. B.; and such commissioners shall deliver other policy-stamps for the duty so allowed; but no such allowance shall be made for short interest in case where the property or interest insured is expressly valued at the sum insured in and by the policy whereby the insurance is made, *id.* s. 4.

491. But no such allowance shall be made in any case in s. 1. pl. 487, mentioned, if the policy brought for allowance shall be underwritten to a greater amount than the stamp thereon will cover, *id.* s. 5. [But see s. 6.]

492. Such commissioners may make such allowance as aforesaid where a policy is underwritten to a greater amount than stamp thereon will cover, after the expiration of 6 calendar months from the passing of this act, provided it is proved to have been done inadvertently, and provided another policy duly stamped is underwritten in lieu thereof, by the same persons, to the same amount, on the same property or interest, and for the same risk, within 3 days afterwards, and application

is made for the allowance within 7 office days after the date of the last subscription on the policy on which too much was underwritten, and in case some only of the underwriters will underwrite another policy in lieu thereof within the time hereby limited, such commissioners may allow the duty on the first policy, except so much as shall be due for the sum not transferred to the second policy, provided application is made within such 7 days, and may cancel the stamp thereon, and substitute another to denote only the duty payable on the sums not transferred, and re-deliver the same to the insured or his broker or agent; and if it is inconvenient to get another policy underwritten in lieu of any policy underwritten beyond what the stamp will cover, and the same is brought to the commissioners within 3 office days after the last subscription thereon, and the proper duty paid for the excess so underwritten, such commissioners may put a proper additional stamp thereon, which shall render the same valid, 54 G. 3. c. 133. s. 6.

493. No such allowance of duty shall be made in any case where it is to depend on the condition of the underwriters signing a declaration of return of premium [see s. 4. pl. 490.] unless the underwriters shall sign such declaration with their surnames at length, and not their initials only; and if any underwriter shall agree to return premium and refuse to sign such declaration, he shall forfeit 50*l.* to be paid to H. M. and recovered as any other penalty under the stamp-laws may be, *id.* s. 7. [See 44 G. 3. c. 98. s. 10. pl. 123.]

494. Where the allowance of stamp-duty in such cases shall depend on such declaration being signed, it shall be sufficient if the declaration certify the return of the same all but 1*s.* in the pound or guinea for the broker's commission, and of any further sum not exceeding one-half per cent. on the sum insured, which may be agreed to be retained in consideration only of the trouble given to the underwriters, and not of any risk incurred by them, *id.* s. 8.

495. If any underwriter shall knowingly sign any false declaration of the grounds on which any premium on a policy is returned, or of the quantity returned in any of such cases, he shall forfeit 100*l.* to H. M., to be recovered as other penalties under the stamp-laws may be, *id.* s. 9. [See note to s. 7. pl. 493.]

496. Every person who shall forge or counterfeit, or cause to be forged, &c., or shall willingly aid in forging, &c. the name or handwriting of any underwriter on any policy to any declaration of any return of premium, or shall fraudulently alter or cause to be altered, or aid in altering any such declaration after the same is signed by any underwriter, or shall utter any such declaration knowing the same to have been fraudulently altered, or such name or handwriting thereon to have been forged in order to obtain any such allowance, and with intent to defraud H. M., such person shall forfeit 500*l.* to H. M. for the first offence, to be recovered as other stamp penalties may be, and for the second and every other offence shall be adjudged guilty of felony, and be transported for 7 years, *id.* s. 10.

497. The commissioners of stamps may make such rules, &c. and require such affidavits and affirmations of all such facts in regard to the allowance of spoiled or disused stamps in the cases hereby provided for as they deem necessary, the same to be sworn or affirmed before such commissioners, or any person authorized by them, or before a master in chancery, ordinary or extraordinary, in Eng., or before any person duly commissioned to take affidavits by the court of session or exchequer in Scot., and such commissioners of stamps may call for such written documents and other evidence in respect of such allowances as they see fit, *id.* s. 11.

498. Such commissioners of stamps, or the major part of them, may authorize their officers to receive and examine the claims for such allowances, and take such affidavits or affirmations relating thereto, and administer the proper oaths, &c. for that purpose, and to do all other acts respecting such claims as the commissioners themselves may do, *id.* s. 12.

499. All persons knowingly making any false oaths or affirmations of the matters to be set forth in any such affidavit or affirmation, shall be subject, on conviction, to the penalty inflicted on persons guilty of perjury, *id.* s. 13.

INSURANCE, CONTRACTS OF.

500. FOR BETTER SECURING THE STAMP DUTIES on sea insurances made in London, and for altering the period for taking out stamp office certificates by attornies and others, in Eng., 54 G. 3. c. 144.

501. The commissioners of stamps may supply brokers and others carrying on the business of insurance in London with blank paper duly stamped as by law required for policies of insurance, for the purpose of effecting contracts of insurance thereon, to such amount as the duty denoted by the stamp will cover; and such blank stamped paper shall be supplied free of charge for paper, either for ready money, for the duty, or on credit, as by 35 G. 3. c. 63. s. 6. pl. 469. directed; and if supplied on credit, the duty shall be secured and paid as the duties on printed policies are by such act secured and paid; and all other regulations of

that act for the supply and delivery of printed policies shall be observed with regard to such blank stamped paper, 54 G. 3. c. 144. s. 1.

502. All bonds heretofore given by brokers or others, for securing the duties on printed policies supplied on credit under 35 G. 3. c. 63. shall stand as security for the duties on such blank stamped paper supplied on credit, *id.* s. 2.

503. Every contract of insurance to be made on such blank stamped paper shall be dated on the day when signed by the underwriters, and if the same shall be signed on different days, by different underwriters, it shall be dated so as to shew what underwriters signed on each day, and in default thereof the broker or person effecting the insurance, and all underwriters signing such contract, shall forfeit 100*l.* to H. M. to be recovered, &c. as other stamp penalties may be, *id.* s. 3. [See 44 G. 3. c. 98. s. 10. pl. 123.]

504. Every contract of insurance made on such blank stamped paper shall specify (besides such dates) the name of the ship to be insured (unless it is upon 'ship or ships'), the voyage or risk insured against, the premium given, and the name and style of dealing of one or more of the persons interested in the insurance, or in lieu thereof the name and style of the consignors or consignees of the property to be insured, or of the persons residing in G. B., who shall receive the order to effect the insurance, or of the person who shall give the order to the agent immediately employed to effect such insurance, and in default thereof, the same shall be void, *id.* s. 4.

505. Every such contract, being duly stamped, and containing such particulars, shall not only be obligatory on the underwriter to subscribe a regular stamped policy in lieu thereof to the same amount on the same property, and for the same voyage or risk when required, and to date their subscriptions on the same day as the contract before signed by them, but shall also be available as a competent instrument of insurance in case a regular policy is not underwritten, *id.* s. 5.

506. Whenever any broker or other person, having effected a contract of insurance on such blank stamped paper, shall deliver up the same to the commissioners of stamps to be cancelled within one calendar month after the date of the last subscription thereon, and shall also at the same time produce a regular stamped policy to the like effect and purport underwritten by the same persons; such commissioners may allow such broker the duty thereon in stamps for contracts or policies, *id.* s. 6.

507. Such allowance shall be made, notwithstanding the policy underwritten in lieu of any such contract shall contain matter explanatory thereof, or shall vary therefrom in consequence of any error in the contract, whereby the insurance really intended shall not have been effected, or in consequence of the terms of the insurance having been afterwards agreed to be altered, provided that in case of error proof is given thereof, and of the nature of the same, and provided in case of alteration in the terms of the insurance that the policy was underwritten before notice of the termination of the risk specified in the contract, and that the thing insured remains the property of the same persons, *id.* s. 7.

508. If a regular stamped policy shall be underwritten in lieu of any such contract by some only of those who underwrite the contract by reason of the refusal, death, bankruptcy, insanity, or absence of the others of them, then upon the contract being delivered up as in s. 6. pl. 506., and on production of the policy underwritten in lieu thereof within one calendar month, such commissioners may make an allowance for the stamp duty on the contract, except so much thereof as shall be due for sums underwritten in the contract, and not transferred to the policy; and if it appears to such commissioners, that any legal proceedings are about to be instituted by the insured for the sums underwritten on the contract, and not transferred to the policy which may require the production of the contract, such commissioners may cancel the stamps thereon, and substitute another, denoting the duty payable for the sums not transferred, and re-deliver the contract to the insured, or his agent, *id.* s. 8.

509. No such allowance shall be made on any contract of insurance underwritten beyond the amount that the stamp thereon will cover, unless the same is proved to have been done inadvertently, and a regular stamped policy is underwritten in full, or in part in lieu thereof, within three days afterwards, and application is made for the allowance within seven office days after the date of the last subscription in the contract, *id.* s. 9.

510. The commissioners of stamps may make an allowance for the stamp duty on such blank paper where the same shall be spoiled, without being underwritten, and also where regular stamped policies shall not be underwritten in lieu thereof, in the cases of greater or less sums being underwritten thereon than the stamp duty will cover; in the cases of insurances being made conditionally subject to the approbation of the insured; and in cases of no risk, no interest or short interest, as the commissioners, by 54 G. 3. c. 133. s. 1. pl. 487., are authorized to make for the stamp duty in regular policies, in the like cases, and on the like terms, *id.* s. 10.

511. All the powers, regulations, penalties, &c. of the 54 G. 3. c. 153. for facilitating the allowance of stamp duty on policies in the cases therein mentioned, and for examining, and substantiating the claims thereto, and for preventing frauds, and punishing offences relating thereto, shall be applied to such contracts of insurance, and to the allowance of the stamp duty thereon in the cases herein specified, 54 G. 3. c. 144. s. 11.

512. If any person to whom any allowance of stamp duty in contracts or policies of insurance shall be to be made, either as principal agent or broker under this or any other act, shall stand indebted to H. M. for stamps supplied in credit under 55 G. 3. c. 63. the commissioners may write off the amount of such allowance from the sum so due, instead of delivering stamps for the same, *id.* s. 12.

LAW PROCEEDINGS.

513. FOR THE BETTER COLLECTION OF THE STAMP DUTIES ON writs, appearances, admissions, &c. and on other things connected with the process of the law, 5 & 6 W. & M. c. 21. s. 4. 1 & 10 W. 3. c. 25. s. 42. [EXTD. to warrants issued on writs, 6 G. 1. c. 21. s. 54. AMD. 1 A. St. 2. c. 22. ss. 1—3. 6. (which is also AMD. 5 & 6 A. c. 19. s. 29.) 4 & 5 A. c. 12. s. 9. 44 G. 3. c. 98. s. 15. (This title is framed from the general purport of the foregoing sections.) For the duty, see 55 G. 3. c. 184. Sch. Part II.]

514. Every officer, or clerk belonging to the court of K. B., C. P. or exchequer, who shall sign any writ or process before judgment, to arrest any person thereon, shall, at the signing thereof, set down on the same the day and year of signing the same, which shall be entered upon the remembrance, or in the book where the abstract of such writ or process is entered, upon pain, in case of neglect, to forfeit 10*l.*, to be recovered by any person suing by action of debt, &c., or information wherein no essoin, &c., and only one imparlance allowed, 5 & 6 W. & M. c. 21. s. 4. 9 & 10 W. 3. c. 25. s. 42. [EXTD. to warrants issued on such writs, 4 G. 1. c. 21. s. 54.]

515. If any clerk, officer, attorney, solicitor, or other person entrusted to enter or file any action, plaint, bail, appearance, admission, or other thing, in respect whereof any stamp duty is payable, shall neglect to enter, file, or record the same within four months after he has received any money for the entry, &c. of such action, &c., or shall have undertaken to enter, &c. the same, or shall neglect to enter, &c. any such action, &c. before any further proceeding relating to the same is had, or if any clerk, &c. shall transact, enter, record, or file any such further proceeding relating to such action, &c., before the same shall have been duly entered, &c. such clerk, &c. shall forfeit 20*l.* with costs; and no such record or entry shall (in any suit against such clerk, &c. for any offence against this act) be of itself concluding evidence of the time that the same was written, entered or filed; but proof shall be admitted of the time that the same was actually entered or filed; provided, that nothing in this act shall oblige any clerk, &c. to enter any appearance, where judgment is entered by confession, 1 A. St. 2. c. 22. s. 1.

516. No person shall incur any penalty mentioned 1 A. St. 2. c. 22. s. 1. *pl.* 515. by reason of transacting, entering, recording or filing any farther proceedings, subsequent or relating to any action, plaint, bail or appearance, which by any other person ought to be first entered, &c. in any of the courts at Westminster, before the same shall be duly entered or filed, or recorded, 5 & 6 A. c. 19. s. 29.

517. If any person shall write or cause to be written part of any writ, mandate, bond, affidavit, or other writing, in respect whereof any duty is payable, on any piece of vellum, &c. whereon there shall have been before written any other writ, &c. in respect whereof any duty is payable, before such vellum, &c. shall be again stamped, or shall fraudulently erase the name of any person, or any sum, date, or other thing, written on such writ, &c., or cut off any stamp from any piece of vellum, &c. with intent to use such stamp for any other writing, in respect whereof any duty is payable; every person so offending shall forfeit 20*l.* with costs, 1 A. St. 2. c. 22. s. 2.

518. Every person who shall (in any suit brought upon this act) be convicted of any the neglects or offences before mentioned, shall likewise incur all other forfeitures and disabilities in the stamp acts mentioned for writing on unstamped vellum, &c., *id.* s. 3. [See 5 & 6 W. 3. c. 21. s. 11. and 55 G. 3. c. 184. s. 7. *pl.* 132.]

519. One moiety of all penalties hereinbefore mentioned, shall be to H. M., and the other with full costs to any person who will sue for the same in any court of record by action of debt, &c. or information, wherein no essoin, &c. 1 A. St. 2. c. 22. s. 6.

520. The duties on stamp vellum, &c. in respect of appearances, shall extend to appearances in such actions wherein no bail is filed or put in, and not otherwise, 4 & 5 A. c. 12. s. 9.

521. Nothing in 25 G. 3. c. 80. STAMPS (*Attorneys' Certificates*), shall prevent any solicitor, attorney, notary, proctor, agent or procurator, charging in his bill of fees or disbursements the amount of duty of &c. by this act granted on warrants, mandates, authorities, minutes or memorandums given to carry on or defend any suit or prosecution, 44 G. 3. c. 98. s. 15.

LEGACY.

522. ALL VELLUM, &c. ON WHICH ANY RECEIPT OR DISCHARGE FOR any legacy left by any will or other testamentary instrument, or any part thereof, or for any share of a personal estate divided by force of the statute of distributions, or the custom of any province or written, omitted in the act, shall, before the same is engrossed, &c. brought to the head stamp-office to be stamped, and the commissioners or their officers shall stamp, as hereby directed, any quantities of vellum, &c. on payment of the duty, such duty to be paid by the party giving such receipt; and if any such receipt, &c. is stamped with a lower duty than that payable, it shall not be pleaded or given in evidence, or admitted in any court to be good in law or equity, 20 G. 3. c. 28. s. 3.

523. Exception in favour of any legacies or shares of personal estate given by will, or coming by force of the statute of distributions to the wife, children, or grandchildren, of the testator or intestate, 23 G. 3. c. 58. s. 2., 29 G. 3. c. 51. s. 2. [But see 55 G. 3. c. 184. Sch. Part III.]

524. FOR REPEALING CERTAIN DUTIES ON LEGACIES AND SHARES of personal estates, and for granting other duties thereon in certain cases, 36 G. 3. c. 52. [EXPL. and AMD. as to s. 32., 37 G. 3. c. 135., further AMD. 42 G. 3. c. 99. ss. 2, 4., 48 G. 3. c. 149. s. 44. For the duty, see 55 G. 3. c. 184. Sch. Part III.]

525. The several duties by 20 G. 3. c. 28., 23 G. 3. c. 58., and 29 G. 3. c. 51., imposed on all receipts and discharges for legacies, and for shares or parts of residue of personal estate upon which any duty shall be imposed by this act, shall cease; and so much of such acts as relate to such duties so repealed, and the payment thereof, shall be also repealed, 36 G. 3. c. 51. s. 1.

526. Nothing herein shall charge any legacy or residue of any personal estate, which is given or passes to the benefit of the husband or wife of the deceased, or of the royal family, *id.* s. 2. [See similar exception, 55 G. 3. c. 184. Sch. Part III.]

527. Duties to be under the management of the commissioners for stamps, who shall employ the necessary officers, and provide a new stamps to denote the several duties hereby imposed, *id.* s. 3.

528. Such commissioners shall, by writing under their hands and seals, appoint proper persons in the several counties, shires, stewardries, and divisions in G. B., to collect the duties hereby imposed, and to keep proper accounts thereof, to be transmitted to the head stamp-office; and upon payment of any such duty, if paid at the head office, such commissioners shall cause the same to be entered in their books, and set down therein to the account of the personal estate in respect whereof the duty shall be paid, and shall make like entries in their books, upon transmission of the proper accounts for that purpose from the several officers to be appointed by such commissioners in the different counties, &c. aforesaid, to whom they shall give proper orders for such purpose; and the accounts of such payments shall be kept, with proper references, in alphabetical order, according to the surname of the testator, testatrix, or intestate, in respect of whose personal estate such payments shall be made, so that it may appear upon the books of the commissioners what payments have been made in respect of the personal estate of any testator, &c., *id.* s. 4.

529. The commissioners of stamps shall provide sufficient quantities of paper adapted for such receipts or discharges of any legacy or residue of any personal estate, and cause to be printed thereon the form of words in the schedule hereunto annexed; and any of H. M.'s subjects, requiring such receipts or discharges, may cause the same to be duly filled up with sums, names, and date, according to such provisions, and also upon any vellum or parchment, or upon any other paper not provided by the commissioners, to use the like form whenever there shall be occasion, *id.* s. 5.

530. These duties shall, in all cases not hereby otherwise provided, be accounted for and paid by the persons taking the burthen of the execution of the will or other testamentary instrument, or the administration of the personal estate of any person deceased, upon retaining for their own benefit, or for the benefit of any other persons, of any legacy, or of the residue of any personal estate, or any part of such residue, which they shall be entitled so to retain, either in their own, or in the right of any other; and also upon delivery, payment, or discharge of any legacy, or any part of any legacy, or of the residue of any personal estate, or any part of such residue, to which any other person shall be entitled; and in case any persons taking the burthen of such execution or administration, shall retain for their own benefit, or for the benefit of any other, any legacy, or any part of any legacy, or the residue of any personal estate, or any part of such residue, which such persons shall be entitled so to retain, either in their own, or in the right of or for the benefit of any other, and upon which any shall be chargeable by this act, not having first paid such duty, or deliver, pay, or otherwise discharge any legacy, or the residue of any personal estate, or any part thereof, to which any other person shall be entitled, and upon which any duty shall be chargeable by this act, having received or deducted the duty so chargeable, then the duty payable up-

on every such legacy, and residua, and part thereof respectively which shall not have been duly paid to H. M., according to this act, shall be a debt of such persons so taking such execution or administration, to H. M.; and in case any such persons so taking such execution or administration, shall deliver, or otherwise discharge any such legacy or residue, or any part thereof, to or for the benefit of any person entitled thereto, without having received or deducted the duty chargeable thereon, (such duty not having been first paid to H. M., according to this act,) then such duty shall be a debt to H. M., both of the person who shall make such delivery, payment, or discharge, and of the person to whom the same shall be made, 36 G. 3. c. 52. s. 6.

531. Any gift by any will or testamentary instrument of any person dying, which shall, by virtue of such will or instrument, have effect, or be satisfied out of the personal estate of such person so dying, or out of any personal estate which he shall have power to dispose of as he thinks fit, shall be deemed to be a legacy within this act, whether the same shall be given by way of annuity or in any other form, and whether charged only on such personal estate, or also on real estate of the testator or testatrix who shall give the same; except so far as the same shall be paid out of such real estate, in a due execution of the will or instrument by which the same shall be given; and every gift which shall have effect as a donation *mortis causa*, shall also be deemed a legacy within this act, *id.* s. 7.

532. The value of any legacy given by way of annuity, whether payable annually or otherwise, for lives, or for years determinable on any life or lives, or for years or other period of time, shall be calculated, and the duty chargeable thereon charged, according to the tables in the schedule hereunto annexed; and the duty chargeable on such annuity shall be paid by 4 equal payments, the first of which shall be made before, or on completing the payment of the first year's annuity, and the 3 others successively, before or on completing the respective payments of the 3 succeeding years' annuity; and the value of any such annuity, if determinable upon any contingency besides the death of any person, shall be calculated without regard to such contingency: provided that if any such annuity shall determine by the death of any person, before 4 years' payment of such annuity shall become due, then the duty shall be payable in proportion only to so many of the payments of the annuity as actually accrued and became payable; and in case any such annuity shall at any time determine upon any other contingency than the death of any person, then not only all payments of duty which would otherwise become due after the happening of such contingency, shall cease, but the persons who shall have paid any duties which shall have previously become due, may apply for and obtain a return of so much of such duty as will reduce the same to the like duty as would have been payable by such person for such annuity, calculated according to the term for which the same endured; which abatement the commissioners of stamps shall settle and determine according to such tables, and shall cause the amount of such abatement to be paid to the person entitled to the same, out of any monies in their hands arising from such duties imposed by this act, *id.* s. 8.

533. The value of any legacy given by way of annuity for life or lives, or for years determinable on any life or lives, or for years or other period of time, and charged on any other legacy or legacies, shall be calculated, and the duty charged thereon, in the same manner as in s. 8. directed with respect to other annuities; and the duty on the legacy charged with such annuity, if any shall be payable, shall be calculated on the value of such legacy, after deducting the value of such annuity; and the duty for such annuity shall be paid by the persons entitled to the legacy charged with such annuity, by 4 equal payments, in the same manner as the same would be payable according to s. 8. of this act, if such annuity had been a direct gift to the annuitant, and subject to the like proviso in case such annuity shall determine before 4 years' payment shall be due; and the payment which shall be made for such duty, shall be retained by the person paying the same, out of the first 4 years' payments of such annuity, or out of so many of such payments as shall become due, by equal portions, *id.* s. 9.

534. The duty payable upon any legacy given by direction to purchase with any personal estate of the testator or testatrix, an annuity of a certain amount for the life or lives of any person, or any other term, shall be calculated upon the sum necessary to purchase such annuity according to such tables as in s. 8., and shall be deducted from such sum, and paid as other pecuniary legacies; and the persons paying such legacy, and the person for whose benefit the same shall be paid, shall be discharged, by payment of such duty so calculated, from all other demands in respect of the duty payable on such legacy; and the annuity to be purchased for the person entitled to the benefit of such legacy, shall be reduced in proportion to the amount of duty so payable thereon, such reduction to be calculated in the same manner as the duty so payable is in s. 8. directed to be calculated; and the purchase of such reduced annuity, together with the payment of such duty, shall discharge such legacy as fully as if an annuity had been purchased to the annuity so directed to be purchased, *id.* s. 10.

535. If any benefit shall be given by any will or testamentary instrument in such terms that the value of such benefit can only be ascertained by the actual application for that purpose of the fund allotted for such purpose, or made chargeable therewith; or if the value of any benefit given by any will or testamentary instrument, cannot, by reason of the form and manner of the gift, be so ascertained that the duty can be charged thereon under any other of the directions herein contained; then such duty shall be charged upon the several sums or effects which shall be applied for the purposes directed by such will or instrument, as distinct legacies, and shall be paid out of a fund applicable for such purposes, or charged with answering the same, 36 G. 3. c. 52. s. 11.

536. The duty payable on a legacy, or residue, or part of residue, of any personal estate, given to or for the benefit of, or so that the same shall be enjoyed by different persons in succession, who shall be chargeable with such duties at one and the same rate, shall be charged upon and paid out of the legacy or residue, or part of residue, so given, as in the case of a legacy to one person; and where any legacy or residue, or part of residue, shall be given to or for the benefit of, or so that the same shall be enjoyed by different persons in succession, some or one of whom shall be chargeable with no duty, or some of whom shall be chargeable with different rates of duty, so that one rate of duty cannot be immediately charged thereon, all persons who, under any such bequest, shall be entitled for life only, or any other temporary interest, shall be chargeable with the duty in respect of such bequest, in the same manner as if the annual produce thereof had been given by way of annuity; and such persons respectively shall be so chargeable with such duty, and the same shall be payable when they shall respectively become entitled to and begin to receive such produce, and shall be paid by equal portions during the term of 4 years, if they shall so long continue to receive such produce; and where any other partial interest shall be given, or shall arise out of such property so to be enjoyed in succession, the duty on such partial interest shall be paid in the same manner as the duty is in s. 9. *pl.* 533. directed to be charged and paid in like cases of partial interests, charged on any property given, otherwise than to different persons in succession; and every person who shall become absolutely entitled to any such legacy or residue, or part of residue, so to be enjoyed in succession, shall, when such person shall receive the same, or begin to enjoy the benefit thereof, pay the duty for the same, or such part thereof as shall be so received, or of which the benefit shall be so enjoyed, in the same manner as if the same had come to such person immediately on the death of the person by whom such property was given to be enjoyed, or in such manner that the same shall be enjoyed in succession, *id.* s. 12.

537. The duty payable on any legacy or residue, or part of residue, so given to, or so to be enjoyed by different persons in succession, upon whom the duty shall be chargeable at one and the same rate, shall be deducted and paid by the person taking the burthen of the execution of the will or testamentary instrument under which the title thereto shall arise, upon payment or discharge of every or any part of such legacy or residue, or part of residue, to any trustees, or other persons to whom the same shall be payable or paid in trust or for the benefit of the persons so entitled thereto in succession; and if the same shall not be so paid to any such trustees, then such duty shall be deducted out of the capital of the property so given, upon receipt, by any of the persons so entitled in succession, of any produce of such capital, according to the amount of the capital of which such produce shall be so received; and where the duty chargeable upon any such bequest for the benefit of or to be enjoyed by different persons in succession, shall be chargeable at different rates, so that the same cannot be paid at once, but must be paid in succession, then every person taking the execution of the will or testamentary instrument in which such bequest shall be contained, shall be chargeable with such duties in succession, in the same manner as such persons would be chargeable in case of immediate bequest; unless the property bequeathed shall have been paid to, or vested in any trustees as aforesaid, in which case such trustees, or their representatives, shall be chargeable with the duties in respect of such property so vested in them, in such manner as if they had taken the execution of such will or instrument, by which such bequest was made; and in like manner, where any partial interest shall be given, or shall arise out of any such property so to be enjoyed in succession, and such partial interest shall be satisfied by the persons so enjoying such property, such persons shall be chargeable with the duties in respect of such partial interest, and shall retain and pay the same accordingly, in such manner as if they had taken the execution of such will or instrument, by which such partial interest was created; and in all such cases the persons so chargeable with duty, shall be debtors to H. M., in like manner, and shall be subject to the like penalties, as the persons taking the burthen of the execution of such will or instrument, are hereby (s. 6. *pl.* 350.) made chargeable and subject to, *id.* s. 13.

538. No duty shall be paid on any articles of plate, furniture, or other things, not yielding any income, and given to or for the benefit

of, or so as that the same be enjoyed by, different persons in succession, whilst the same shall be so enjoyed in kind only by any person not having any power of disposing thereof, so as to convert the same into property yielding an income; but if the same shall be actually disposed of, or shall come to any person having power to dispose thereof, or having an absolute interest therein, then the same duty shall be chargeable thereon as if the same had been originally given absolutely, and with full power to dispose thereof, and shall be paid by the person for whose benefit the same shall be sold, or who shall have power to dispose thereof, or an absolute interest therein, and shall become the debt of such person; but shall not be a charge on any person by reason of his having assented to such bequest, as the persons taking the execution of the will or testamentary instrument by which such bequest shall have been made, 36 G.3. c.14. s.14.

539. Provided where any legacy, or any residue or part of residue, shall be so given by any will or testamentary instrument, that different persons shall become entitled thereto in succession, the duty shall be charged thereon as given to be enjoyed in succession, whether the persons entitled thereto shall take the same under such will or instrument, and the dispositions therein contained, or in default of such dispositions, and as entitled by intestacy, *id.* s.15.

540. Where any legacy, or residue, or part of residue, shall be given to or for the benefit of any persons in joint-tenancy, some or one of whom shall be so chargeable, the person chargeable shall pay such duty in proportion to his interest in such bequest; and every person chargeable with duty, and so entitled in joint-tenancy, who shall become entitled by survivorship, or by severance of the joint-tenancy, to any larger interest in the property bequeathed, than that in respect of which such duty has been paid, shall be charged with the same duty as if the property to which such joint-tenant shall so become entitled had been originally given to or for the benefit of such person only, *id.* s.16.

541. When any legacy, or any residue, or part of residue, shall be given, subject to any contingency which may defeat such gift, and the same may go to some other persons, such bequest (unless chargeable as an annuity under the provisions herein) shall be charged with duty as an absolute bequest, to the persons who shall take the same subject to such contingency, and such duty shall be paid out of the capital of such legacy, or residue, or part of residue, notwithstanding the same may, upon such contingency, go to some person not chargeable with the same, or with any duty; and if such contingency shall afterwards happen, and the property so bequeathed shall thereupon go in such manner that the same, if taken immediately after the death of the testator or testatrix, under the same title would have been chargeable with a higher rate of duty than the duty so paid, the person becoming entitled thereto shall be charged with and shall pay the difference between the duty so paid and such higher rate of duty, *id.* s.17.

542. Where any legacy, or the residue or any part of the residue of any personal estate, shall be subjected to any power of appointment to or for the benefit of any persons specially described as objects of such power, such property shall be charged with duty as property given to different persons in succession; and in so charging such duty, not only the persons who shall take previous or subject to such power of appointment, but also any person who shall take under or in default of any such appointment, when and as they shall so take, shall, in respect of their several interests, whether previous or subject to, or under, or in default of such appointment, be charged with the same duty, and in the same manner, as if the same interests had been given to him or them respectively, by the will or testamentary disposition containing such power, in the same order of succession as shall take place under such power of appointment, or in default of execution thereof, as the case may happen to be; and where any property shall be given for any limited interest, and a general and absolute power of appointment shall also be given to any person to whom the property would not belong in default of such appointment, such property, upon the execution of such power, shall be charged with the same duty, and in the same manner, as if the same property had been immediately given to the person executing such power, after allowing any duty before paid in respect thereof; and where any property shall be given with any such general power of appointment, which property in default of appointment will belong to the person to whom such power shall also be given, such property shall be charged with, and shall pay the duty by this act imposed, in the same manner as if such property had been given to such person absolutely in the first instance, without such power of appointment, *id.* s.18.

543. Any sum or personal estate, directed to be applied in the purchase of real estate, shall pay duty as personal estate, unless the same shall be so given as to be enjoyed by different persons in succession, and then each person entitled thereto in succession shall pay such duty as if the same had not been directed to be applied in the purchase of real estate, unless the same shall have been actually so applied before such duty accrued; but no duty shall accrue in respect thereof, after the same shall have been actually so applied, for so much thereof as shall have been

so applied; provided that in case before the same or some part thereof shall be actually so applied, any person shall become entitled to an estate of inheritance in possession in the real estate to be purchased therewith, or with so much thereof as shall not have been applied in the purchase of real estate, the same duty which ought to be paid by such person, if absolutely entitled thereto as personal estate by virtue of any bequest thereof as such, shall be charged on such person, and raised and paid out of the fund remaining to be applied in such purchase, 36 G.3. c.52. s.19.

544. Estates *pur autre vie*, applicable by law in the same manner as personal estate, shall be charged with the duties hereby imposed as personal estate, *id.* s.20.

545. Provided that if any direction shall be given, by any will or testamentary instrument, for payment of the duty chargeable upon any legacy or bequest out of some other fund, so that such legacy or bequest may pass to the person to whom the same shall be given, free of duty, no duty shall be chargeable upon the money to be applied for the payment of such duty, notwithstanding the same may be deemed a legacy to the person who would otherwise pay such duty, *id.* s.21.

546. In cases of specific legacies, and where the residue of any personal estate shall consist of property not reduced into money, the persons taking the burthen of the administration of such effects, or the persons by whom the duty thereon ought to be paid, shall set a value thereon, and offer to pay the duty according to such value; or require the commissioners of stamps to appoint a person to set such value, at the expence of the person by whom such duty ought to be paid; and such commissioners may accept the duty offered to be paid, upon the value set by the persons taking the administration of such effects, or by whom the duty for the same shall be payable, without such appraisement, if they think fit; but if such commissioners shall not be satisfied with the value so set, they, notwithstanding such offer, may appoint a person to appraise such effects, and to set the value thereon, on which value so set they shall assess the duty, and require the same to be paid; but if the person by whom such duty shall be payable shall not be satisfied with the valuation so made under the commissioners, and pay the duty accordingly, such persons may cause the valuation so made under the commissioners, to be reviewed by the commissioners of the land tax of the district or place where such effects shall be, at their next meeting, after the commissioners of stamps have assessed and required payment of such duty as aforesaid, if 14 days shall have elapsed between such time and the meeting of the commissioners of land-tax, and if not, then at their next succeeding meeting, of which appeal 6 days' notice shall be given to the commissioners of stamp duties; and the commissioners of the land-tax shall (if they think fit) appoint a person to appraise such effects, and set a value thereon, and shall and may hear and determine such appeal, in the same manner as in any other cases of appeal to them, and with the like authorities, and their judgment shall be final; and if the valuation made under the commissioners of stamps shall not be duly appealed from within such time, or shall be affirmed upon appeal, the duty shall be paid according to such valuation; and if any variation shall be made on such appeal, the duty shall be paid according to such variation; and if the duty so assessed shall exceed the duty offered to and refused by the commissioners of stamps, the expence of such appraisement and other proceedings shall be borne by the persons by whom such duty shall be payable; and if any dispute shall arise between any persons entitled to any such legacy, or residue, or part of residue, and any persons taking the administration of such effects, with respect to the value thereof, or with respect to the duty to be paid thereon, the duty shall be assessed by the commissioners of stamps on reference to them by either party for that purpose; and if the value of any property on which such duty ought to be paid shall be in dispute, the commissioners of stamps shall cause an appraisement to be made thereof at the expence of the persons by whom such duty ought to be paid, as hereinbefore directed in other cases, and assess the duty thereon accordingly; and if such persons by whom such duty ought to be paid, shall be dissatisfied with such valuation, or with the assessment of duty made upon such valuation, the same shall be reviewed and finally determined by the commissioners of the land-tax, upon appeal to them within the time, and under the restrictions, and in the manner before directed; but if such valuation or assessment shall not be duly appealed from within the time limited for that purpose, or shall be affirmed upon appeal, the duty shall be paid according thereto; and if any variation shall be made therein on such appeal, the duty shall be paid according to such variation; and in case the effects whereon any such duty shall be payable shall be at the distance of 10 miles from London, then it shall be lawful to make the like application to such person as shall be deputed for that purpose by the commissioners to act in their stead in such cases, within the district in which such effects shall be; and such person so deputed shall act in such cases, in all respects, as the commissioners are authorized to act, subject nevertheless to their instructions and control, *id.* s.22.

547. Where any legacy, or part of any legacy, or residue, or part of residue, whereon any duty shall be chargeable by this act, shall be satisfied otherwise than by payment of money or application of specific effects for that purpose, or shall be released for consideration, or compounded for less than the value thereof, then the duty shall be charged and paid in respect of such legacy, &c., according to the value of the property taken in satisfaction thereof, or as the consideration for release thereof, or composition for the same: provided, that if any legacy or bequest shall be made in satisfaction of any other legacy or bequest, or title to any residue, or part of residue, of any personal estate remaining unpaid, the duty shall not be paid on both subjects, although both may be chargeable with duty, but shall be paid on the subject yielding the largest duty, 36 G. 3. c. 52. s. 23.

547. (a) If any persons taking the burthen of the execution of the will or other testamentary instrument, or the administration of the personal estate of any person deceased, or any other person hereby made chargeable with duty, shall declare himself or themselves ready and willing, and shall accordingly offer to pay any pecuniary legacy, or residue, or part of residue, deducting the duty payable thereon, or shall in like manner offer to deliver or otherwise dispose of any specific legacy or any specific property, part of any residue of any personal estate, to or for the benefit of the persons entitled thereto, or to any trustees for such persons, upon payment of the duty, and the persons entitled to such legacy, &c., or the trustees for such persons, shall refuse to accept such offer, and to give a proper discharge for such legacy or residue, or so much thereof as shall be offered to be paid or otherwise disposed of, then, although no actual tender shall be made, if any suit shall be afterwards instituted for such legacy or effects, respecting which, such offer has been made, the court in which such suit shall be instituted, shall order all costs, charges, and expences attending the same, to be paid by the persons who so refused to accept such offer, and to give or join in such discharge, or shall order such costs, &c. to be deducted and retained out of such legacy or effects, together with the duty payable thereon, as the court shall see fit; and in case any suit shall be instituted for payment of any legacy or residue, or part of residue, of any personal estate, and the persons sued shall be desirous of staying proceedings on payment of the money due, or otherwise disposing of the specific effects demanded, after deducting or receiving the duty payable thereon, the court in which such suit shall be instituted, if it shall see fit, on application in a summary way, may make such order for payment of such legacy, &c. or for disposing of such effects, and for payment of the duty payable thereon, and all costs attending such suit as shall be just, *id.* s. 24.

548. If any suit shall be instituted concerning the administration of the personal estate of any person dying testate or intestate, or any part of such estate in which any direction shall be given touching the payment of any legacies of such person, or the residue of his or her personal estate, or any part thereof, the court, in giving directions concerning the same, shall provide for the due payment of the duties hereby imposed; and in taking any account of any personal estate, or otherwise acting concerning the same, such court shall take care that no allowance be made in respect of any legacy or part of legacy, or of any residue or part of residue, without due proof of the payment of such duties, *id.* s. 25.

549. Any persons taking the execution of any will or other testamentary instrument, or the administration of the personal estate of any person deceased, may deliver or otherwise dispose of any legacy, or any part of any legacy, or make distribution of any part of the residue of any personal estate, on payment of such proportions of such duty as shall accrue in respect of such part of such personal estate as shall be so administered, *id.* s. 26.

550. No person taking the execution of any will or testamentary instrument, or the administration of the personal estate of any person deceased, nor any trustee or other person hereby directed to account for any duty, shall pay or otherwise dispose of, or satisfy, discharge, or compound for, any legacy or any part thereof, or the residue of any personal estate or any part thereof, in respect whereof any duty is hereby imposed, without taking a receipt or discharge in writing for the same, expressing the date of such receipt or discharge, and the names of the testator, testatrix, or intestate, under whose will or testamentary disposition, or upon whose intestacy the title to such legacy or part of legacy, or to such residue or part of residue, shall accrue, and of the person to whom such receipt or discharge shall be given, and to whom such legacy or residue, or part of residue, shall have been given or belonged in consequence of intestacy, and the value of the legacy or part of legacy, or residue or part of residue, for which such receipt or discharge shall be given, and also the amount and rate of the duty payable thereon; and no written receipt or discharge for any legacy, &c. in respect whereof any duty is hereby imposed, shall be received in evidence, or be available in any manner unless the same shall be stamped, as required (*see* s. 29., *pl.* 552.) by this act; and no evidence shall be given

of any payment or discharge, or of any release or composition of such legacy, &c. without producing such receipt or discharge, duly stamped, unless the actual payment of the duty hereby imposed shall be first given in evidence: provided that a copy of the entry in the books of the commissioners of the stamps, of the payment of such duty, shall be admitted as evidence thereof: provided also, that payment of any annuity shall not be deemed a payment for which such stamped receipt shall be required under this act, except the several payments which shall complete the payments for each of the first 4 years during which such annuity shall be payable; and in like manner any payment in respect of any legacy or bequest, hereby directed to be charged with the duty in the same manner as annuities, shall not be deemed a payment for which such stamped receipt shall be required, except the several payments which shall complete the payments for each of the first 4 years, in respect of which such legacy or bequest shall be chargeable with duty as an annuity, 36 G. 3. c. 52. s. 27.

551. Any person having the execution of any will or testamentary instrument, or the administration of the personal estate of any person deceased, and any trustee or other person hereby required to account for any duty, who shall pay or otherwise dispose of, or in any manner satisfy or discharge, or compound for any legacy given by such will or instrument, or the residue or any part of the residue of such personal estate, to or for the benefit of any person entitled to such legacy or any part thereof, or to such residue or any part thereof, without taking such receipt or discharge in writing, and causing the same to be stamped within the time hereby allowed, shall forfeit 10*l.* per cent. on the sum, or the value of the property if not money, for which such receipt or discharge ought to have been given in pursuance of this act; and every person taking the benefit of any such money or other property, without giving a written receipt or discharge for the same, in which the duty payable in respect thereof shall be expressed to have been allowed to the person to whom such receipt or discharge shall be given, and which shall bear date on the day of signing the same, shall forfeit the 10*l.* per cent. on the sum, or on the value of the property so taken, *id.* s. 28.

552. Every such receipt or discharge shall be brought within 21 days after the date thereof, to the head office of the commissioners or to some other office appointed by them for such purpose, to be stamped, paying the duty for the same, and upon such payment the receiver-general or other proper officer appointed for that purpose by the commissioners, shall write upon such receipt or discharge an acknowledgment of the payment of the duty in words at length, and bearing date the day on which such payment was made, and shall subscribe his name thereto, and enter an account thereof in a book, that he may be thereby charged with the sum so paid; and in case the duty shall be so paid at such head office, then the receipt or discharge so brought to be stamped, shall be forthwith stamped with one of the said 4 stamps (*see* s. 3. *pl.* 527.), as the case shall require; and in case the duty shall be so paid at any other office as aforesaid, the receipt or discharge whereon such acknowledgement shall be so written and subscribed shall be transmitted within 21 days from the day of payment to such head office to be stamped, and the same shall be stamped accordingly with one of such 4 stamps; and in case the person paying such duty at any such office to be so appointed, shall be desirous that the same should be transmitted to such head office, by the officer to whom such duty shall be paid, and shall leave the same with them for such purpose, such officer shall thereupon sign and deliver an acknowledgment that such receipt has been left with him, and shall transmit such receipt or discharge to such head office to be stamped, and the same shall be sent again to such officer after the stamping thereof; and such officer shall deliver back the same to the person entitled thereto, upon re-delivery of such acknowledgement: provided that if any such receipt or discharge shall not be so brought to any such office within such 21 days, it shall nevertheless be lawful to carry such receipt or discharge to such head office to be so stamped, within 3 calendar months after the date thereof, paying the duty for the same, and also 10*l.* per cent. on such duty, by way of penalty for not having before paid such duty, on payment of which duty and penalty the commissioners shall stamp such receipt, &c. as if the same had been brought to the office within such 21 days; but the commissioners, or any of their officers, shall not on any pretence, except as hereinafter (s. 2.) directed, stamp any vellum, &c. upon which any such receipt, &c. shall be written or signed with such new stamps, unless the duty for the same shall be paid, and such receipt, &c. shall be produced to be so stamped as aforesaid, within the times and in the manner hereinbefore (s. 29.) respectively limited, *id.* s. 29.

553. Where any receipt or discharge given for any legacy, or for residue or share of the residue of any personal estate, which shall have been given by will or other testamentary instrument, or have devolved to any person upon intestacy, is brought to the head stamp office to be stamped after the expiration of 3 calendar months from the date thereof, the commissioners of stamps may cause the same to be duly stamped for making if available, on payment of the duty, together with the penalty

incurred in consequence of the same not having been brought to be stamped before the expiration of such 3 months; and where any such receipt shall be signed out of G. B., if the same is brought to be stamped within 21 days after its arrival in G. B., such commissioners may remit the penalty, and stamp the same on payment of the duty only, 46 G. 3. c. 149. s. 44.

554. If it appear to the commissioners of stamps, upon oath or affirmation to be administered by a justice of the peace, or master extraordinary in chancery, which oath or affirmation such persons may administer, that less duty has been paid for any legacy, or residue or part of residue, than ought to have been paid, by mistake, without any intention to defraud; and if application shall be made to such commissioners to rectify such mistake, and accept the duty really due before any suit shall be instituted concerning the same, and within 3 calendar months after payment of the money actually paid instead of the just duty, such commissioners may accept such difference, together with the 10l. per cent. on such difference by way of penalty, in full for the just duty, and which shall be in discharge of all penalties incurred by non-payment of such duty, and cause an acknowledgment of the payment of the just duty to be written on the receipt or discharge given for such legacy, &c., and to be subscribed by the proper officer, and also to cause such receipt or discharge to be properly stamped, in the same manner as if the just duty had been originally paid, 36 G. 3. c. 52. s. 30.

555. The party paying or satisfying any legacy, or any residue of any personal estate, or any part of such residue, or receiving the same contrary to this act, who shall within 12 calendar months after the offence committed, discover the other party offending therein, so that such party so discovered be thereupon convicted, such person so discovering shall be indemnified from all penalties incurred for any offence against this act, *id.* s. 31.

556. Where, by reason of the infancy, or absence beyond the seas, of any person entitled to any legacy, or to the residue of any personal estate or any part thereof, chargeable with duty under this act, the person having or taking the burthen of any will or testamentary instrument, or the administration of such personal estate, cannot pay such legacy or some part thereof, although he, she, or they may have effects for that purpose, or cannot pay such residue or some part thereof, although he, she, or they may have the same or some part thereof in hand, such person may pay such legacy, &c. respectively, or any sum on account thereof, after deducting the duty into the bank of Eng., with the privity of the accountant-general of the court of chancery, to be placed to the account of the person for whose benefit the same shall be so paid; for payment of which such accountant shall give his certificate as usual in such cases, on production of the certificate of the commissioners of stamps, that the duty thereon has been duly paid; and such payment into the bank shall be a sufficient discharge for the money so paid in, provided the duty be also paid thereon; and such money when paid in shall be laid out by the accountant-general, without any formal request for that purpose, in the purchase of 3 per cent. consols, which, with the dividends thereon, shall be transferred and paid to the person entitled thereto, or otherwise applied for his benefit, on application to the court of chancery by petition or motion, in a summary way: provided, that if it shall afterwards appear that such money, or any part thereof, has been improperly paid into the bank, the court of chancery, upon petition, in a summary way may dispose thereof, and of the annuities purchased therewith, and the dividends received thereon, in such manner as justice shall require: provided that if it appear that the duty paid in respect of any such sum was more than ought to have been paid, the person or persons who paid such duty may apply to the said commissioners of stamps to repay such excess of duty; and such commissioners shall, upon such application, repay such excess to the person who shall appear to them entitled to receive the same, or pay such excess into the bank, with the privity of such accountant-general, for the benefit of the person entitled, there to be placed to the same account, and to be applied in the same manner as if paid together with the remainder of the legacy, or sum in respect of which the same shall have been paid; and such commissioners shall make such payments out of the monies in their hands, arising from duties imposed by this act; and if the duty paid to the commissioners appears to be less than the duty which ought to have been paid, the person who paid such money into the bank, upon payment of the full duty to the commissioners, as the same ought to be paid, with such penalties, if any, as ought to be paid in respect thereof, may apply to the court of chancery in a summary way, for the repayment of the further sum so paid to such commissioners, out of the money in the bank so paid in by such person, or the produce thereof, which payment such court shall order, *id.* s. 32.

557. Whenever any sum is paid into the bank of Eng. with the privity of the accountant-general of the court of chancery, in pursuance of 36 G. 3. c. 52. s. 32, *pl.* 556. the accountant's certificate of such payment shall be filed with the register of the said court in "The Report Office," in the same way as certificates of payment of money paid into the bank

with the privity of such accountant, in pursuance of an order of such court, are usually filed; and when such accountant has drawn any draft on the bank for the payment of such money in the usual form, for the purpose of applying the same in the purchase of 3 per cent. consols, in pursuance of 36 G. 3. c. 52. such draft shall be carried to the report office, and entered and signed by the register or one of his deputies, as drafts drawn by such accountant under an order of the court, are usually entered and signed; and such draft shall be a warrant to the bank to pay the money specified therein in the same way as the drafts of such accountant drawn, entered, and signed under an order of the court, are warrants to the bank to pay money in other cases; and such court shall make such orders as may be necessary to carry into execution the 36 G. 3. c. 52. and this act; and such orders may be made either in any particular matter or for general purposes, and shall be sufficient warrant to such accountant and to such register, and his deputies and officers, and to the bank and all other persons for all things to be done in pursuance thereof, 37 G. 3. c. 135.

558. If at the end of 2 years after the death of any person deceased, it shall appear to the commissioners of stamps that it will require time to collect the debts or effects of such person then outstanding, or that from circumstances it will be difficult to ascertain or adjust the amount of the clear residue of the personal estate of such person liable to duty, and the parties interested therein shall be desirous of compounding for the duty thereon, such parties respectively, with the consent of such commissioners, may make application to the court of exchequer at Westminster, if the deceased person resided in Eng. or elsewhere, except in Scot., and to the court of exchequer in Scot. if the deceased resided in Scot., for leave to compound such duty, stating upon oath the particulars of the personal estate for which such composition shall be proposed to be made, by affidavit filed in such court, and declaring at the same time upon oath, whether any other property of the deceased then outstanding, besides the property for which such composition shall be proposed to be made, hath come to the knowledge of such parties, and the nature thereof, and the circumstances attending the same; and in such case the court of exchequer in Eng. or Scot. shall appoint a proper person to set a value on the personal estate, or such part thereof for which no duty has been charged, and which shall be specified in such affidavit as the property for which such composition shall be desired, and to adjust and settle the duty which, equitably under all circumstances, ought to be paid in respect of such personal estate so specified; and thereupon such commissioners shall, if the court of exchequer to which such application shall be made, shall confirm such adjustment and settlement, and order the duty to be accepted accordingly, and by authority of such order accept payment of the sum so adjusted and settled, in full discharge of the duty on so much of such personal estate as shall be so specified, and according to such order, and enter the same in their books accordingly, and grant certificates thereof, expressing the receipt of such duty by way of composition under such order; and every such person to whom such certificate shall be granted, and every future representative of the same estate, and all persons entitled to the benefit of the property for which such composition shall be so paid, shall be discharged from any further duty on the same; and in all future payments of such property, the persons taking the burthen of the execution of any will or testamentary instrument disposing such property, or the administration thereof, may pay, apply, and dispose of the same, and all persons entitled to the benefit thereof receive the same, without having the receipts and discharges in writing, hereby required to be given and taken for the same, stamped as hereinbefore directed; provided such receipts or discharges shall express the same to be given under the authority of such composition, and not liable to duty: provided nevertheless, that the duty shall be charged and paid upon every part of the personal estate of such person deceased, other than that which shall be specified in such affidavit, and included in the valuation in which such composition shall have been made, and for which the court of exchequer shall allow and order such composition to be taken, as if no such composition had been made; and every person shall be liable to all the like penalties for not duly paying the duty for such personal estate not compounded for, and subject to the like rules, &c. for charging such duty as such person would be liable to if such composition had not been made, 36 G. 3. c. 52. s. 33.

559. If after payment of duty on any legacy, or residue, or part of residue, of the personal estate of any person deceased, any debt shall be recovered against the estate of such deceased person, or any loss shall happen, by reason whereof, or for any other just cause, any legatee or other person, by whom any legacy or part of legacy, or any residue of any personal estate hath been received or retained, shall be obliged to refund the same, or any part thereof, then the commissioners of stamps shall, on due proof made on oath, as in s. 30, *pl.* 554. aforesaid, of the amount of such funds refunded, and that by reason thereof there hath been an overpayment of duty, settle and adjust the amount of such over-payment, and repay the same out of the money in their

hands, arising from the duties by this act imposed, or to allow the in future payments, as the case may require, 56 G. 3. c. 52. s. 34.

560. Whenever any person taking the burthen of the execution of any will or testamentary instrument, or the administration of any personal estate, shall be entitled to any legacy, or the residue, or any part of the residue, of the personal estate of any testator, testatrix, or intestate, such person shall be chargeable whenever he shall be entitled, in the due course of administration, to retain to his own use any part of such estate, in satisfaction of such legacy, &c. and every such person, before any such retainer, shall transmit to the commissioners of stamps, or their officers, a note containing the particulars of such legacy, &c. intended to be retained, and the value thereof, and the duty which such person shall offer to pay thereon; and the commissioners shall assess the duty thereon, in such manner as the duty shall be chargeable thereon by virtue of the provisions in this act, (s. 22. *pl.* 546.) and such duty shall be paid accordingly; and on payment of the duty, the receiver-general of such duty, or officer receiving the same, shall, at the foot of a duplicate of the said assessment duly stamped, in such manner as the commissioners shall direct, give a receipt for such duty in such form as the commissioners shall direct, which receipt shall be a discharge for the duty expressed therein; and in case any such person shall neglect to pay such duty within 14 days after the same ought to have been paid, such person shall forfeit treble the value of the duty which ought to have been paid, *id.* s. 35.

561. All receipts and discharges whatsoever for legacies specific and pecuniary, and of any nature, and for all personal estate whatsoever, given or disposed of by will or testamentary instrument, whether by way of annuity or other particular bequest, or by way of residue, or share of residue, or otherwise howsoever, as well as on personal estate, distributable upon intestacy, (except such dispositions as shall be made by any will or testamentary instrument, with respect to which the duties imposed by 20 G. 3. c. 28., 23 G. 3. c. 58., 29 G. 3. c. 57., are hereby repealed), shall be deemed to be receipts and discharges for legacies within such former acts respectively; and every person to whom any such legacy, or any part of any such legacy, shall be due at the passing of this act, or who at the passing of this act shall be entitled to any residue, or any share or part of any residue, of any personal estate, under any such will or instrument, or upon intestacy, and also every person who shall become entitled to any legacy, &c. after the passing of this act, upon which no duty is imposed by this act, and upon which the duties imposed by such former acts remain in force and unrepealed, shall, upon receipt or other satisfaction or discharge of any such legacy, &c., sign and give a receipt or discharge in writing, duly stamped, as required by such former acts; and the person taking the burthen of the execution of any will or other testamentary instrument, or the administration of any personal estate, shall have the like powers to require such receipt, &c. in writing, and to retain the duty payable in respect thereof, and the person paying, or otherwise discharging, and the person receiving, or otherwise satisfied for such legacy, &c. shall be in like manner debtors for the duty imposed on such receipt or discharge in case of non-payment of such duty, and to the like penalties for enforcing due payment thereof, as by this act are provided with respect to the duties hereby imposed on legacies, &c. of persons dying after the passing of this act, *id.* s. 36.

562. If the authority under or by colour of which any person shall have administered the estate or effects of any person deceased, or any part thereof, shall be void, or be repealed, or declared void, and such person shall, before such avoidance, &c. have paid any duty hereby imposed, or any duty imposed by any of such former acts, which shall not be allowed to such person out of the estate or effects of such deceased person, by reason that the same was not really due, the money paid for such duty shall, on proof thereof to the commissioners of stamps, be repaid to the person who paid the same, or his representatives, by them, out of any monies in their hands arising from the duties imposed by this act, or such former acts; but in case such duty ought to have been paid by the rightful executors or administrators of such deceased person, then the payment of such duty shall be valid, notwithstanding such avoidance, &c. as aforesaid; and no such person shall, by reason of the avoidance, &c. of such authority, be sued or troubled in respect of such payment; but all such payments, in respect of the duty, shall be allowed in account with such rightful executors, or administrators, and the same shall be deemed payments in the due course of administration, as fully as if such payments had been made by rightful executors or administrators, *id.* s. 37.

563. Every person who upon any oath or affirmation before the commissioners of stamps, or commissioners of land-tax, or any person authorized by this act to administer any such oath or affirmation, shall wilfully and corruptly swear, affirm, or alledge any thing which shall be false, with intent to defraud H. M. of any of such duties, or to charge any person with any greater or other duty than such person ought to be

charged with, shall (being convicted) be liable to such pains and penalties as, by any law now in being, any person convicted of wilful perjury is liable to, 56 G. 3. c. 52. s. 58.

564. Every person who shall alter any word, letter, figure, or number, in any assessment or receipt to be made or given under this act, for any of such duties, after the same has been signed by the proper officer, according to this act, or shall utter or publish as true any such altered assessment or receipt, with intent to defraud H. M., or any other person, shall forfeit 500*l.*, *id.* s. 59.

565. Every person who shall counterfeit or forge, or procure to be counterfeited, &c. any stamp directed or allowed to be used or provided under this act, or shall counterfeit or resemble the impression of the same upon any vellum, &c. with intent to defraud H. M., or shall utter, vend, sell, or expose to sale, any vellum, &c. liable to such duty, with such counterfeit impression thereupon, knowing the same to be counterfeited, or shall privately or fraudulently use any stamp directed or allowed to be used by this act, with like intent, shall, on being thereof convicted, be adjudged a felon, and shall suffer death without benefit of clergy, *id.* s. 40. [See now, 52 G. 3. c. 143. s. 7., *pl.* 132.]

566. Every receipt or discharge for any legacy, or any part of any legacy, or for any residue, or part of residue, of any personal estate, which shall be duly stamped as required by this act, shall be free from all stamp duties imposed by such recited (in s. 1.) acts, or by any other act, upon receipts for money; and every such receipt, &c. which shall be duly stamped, as required by such recited acts, and upon which no new duty is imposed by this act, shall be also free from any stamp duty imposed by any other act, *id.* s. 41.

567. Powers of former acts relating to stamps to extend to this act, *id.* s. 42.

568. One moiety of all pecuniary penalties hereby imposed, where no other mode of prosecution is specially prescribed by this act, shall, if sued for within 3 calendar months from the time of any such penalty being incurred, be to H. M., and the other moiety, with full costs, to the person who shall sue for the same, and which shall be sued for in H. M.'s court of exchequer at Westminster, for offences committed in Eng., or in the court of exchequer in Scot., for offences committed in Scot., by action of debt, or information, &c. wherein no essoin, &c. shall be allowed; but nevertheless H. M.'s attorney-general in Eng., or advocate in Scot., in case it shall appear to his satisfaction that such penalty was incurred without any intention of fraud, may stop all further proceedings, by entering a *noli prosequi*, or otherwise, with respect as well to the share of such penalty claimed by such informer, as to the share belonging to H. M., *id.* s. 43. [See 44 G. 3. c. 98. s. 10. *pl.* 123.]

569. In default of prosecution within the time in s. 43. limited, no such penalty shall be afterwards recoverable, except in the name of H. M.'s attorney-general in Eng., and advocate in Scot., by information in the court of exchequer in Eng., or Scot. respectively, in which case the whole of such penalty shall belong to H. M.; and all penalties and shares of penalties incurred as aforesaid, belonging to H. M. shall be paid into the hands of the receiver-general of stamp duties; and in all cases where the whole of such pecuniary penalties shall be recovered to the use of H. M., such commissioners may cause such reward as they think fit, not exceeding one moiety of such penalty so recovered, after deducting all charges incurred in recovering the same, to be paid thereout amongst any persons who appear to them entitled thereto as informers, in respect of such penalties, *id.* s. 44.

570. Duties to be paid to the receiver-general of stamp duties, and by him paid into the exchequer, *id.* s. 45. [See now 55 G. 3. c. 185. s. 14.]

571. Exchequer to set apart a proportion of the duties for 10 years, and the remainder to be applied in defraying any increased charge occasioned by any loan of this session, and kept with other duties granted for the same purpose separate from other monies, *id.* s. 46. [See now 55 G. 3. c. 185. s. 14.]

572. Actions for any thing done in pursuance of this act, shall be commenced within 6 calendar months after the fact committed, and shall be brought in the county or place where the cause of action shall arise, and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance of this act, and if it shall appear to be so done, or if any such action shall be brought after the time limited, or in any other county, &c. than as aforesaid, then the jury shall find for the defendant; and if upon such verdict, or if the plaintiff shall become nonsuit, or discontinue his action, or if a verdict or judgment upon demurrer shall be given against him, the defendant shall recover treble costs, with the usual remedy to recover the same, *id.* s. 47.

573. Where any executor or administrator have not paid the duty payable on legacies, or any personal estate, or any share thereof, of any person dying intestate, in pursuance of 56 G. 3. c. 58., or any other legacy duty act, within a proper or reasonable time, the court of exchequer may, on application of the commissioners of stamps, on such affidavit

as such court shall think sufficient, grant a rule to shew cause why he or she should not deliver to such commissioners an account on oath of all legacies, or of the personal property, paid or to be paid or administered by him, her, or them, and why the duties on any such legacies or shares, or residue of any such personal estate, have not been, or should not be forthwith paid; and such court may make such rule absolute where it may appear proper so to do, 42 G. 3. c. 99. s. 2.

574. The legacies of *A. Morris Storer*, Esq. of books, &c. to *Eton College*, and of *S. Whitbread*, Esq. of 8000*l.* for a public hospital at *Bedford*, exempted from duty, *id.* s. 4.

575. FOR EXEMPTING CERTAIN SPECIFIC LEGACIES WHICH shall be given to bodies corporate, or other public bodies, from the payment of the duty, and also the legacy of books, and other articles given by the will of the late *Rev. Clayton, M. Cracherode* to the trustees of the *British Museum*, 39 G. 3. c. 75. [See 42 G. 3. c. 99. s. 4. *ante*, pl. 574. and 55 G. 3. c. 184. *Sch.* Part III. *tit. Legacy*.]

576. No legacy consisting of books, prints, pictures, statues, gems, coins, medals, specimens of natural history, or other specific articles which shall be given or bequeathed to or in trust for any body corporate, whether aggregate or sole, or to the society of *Sergeants' Inn*, or to any of the inns of courts or chancery, or any endowed schools, in order to be kept and preserved by such corporate society or school, and not for the purposes of sale, shall be liable to any duty imposed on legacies by any law now in force, *id.* s. 1.

577. Legacy of *Mr. Cracherode* to the *British Museum*, exempted from such duty, *id.* s. 2.

578. FOR THE BETTER COLLECTION OF THE DUTIES on legacies arising from real or heritable property, 45 G. 3. c. 28. [This title is framed from the purport of this act.]

579. Duties imposed on legacies to children, and also on legacies out of real estates, *id.* s. 1. [See the present duties, 55 G. 3. c. 84. *Sch.* Part III.] Saving for legacies paid out of the estates of persons dying before 5th April 1805., *id.* s. 2. *Exp.* Nothing herein shall charge with any of the duties hereby granted any legacy or residue or share of residue given or passed to or for the benefit of the husband or wife of the deceased, or to or for the benefit of any of the royal family, 45 G. 3. c. 28. s. 3.

580. Every gift by any will or testamentary instrument which by virtue of such instrument, shall have effect, or be satisfied out of the personal estate of the person dying, or out of any personal estate which he has power to dispose of as he thinks fit, or which shall have been charged on any real estate, or directed to be satisfied out of any monies to arise by the sale of any real estate of the person so dying, or which he may have power to dispose, whether the same is given by way of annuity, or in any other form, shall be deemed a legacy within this act, provided nothing herein shall charge with any duty any specific sum, or any share thereof, charged by any marriage settlement or deed on any real estate, in any case in which such specific sum is appointed to be apportioned by any will or testamentary instrument under any power given for that purpose, by such settlement or deed, *id.* s. 4.

581. The duties hereby granted upon legacies, or made payable out of any real estate, or out of any monies to arise by the sale of any real estate, or upon residues or shares of residues of any such monies, shall be accounted for and paid by the trustees, to whom the real estate shall be devised, out of which the legacy or share of any money arising out of the sale, mortgage, or other disposition of such real estate shall be paid; or if no trustees, then by the persons entitled to real estates, subject to such legacy, or by the persons required to pay such legacy; and such duties shall be retained by the person paying such legacy, in like manner and according to such rules, &c., and subject to such penalties where applicable, as in 36 G. 3. c. 52. contained, *id.* s. 5.

582. Duties to be under the commissioners of stamps, *id.* s. 6.

583. The duties on legacies granted by 44 G. 3. c. 98., and this act, shall be raised and paid under the provisions of the 36 G. 3. c. 52., and all the provisions, penalties and things in such act contained, in relation to legacies out of personal estates, or to the collecting any duties thereon, or valuation of any annuities or periods of paying the duties by instalments or otherwise, shall in all cases not expressly provided for by this act, extend to legacies, annuities, and shares of money arising out of any real estate, and all directions, penalties, &c. in such act, as to executors and administrators shall be applied to all trustees and owners of real estates chargeable with legacies, &c. or out of which, or any money to arise therefrom, against any such legacies, &c. shall be to be satisfied, *id.* s. 7.

584. If any person shall counterfeit or forge, or cause to be counterfeited, &c. any stamp directed to be used under this act, for the denoting the duties hereby granted, or shall counterfeit or resemble the impression of the same, with intent to defraud H. M., or shall utter, vend or sell any vellum, &c. liable to any duty by this act imposed, with such counterfeit stamp thereon, knowing the same to be counterfeit, or shall privately or fraudulently use any stamp directed to be used by this

act, with intent to defraud H. M., such person shall be guilty of felony, and suffer death without clergy, 45 G. 3. c. 28. s. 8. [See 55 G. 3. c. 184. s. 7. pl. 152.]

585. The powers of 36 G. 3. c. 52., and any other stamp act, not hereby altered, shall be applied to this act, *id.* s. 9. Duties to be paid to receiver-general, and go to the consolidated fund, *id.* s. 10. Separate accounts to be kept, 45 G. 3. c. 28. s. 11.

586. Actions brought for any thing done under this act, shall be commenced within 6 calendar months after the fact committed, and be laid in the county where the cause arose, and the defendant thereon may plead the general issue, and give this act and special matter in evidence, and that the same was done in pursuance hereof, and if it shall so appear, or if it is brought after the time limited, or is laid in the wrong county, the jury shall find for the defendant, and upon such verdict, or if the plaintiff is nonsuited or discontinues, or has a verdict or judgment or demurrer against him, the defendant shall have treble costs, with usual remedy to recover the same, *id.* s. 12.

THE SCHEDULE to which the Act 36 G. 3. c. 52. refers. See s. 8. pl. 532.

FORM to be used by the commissioners of stamp duties, in providing blank forms for receipts and discharges given under this act.

Stamp Office.

On account of the personal estate of — deceased, between — taking the administration of the said estate, and — legatee [or, next of kin, as the case may be.]

Amount of the sum [or value, if not in money] accounted for

Duty allowed at the rate of — per centum

Balance received

£.	s.	d.

RECEIVED the — day of — the above balance in [full, or part, as the case may be] of my [legacy, or share, as the case may be] out of the personal estate above mentioned.

Signed

TABLE I. of 36 G. 3. c. 32. see s. 8. pl. 532. The values of an annuity of 100*l.* per annum, held on a single life, and payable yearly.

Years of age.	Values.	Years of age.	Values.	Years of age.	Values.
Birth	£. s.	Birth	£. s.	Birth	£. s.
1	1,092 14	31	1,463 18	61	879 10
2	1,346 10	32	1,449 10	62	854 14
3	1,563 6	33	1,434 14	63	829 2
4	1,646 4	34	1,419 10	64	803 0
5	1,701 0	35	1,403 18	65	776 2
6	1,724 16	36	1,388 0	66	748 16
7	1,748 4	37	1,371 12	67	721 2
8	1,761 2	38	1,354 16	68	693 0
9	1,766 4	39	1,337 10	69	664 14
10	1,762 10	40	1,319 14	70	636 2
11	1,752 6	41	1,301 16	71	607 10
12	1,739 6	42	1,283 16	72	579 0
13	1,725 2	43	1,265 14	73	550 14
14	1,710 6	44	1,247 4	74	523 0
15	1,695 0	45	1,228 6	75	496 4
16	1,679 2	46	1,208 18	76	471 0
17	1,662 10	47	1,189 0	77	445 14
18	1,646 4	48	1,168 10	78	419 14
19	1,630 18	49	1,147 10	79	392 2
20	1,616 14	50	1,126 8	80	364 6
21	1,603 6	51	1,105 14	81	337 14
22	1,591 4	52	1,084 18	82	312 4
23	1,579 14	53	1,063 14	83	288 14
24	1,568 0	54	1,042 2	84	270 16
25	1,556 0	55	1,020 2	85	254 6
26	1,543 16	56	997 14	86	239 6
27	1,531 4	57	974 18	87	225 2
28	1,518 8	58	951 12	88	212 2
29	1,505 6	59	928 0	89	199 14
30	1,491 16	60	908 18	90	175 16

TABLE II. of 36 G. S. c. 52. [See s. 8.]

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
				£. s.						£. s.						£. s.						£. s.						£. s.	
90	90	92	4	90	14	172	4	89	28	189	0	88	41	201	5	87	53	205	12	86	64	206	6	85	68	207	14	84	72
90	89	94	17	90	13	172	5	89	27	189	3	88	40	201	11	87	52	206	6	86	63	207	14	85	67	207	14	84	71
90	88	97	10	90	12	172	7	89	26	189	5	88	39	201	18	87	51	206	18	86	62	209	2	85	66	209	2	84	70
90	87	100	3	90	11	172	8	89	25	189	8	88	38	202	4	87	50	207	10	86	61	210	10	85	65	210	10	84	69
90	86	102	16	90	10	172	9	89	24	189	10	88	37	202	8	87	49	208	2	86	60	211	9	85	64	211	9	84	68
90	85	105	8	90	9	172	4	89	23	189	13	88	36	202	13	87	48	208	14	86	59	212	8	85	63	212	8	84	67
90	84	109	17	90	8	171	10	89	22	189	17	88	35	202	17	87	47	209	6	86	58	213	7	85	62	213	7	84	66
90	83	114	7	90	7	170	5	89	21	190	0	88	34	203	2	87	46	209	14	86	57	214	6	85	61	214	6	84	65
90	82	118	16	90	6	168	15	89	20	190	4	88	33	203	6	87	45	210	2	86	56	215	6	85	60	215	6	84	64
90	81	123	6	90	5	166	17	89	19	190	8	88	32	203	9	87	44	210	10	86	55	216	0	85	59	216	0	84	63
90	80	127	16	90	4	165	13	89	18	190	16	88	31	203	12	87	43	210	18	86	54	216	14	85	58	216	14	84	62
90	79	130	10	90	3	161	17	89	17	191	4	88	30	203	15	87	42	211	6	86	53	217	8	85	57	217	8	84	61
90	78	133	4	90	2	156	10	89	16	191	12	88	29	203	18	87	41	211	13	86	52	218	2	85	56	218	2	84	60
90	77	135	18	90	1	138	19	89	15	192	0	88	28	204	2	87	40	212	0	86	51	218	16	85	55	218	16	84	59
90	76	138	12					89	14	192	8	88	27	204	5	87	39	212	7	86	50	219	9	85	54	219	9	84	58
90	75	141	6	89	89	101	10	89	13	192	10	88	26	204	8	87	38	212	14	86	49	220	2	85	53	220	2	84	57
90	74	143	7	89	88	104	9	89	12	192	12	88	25	204	11	87	37	213	0	86	48	220	15	85	52	220	15	84	56
90	73	145	8	89	87	107	9	89	11	192	13	88	24	204	14	87	36	213	5	86	47	221	8	85	51	221	8	84	55
90	72	147	9	89	86	110	8	89	10	192	12	88	23	204	16	87	35	213	10	86	46	222	2	85	50	222	2	84	54
90	71	149	10	89	85	113	8	89	9	192	7	88	22	205	1	87	34	213	15	86	45	222	10	85	49	222	10	84	53
90	70	151	10	89	84	116	8	89	8	191	10	88	21	205	6	87	33	214	0	86	44	222	18	85	48	222	18	84	52
90	69	152	14	89	83	121	13	89	7	190	2	88	20	205	11	87	32	214	4	86	43	223	6	85	47	223	6	84	51
90	68	153	18	89	82	126	18	89	6	188	7	88	19	205	16	87	31	214	7	86	42	223	14	85	46	223	14	84	50
90	67	155	2	89	81	132	3	89	5	186	2	88	18	206	2	87	30	214	11	86	41	224	2	85	45	224	2	84	49
90	66	156	6	89	80	137	8	89	4	184	11	88	17	206	10	87	29	214	14	86	40	224	9	85	44	224	9	84	48
90	65	157	10	89	79	142	14	89	3	180	3	88	16	206	18	87	28	214	18	86	39	224	17	85	43	224	17	84	47
90	64	158	3	89	78	145	11	89	2	173	19	88	15	207	6	87	27	215	2	86	38	225	4	85	42	225	4	84	46
90	63	158	16	89	77	148	8	89	1	154	1	88	14	207	14	87	26	215	5	86	37	225	12	85	41	225	12	84	45
90	62	159	9	89	76	151	5					88	13	208	2	87	25	215	8	86	36	226	0	85	40	226	0	84	44
90	61	160	2	89	75	154	2	88	88	103	0	88	12	208	4	87	24	215	11	86	35	226	5	85	39	226	5	84	43
90	60	160	16	89	74	157	0	88	87	107	11	88	11	208	6	87	23	215	14	86	34	226	10	85	38	226	10	84	42
90	59	161	6	89	73	159	6	88	86	112	3	88	10	208	5	87	22	215	16	86	33	226	15	85	37	226	15	84	41
90	58	161	16	89	72	161	12	88	85	116	14	88	9	207	19	87	21	216	3	86	32	227	0	85	36	227	0	84	40
90	57	162	6	89	71	163	18	88	84	121	6	88	8	207	2	87	20	216	11	86	31	227	4	85	35	227	4	84	39
90	56	162	16	89	70	166	4	88	83	125	18	88	7	205	10	87	19	216	18	86	30	227	8	85	34	227	8	84	38
90	55	163	6	89	69	168	10	88	82	131	13	88	6	203	11	87	18	217	6	86	29	227	12	85	33	227	12	84	37
90	54	163	13	89	68	169	16	88	81	137	8	88	5	201	0	87	17	217	14	86	28	227	16	85	32	227	16	84	36
90	53	164	1	89	67	171	3	88	80	143	3	88	4	199	4	87	16	218	1	86	27	228	0	85	31	228	0	84	35
90	52	164	8	89	66	172	9	88	79	148	18	88	3	194	6	87	15	218	8	86	26	228	4	85	30	228	4	84	34
90	51	164	16	89	65	173	16	88	78	154	12	88	2	187	7	87	14	218	15	86	25	228	7	85	29	228	7	84	33
90	50	165	2	89	64	175	2	88	77	157	12	88	1	165	13	87	13	219	2	86	24	228	10	85	28	228	10	84	32
90	49	165	9	89	63	175	17	88	76	160	13					87	12	219	10	86	23	228	13	85	27	228	13	84	31
90	48	165	16	89	62	176	12	88	75	163	13	87	87	112	8	87	11	219	12	86	22	228	16	85	26	228	16	84	30
90	47	166	3	89	61	177	7	88	74	166	14	87	86	117	1	87	10	219	12	86	21	229	0	85	25	229	0	84	29
90	46	166	10	89	60	178	2	88	73	169	14	87	85	121	14	87	9	219	12	86	20	229	10	85	24	229	10	84	28
90	45	166	16	89	59	178	16	88	72	172	2	87	84	126	7	87	8	218	8	86	19	230	0	85	23	230	0	84	27
90	44	167	0	89	58	179	7	88	71	174	10	87	83	131	0	87	7	216	14	86	18	230	10	85	22	230	10	84	26
90	43	167	5	89	57	179	19	88	70	176	18	87	82	135	12	87	6	214	12	86	17	231	0	85	21	231	0	84	25
90	42	167	9	89	56	180	10	88	69	179	6	87	81	141	3	87	5	211	16	86	16	231	10	85	20	231	10	84	24
90	41	167	14	89	55	181	2	88	68	181	14	87	80	146	14	87	4	209	16	86	15	231	16	85	19	231	16	84	23
90	40	167	18	89	54	181	14	88	67	183	1	87	79	152	5	87	3	204	10	86	14	232	2	85	18	232	2	84	22
90	39	168	1	89	53	182	3	88	66	184	9	87	78	157	16	87	2	197	0	86	13	232	8	85	17	232	8	84	21
90	38	168	5	89	52	182	12	88	65	185	16	87	77	163	6	87	1	173	19	86	12	232	14	85	16	232	14	84	20
90	37	168	8	89	51	183	1	88	64	187	4	87	76	166	10					86	11	233	1	85	15	233	1	84	19
90	36	168	12	89	50	183	10	88	63	188	12	87	75	169	15	86	86	119	10	86	10	233	1	85	14	233	1	84	18
90	35	168	16	89	49	184	0	88	62	189	9	87	74	172	19	86	85	125	3	86	9	232	16	8					

TABLE II. of 36 G.3: c. 52. — continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.	£	s.
85	74	189	6	84	82	153	5	84	5	253	9	83	12	279	4	82	18	298	2	81	23	318	18	84	84	189	14	84	6
85	73	193	1	84	81	160	10	84	4	250	15	83	11	279	1	82	17	298	14	81	22	319	4	84	83	193	1	84	7
85	72	196	15	84	80	167	16	84	3	244	2	83	10	278	17	82	16	299	7	81	21	319	10	84	82	196	15	84	8
85	71	200	9	84	79	175	2	84	2	234	14	83	9	278	13	82	15	300	0	81	20	320	6	84	81	200	9	84	9
85	70	204	4	84	78	179	18	84	1	206	12	83	8	278	10	82	14	300	13	81	19	321	2	84	80	204	4	84	10
85	69	206	12	84	77	184	14					83	7	276	6	82	13	301	6	81	18	321	18	84	79	206	12	84	11
85	68	209	1	84	76	189	10	83	83	151	0	83	6	273	10	82	12	302	0	81	17	322	14	84	78	209	1	84	12
85	67	211	9	84	75	194	6	83	82	158	15	83	5	269	14	82	11	301	5	81	16	323	10	84	77	211	9	84	13
85	66	213	18	84	74	199	2	83	81	166	11	83	4	266	15	82	10	300	10	81	15	324	1	84	76	213	18	84	14
85	65	216	6	84	73	202	19	83	80	174	6	83	3	259	12	82	9	299	15	81	14	324	13	84	75	216	6	84	15
85	64	217	14	84	72	206	16	83	79	182	2	83	2	249	8	82	8	299	0	81	13	325	4	84	74	217	14	84	16
85	63	219	3	84	71	210	13	83	78	189	18	83	1	219	8	82	7	298	7	81	12	325	16	84	73	219	3	84	17
85	62	220	11	84	70	214	10	83	77	194	15					82	6	295	5	81	11	326	8	84	72	220	11	84	18
85	61	222	0	84	69	218	6	83	76	199	12	82	82	168	2	82	5	291	2	81	10	324	18	84	71	222	0	84	19
85	60	223	8	84	68	220	15	83	75	204	9	82	81	176	0	82	4	287	16	81	9	323	8	84	70	223	8	84	20
85	59	224	8	84	67	223	4	83	74	209	6	82	80	183	19	82	3	280	0	81	8	321	18	84	69	224	8	84	21
85	58	225	8	84	66	225	13	83	73	214	2	82	79	191	17	82	2	268	18	81	7	320	8	84	68	225	8	84	22
85	57	226	8	84	65	228	2	83	72	218	0	82	78	199	16	82	1	236	6	81	6	318	18	84	67	226	8	84	23
85	56	227	8	84	64	230	10	83	71	221	18	82	77	207	14					81	5	314	7	84	66	227	8	84	24
85	55	228	8	84	63	231	18	83	70	225	16	82	76	212	17	81	81	186	18	81	4	310	14	84	65	228	8	84	25
85	54	229	3	84	62	233	7	83	69	229	14	82	75	218	0	81	80	194	13	81	3	302	2	84	64	229	3	84	26
85	53	229	18	84	61	234	15	83	68	233	12	82	74	223	3	81	79	202	9	81	2	289	18	84	63	229	18	84	27
85	52	230	13	84	60	236	4	83	67	236	0	82	73	228	8	81	78	210	4	81	1	254	10	84	62	230	13	84	28
85	51	231	8	84	59	237	12	83	66	238	9	82	72	233	8	81	77	218	0					80	80	231	8	84	29
85	50	232	4	84	58	238	13	83	65	240	17	82	71	237	7	81	76	225	16	80	79	206	16	80	79	232	4	84	30
85	49	232	17	84	57	239	14	83	64	243	6	82	70	241	7	81	75	231	9	80	78	222	0	80	78	232	17	84	31
85	48	233	11	84	56	240	15	83	63	245	14	82	69	245	6	81	74	237	3	80	77	229	12	80	77	233	11	84	32
85	47	234	4	84	55	241	16	83	62	247	3	82	68	249	6	81	73	242	16	80	76	229	12	80	76	234	4	84	33
85	46	234	18	84	54	242	16	83	61	248	12	82	67	253	6	81	72	248	10	80	75	227	4	80	75	234	18	84	34
85	45	235	12	84	53	243	13	83	60	250	1	82	66	255	15	81	71	254	4	80	74	224	16	80	74	235	12	84	35
85	44	236	1	84	52	244	10	83	59	251	10	82	65	258	4	81	70	258	5	80	73	225	3	80	73	236	1	84	36
85	43	236	10	84	51	245	7	83	58	253	0	82	64	260	13	81	69	262	7	80	72	226	6	80	72	236	10	84	37
85	42	236	19	84	50	246	4	83	57	254	2	82	63	263	2	81	68	266	8	80	71	226	3	80	71	237	19	84	38
85	41	237	8	84	49	247	0	83	56	255	4	82	62	265	12	81	67	270	10	80	70	227	10	80	70	237	8	84	39
85	40	237	18	84	48	247	14	83	55	256	6	82	61	267	3	81	66	274	12	80	69	227	14	80	69	237	18	84	40
85	39	238	5	84	47	248	8	83	54	257	8	82	60	268	14	81	65	277	1	80	68	227	17	80	68	238	5	84	41
85	38	238	13	84	46	249	2	83	53	258	10	82	59	270	5	81	64	279	11	80	67	228	0	80	67	238	13	84	42
85	37	239	0	84	45	249	16	83	52	259	9	82	58	271	16	81	63	282	0	80	66	228	3	80	66	239	0	84	43
85	36	239	8	84	44	250	10	83	51	260	8	82	57	273	6	81	62	284	10	80	65	228	6	80	65	239	8	84	44
85	35	239	16	84	43	251	0	83	50	261	7	82	56	274	9	81	61	287	0	80	64	229	6	80	64	239	16	84	45
85	34	240	1	84	42	251	10	83	49	262	6	82	55	275	13	81	60	288	13	80	63	229	1	80	63	240	1	84	46
85	33	240	6	84	41	252	0	83	48	263	4	82	54	276	16	81	59	290	6	80	62	230	3	80	62	240	6	84	47
85	32	240	11	84	40	252	10	83	47	263	17	82	53	278	0	81	58	291	19	80	61	230	3	80	61	240	11	84	48
85	31	240	16	84	39	253	0	83	46	264	11	82	52	279	4	81	57	293	12	80	60	230	14	80	60	240	16	84	49
85	30	241	2	84	38	253	7	83	45	265	4	82	51	280	4	81	56	295	6	80	59	231	8	80	59	241	2	84	50
85	29	241	6	84	37	253	15	83	44	265	18	82	50	281	5	81	55	296	11	80	58	231	19	80	58	241	6	84	51
85	28	241	10	84	36	254	2	83	43	266	12	82	49	282	5	81	54	297	16	80	57	232	14	80	57	241	10	84	52
85	27	241	14	84	35	254	10	83	42	267	3	82	48	283	6	81	53	299	1	80	56	232	17	80	56	241	14	84	53
85	26	241	18	84	34	254	18	83	41	267	14	82	47	284	6	81	52	300	6	80	55	233	2	80	55	241	18	84	54
85	25	242	2	84	33	255	3	83	40	268	5	82	46	285	0	81	51	301	10	80	54	233	5	80	54	242	2	84	55
85	24	242	6	84	32	255	9	83	39	268	16	82	45	285	14	81	50	302	13	80	53	234	9	80	53	242	6	84	56
85	23	242	10	84	31	255	14	83	38	269	8	82	44	286	8	81	49	303	16	80	52	234	12	80	52	242	10	84	57
85	22	242	14	84	30	256	0	83	37	269	15	82	43	287	2	81	48	304	19	80	51	235	1	80	51	242	14	84	58
85	21	242	18	84	29	256	6	83	36	270	3	82	42	287	16	81	47	306	2	80	50	235	4	80	50	242	18	84	59
85	20	243	2	84	28	256	10	83	35	270	10	82	41	288	8	81	46	307	4	80	49	235	7	80	49	243	2	84	60
85	19	243	14	84	27	256	15	83	34	270	18	8																	

TABLE II. of 36 G. S. c. 52. — continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.			
£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.		
80	27	341	14	79	30	365	8	78	32	388	13	77	33	410	6	76	33	431	18	75	32	454	1	74	31	477	9	73	30	499	1
80	26	342	2	79	29	365	18	78	31	389	4	77	32	411	2	76	32	432	14	75	31	454	18	74	30	478	1	73	29	498	1
80	25	342	10	79	28	366	6	78	30	389	15	77	31	411	13	76	31	433	10	75	30	455	14	74	29	479	1	73	28	499	1
80	24	342	17	79	27	366	14	78	29	390	6	77	30	412	5	76	30	434	2	75	29	456	7	74	28	480	1	73	27	500	1
80	23	343	4	79	26	367	2	78	28	390	16	77	29	412	16	76	29	434	14	75	28	457	0	74	27	481	1	73	26	501	1
80	22	343	11	79	25	367	10	78	27	391	5	77	28	413	8	76	28	435	6	75	27	457	13	74	26	482	1	73	25	502	1
80	21	343	18	79	24	367	18	78	26	391	14	77	27	414	0	76	27	435	18	75	26	458	6	74	25	483	1	73	24	503	1
80	20	344	6	79	23	368	8	78	25	392	3	77	26	414	9	76	26	436	10	75	25	458	18	74	24	484	1	73	23	504	1
80	19	345	5	79	22	368	18	78	24	392	12	77	25	414	19	76	25	437	0	75	24	459	10	74	23	485	1	73	22	505	1
80	18	346	5	79	21	369	8	78	23	393	0	77	24	415	8	76	24	437	11	75	23	460	2	74	22	486	1	73	21	506	1
80	17	347	4	79	20	369	18	78	22	393	13	77	23	415	18	76	23	438	1	75	22	460	14	74	21	487	1	73	20	507	1
80	16	348	4	79	19	370	8	78	21	394	7	77	22	416	8	76	22	438	12	75	21	461	6	74	20	488	1	73	19	508	1
80	15	349	4	79	18	371	10	78	20	395	0	77	21	417	6	76	21	439	2	75	20	461	18	74	19	489	1	73	18	509	1
80	14	349	14	79	17	372	12	78	19	395	14	77	20	418	5	76	20	440	6	75	19	463	8	74	18	490	1	73	17	510	1
80	13	350	4	79	16	373	14	78	18	396	8	77	19	419	3	76	19	441	11	75	18	464	19	74	17	491	1	73	16	511	1
80	12	350	14	79	15	374	16	78	17	397	11	77	18	420	2	76	18	442	15	75	17	466	9	74	16	492	1	73	15	512	1
80	11	351	4	79	14	375	18	78	16	398	14	77	17	421	0	76	17	443	0	75	16	468	0	74	15	493	1	73	14	513	1
80	10	351	14	79	13	376	4	78	15	399	17	77	16	422	3	76	16	445	4	75	15	469	10	74	14	494	1	73	13	514	1
80	9	351	8	79	12	376	11	78	14	401	0	77	15	423	6	76	15	445	18	75	14	470	2	74	13	495	1	73	12	515	1
80	8	349	19	79	11	376	17	78	13	402	4	77	14	424	9	76	14	446	12	75	13	470	14	74	12	496	1	73	11	516	1
80	7	347	2	79	10	377	3	78	12	402	1	77	13	425	13	76	13	447	6	75	12	471	6	74	11	497	1	73	10	517	1
80	6	343	8	79	9	377	10	78	11	401	19	77	12	426	16	76	12	448	0	75	11	471	18	74	10	498	1	73	9	518	1
80	5	338	8	79	8	375	19	78	10	401	16	77	11	425	17	76	11	448	14	75	10	472	10	74	9	499	1	73	8	519	1
80	4	334	7	79	7	372	18	78	9	401	14	77	10	424	19	76	10	447	0	75	9	469	3	74	8	500	1	73	7	520	1
80	3	324	19	79	6	368	17	78	8	401	12	77	9	424	1	76	9	445	7	75	8	465	16	74	7	501	1	73	6	521	1
80	2	311	13	79	5	363	9	78	7	398	8	77	8	423	2	76	8	443	13	75	7	462	9	74	6	502	1	73	5	522	1
80	1	272	15	79	4	358	18	78	6	394	1	77	7	422	4	76	7	442	0	75	6	459	2	74	5	503	1	73	4	523	1
				79	3	348	14	78	5	388	2	77	6	417	11	76	6	440	6	75	5	455	14	74	4	504	1	73	3	524	1
79	79	227	2	79	2	333	12	78	4	383	3	77	5	411	4	76	5	432	4	75	4	449	18	74	3	505	1	73	2	525	1
79	78	234	17	79	1	292	14	78	3	372	1	77	4	405	16	76	4	427	2	75	3	437	12	74	2	506	1	73	1	526	1
79	77	242	12					78	2	356	11	77	3	393	18	76	3	415	14	75	2	418	14	74	1	507	1	73		527	1
79	76	250	7					78	1	311	8	77	2	376	19	76	2	397	16	75	1	364	18	74		508	1	73		528	1
79	75	258	2	78	78	247	0																								
79	74	265	18	78	77	254	19	77	77	265	12	77	1	329	13	76	1	346	12												
79	73	272	6	78	76	262	19	77	76	273	17	76	76	283	6	75	75	301	10	74	74	321	2	73	73	330	11	72	72	340	0
79	72	278	14	78	75	270	18	77	75	282	3	76	75	292	1	75	74	310	12	74	73	340	9	73	72	349	0	72	71	358	18
79	71	285	2	78	74	278	18	77	74	290	8	76	74	300	16	75	73	319	15	74	71	349	9	73	70	358	18	72	70	368	6
79	70	291	10	78	73	286	18	77	73	298	14	76	73	309	11	75	72	328	17	74	70	358	18	73	69	368	6	72	69	377	0
79	69	297	18	78	72	293	10	77	72	307	0	76	72	318	6	75	71	338	0	74	69	368	6	73	68	377	0	72	68	386	15
79	68	302	3	78	71	300	2	77	71	313	14	76	71	327	0	75	70	347	2	74	68	375	0	73	67	381	15	72	67	390	9
79	67	306	8	78	70	306	14	77	70	320	8	76	70	333	14	75	69	353	16	74	67	381	15	73	66	388	9	72	66	399	4
79	66	310	13	78	69	313	6	77	69	327	2	76	69	340	9	75	68	360	10	74	66	388	9	73	65	395	4	72	65	408	18
79	65	314	18	78	68	319	18	77	68	333	16	76	68	347	3	75	67	367	4	74	65	395	4	73	64	401	18	72	64	415	14
79	64	319	4	78	67	324	4	77	67	340	10	76	67	353	18	75	66	373	18	74	64	401	18	73	63	406	4	72	63	420	10
79	63	321	16	78	66	328	10	77	66	344	16	76	66	360	12	75	65	380	12	74	63	406	4	73	62	410	10	72	62	425	19
79	62	324	8	78	65	332	16	77	65	349	3	76	65	364	18	75	64	384	18	74	62	410	10	73	61	414	16	72	61	430	14
79	61	327	0	78	64	337	2	77	64	353	9	76	64	369	4	75	63	389	4	74	61	414	16	73	60	419	2	72	60	435	18
79	60	329	12	78	63	341	8	77	63	357	16	76	63	373	10	75	62	393	10	74	60	419	2	73	59	423	8	72	59	440	14
79	59	332	4	78	62	344	2	77	62	362	2	76	62	377	16	75	61	397	16	74	59	423	8	73	58	429	12	72	58	445	14
79	58	334	1	78	61	346	16	77	61	364	18	76	61	382	2	75	60	402	2	74	58	426	10	73	57	432	14	72	57	450	18
79	57	335	19	78	60	349	10	77	60	367	14	76	60	385	0	75	59	405	2	74	57	429	12	73	56	435	16	72	56	455	14
79	56	337	14	78	59	352	4	77	59	370	10	76	59	387	18	75	58	408	2	74	56	432	14	73	55	440	18	72	55	460	18
79	55	339	12	78	58	354	18	77	58	373	6	76	58	390	16	75	57	411													

TABLE II. of 36 G.3. c. 52. — continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
				£. s.						£. s.						£. s.						£. s.	
74	30	478	6	73	27	504	6	72	23	531	6	71	18	562	9	70	12	597	16	69	5	600	14
74	29	479	4	73	26	505	1	72	22	532	2	71	17	564	4	70	11	599	6	69	4	592	8
74	28	479	18	73	25	505	15	72	21	533	9	71	16	566	0	70	10	600	16	69	3	573	8
74	27	480	12	73	24	506	10	72	20	534	16	71	15	567	13	70	9	596	16	69	2	546	6
74	26	481	6	73	23	507	4	72	19	536	3	71	14	569	7	70	8	597	12	69	1	464	16
74	25	482	0	73	22	508	4	72	18	537	10	71	13	571	0	70	7	592	8				
74	24	482	14	73	21	509	5	72	17	538	18	71	12	572	14	70	6	584	18	68	68	453	14
74	23	483	9	73	20	510	5	72	16	540	13	71	11	574	8	70	5	576	16	68	67	463	6
74	22	484	5	73	19	511	6	72	15	542	9	71	10	571	14	70	4	568	8	68	66	472	18
74	21	485	0	73	18	512	6	72	14	544	4	71	9	569	1	70	3	550	6	68	65	482	10
74	20	485	16	73	17	514	1	72	13	546	0	71	8	566	7	70	2	525	14	68	64	492	2
74	19	486	12	73	16	516	17	72	12	547	16	71	7	563	13	70	1	457	12	68	63	501	14
74	18	488	5	73	15	517	12	72	11	546	12	71	6	561	0					68	62	508	3
74	17	489	19	73	14	519	8	72	10	545	8	71	5	552	12	69	69	431	4	68	61	514	13
74	16	491	12	73	13	521	4	72	9	544	4	71	4	544	10	69	68	440	18	68	60	521	2
74	15	493	6	73	12	521	1	72	8	543	0	71	3	527	6	69	67	450	13	68	59	527	12
74	14	495	0	73	11	520	18	72	7	541	16	71	2	503	0	69	66	460	7	68	58	534	2
74	13	495	7	73	0	520	15	72	6	534	18	71	1	438	0	69	65	470	2	68	57	533	17
74	12	495	15	73	9	520	12	72	5	528	8					69	64	479	16	68	56	543	13
74	11	496	2	73	8	520	8	72	4	520	12	70	70	408	14	69	63	486	5	68	55	548	8
74	10	496	10	73	7	517	18	72	3	504	4	70	69	418	8	69	62	492	14	68	54	553	4
74	9	496	18	73	6	512	16	72	2	481	8	70	68	428	3	69	61	499	3	68	53	558	0
74	8	496	12	73	5	504	2	72	1	419	14	70	67	437	17	69	60	505	12	68	52	561	17
74	7	494	0	73	4	496	12					70	66	447	12	69	59	512	2	68	51	565	15
74	6	487	14	73	3	481	2	71	71	386	4	70	65	457	6	69	58	516	16	68	50	569	12
74	5	479	18	73	2	460	10	71	70	395	19	70	64	463	17	69	57	521	11	68	49	573	10
74	4	472	12	73	1	401	10	71	69	405	14	70	63	470	8	69	56	526	5	68	48	577	8
74	3	459	6					71	68	415	9	70	62	476	19	69	55	531	0	68	47	580	10
74	2	439	12					71	67	425	4	70	61	483	10	69	54	535	14	68	46	583	12
74	1	383	4					71	66	434	18	70	60	490	0	69	53	539	7	68	45	586	14
73	73	342	2	72	72	363	18	71	65	441	10	70	59	494	13	69	52	543	1	68	44	589	16
73	72	351	14	72	69	393	0	71	64	448	2	70	58	499	6	69	51	546	14	68	43	592	18
73	71	361	6	72	68	402	14	71	63	454	14	70	57	503	19	69	50	550	8	68	42	595	7
73	70	370	18	72	67	412	8	71	62	461	6	70	56	508	12	69	49	554	2	68	41	597	16
73	69	380	10	72	66	419	1	71	61	467	18	70	55	513	4	69	48	557	4	68	40	600	5
73	68	390	2	72	65	425	15	71	60	472	8	70	54	516	13	69	47	560	6	68	39	602	14
73	67	396	16	72	64	432	8	71	59	476	19	70	53	520	3	69	46	563	8	68	38	605	4
73	66	403	10	72	63	439	2	71	58	481	9	70	52	523	12	69	45	566	10	68	37	607	1
73	65	410	4	72	62	445	16	71	57	486	0	70	51	527	2	69	44	569	12	68	36	608	19
73	64	416	18	72	61	450	4	71	56	490	10	70	50	530	12	69	43	571	19	68	35	610	16
73	63	423	12	72	60	454	13	71	55	493	17	70	49	533	13	69	42	574	6	68	34	612	14
73	62	427	19	72	59	459	1	71	54	497	5	70	48	536	15	69	41	576	13	68	33	614	12
73	61	432	7	72	58	463	10	71	53	500	12	70	47	539	16	69	40	579	0	68	32	615	19
73	60	436	14	72	57	467	18	71	52	504	0	70	46	542	18	69	39	581	6	68	31	617	7
73	59	441	2	72	56	471	4	71	51	507	8	70	45	546	0	69	38	583	3	68	30	618	14
73	58	445	10	72	55	474	11	71	50	510	7	70	44	548	4	69	37	585	0	68	29	620	2
73	57	448	13	72	54	477	17	71	49	513	6	70	43	550	9	69	36	586	17	68	28	621	10
73	56	451	17	72	53	481	4	71	48	516	5	70	42	552	13	69	35	588	14	68	27	622	12
73	55	455	0	72	52	484	10	71	47	519	4	70	41	554	18	69	34	590	12	68	26	623	15
73	54	458	4	72	51	487	5	71	46	522	4	70	40	557	2	69	33	591	19	68	25	624	17
73	53	461	8	72	50	490	0	71	45	524	7	70	39	558	19	69	32	593	6	68	24	626	0
73	52	464	1	72	49	492	15	71	44	526	10	70	38	560	16	69	31	594	13	68	23	627	2
73	51	466	14	72	48	495	10	71	43	528	13	70	37	562	13	69	30	596	0	68	22	628	11
73	50	469	7	72	47	498	6	71	42	530	16	70	36	564	10	69	29	597	6	68	21	630	0
73	49	472	0	72	46	500	7	71	41	532	18	70	35	566	6	69	28	598	7	68	20	631	9
73	48	474	12	72	45	502	9	71	40	534	14	70	34	567	12	69	27	599	9	68	19	632	18
73	47	476	13	72	44	504	10	71	39	536	10	70	33	568	19	69	26	600	10	68	18	634	6
73	46	478	14	72	43	506	12	71	38	538	6	70	32	570	5	69	25	601	12	68	17	636	16
73	45	480	15	72	42	508	14	71	37	540	2	70	31	571	12	69	24	602	14	68	16	639	6
73	44	482	16	72	41	510	9	71	36	541	18	70	30	572	18	69	23	603	17	68	15	641	16
73	43	484	16	72	40	512	4	71	35	543	3	70	29	573	18	69	22	605	0	68	14	644	6
73	42	486	9	72	39	513	19	71	34	544	9	70	28	574	19	69	21	606	3	68	13	646	16
73	41	488	2	72	38	515	14	71	33	545	14	70	27	575	19	69	20	607	6	68	12	647	5
73	40	489	15	72	37	517	8	71	32	547	0	70	26	577	0	69	19	608	8	68	11	647	14
73	39	491	8	72	36	518	13	71	31	548	6	70	25	578	0	69	18	610	15	68	10	648	3
73	38	493	0	72	35	519	18	71	30	549	5	70	24	578	18	69	17	613	2	68	9	648	12
73	37	494	4	72	34	521	3	71	29	550	5	70	23	589	17	69	16	615	9	68	8	649	0
73	36	495	9	72	33	522	8	71	28	551	4	70	22	580	15	69	15	617	16	68	7	653	2
73	35	496	13	72	32	523	11	71	27	552	4	70	21	581	14	69	14	620	4	68	6	635	4
73	34	497	18	72	31	524	11	71	26	553	4	70	20	582	12	69	13	621	8				

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.					
£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.	£.	s.				
67	65	497	0	66	55	582	6	65	44	648	12	64	32	701	0	63	19	744	6	62	5	759	4	67	65	497	0	66	55	582	6		
67	64	507	10	66	54	587	4	65	43	651	17	64	31	702	19	63	18	746	4	62	4	747	12	67	64	507	10	66	54	587	4		
67	63	518	0	66	53	592	2	65	42	655	1	64	30	704	18	63	17	749	9	62	3	723	12	67	63	518	0	66	53	592	2		
67	62	528	10	66	52	597	0	65	41	658	6	64	29	706	18	63	16	752	14	62	2	689	8	67	62	528	10	66	52	597	0		
67	61	538	19	66	51	601	18	65	40	661	8	64	28	708	9	63	15	755	19	62	1	595	14	67	61	538	19	66	51	601	18		
67	60	539	9	66	50	606	2	65	39	664	1	64	27	710	0	63	14	759	4							67	60	539	9	66	50	606	2
67	59	544	18	66	49	610	7	65	38	666	14	64	26	711	11	63	13	762	10	61	61	603	0			67	59	544	18	66	49	610	7
67	58	550	8	66	48	614	11	65	37	669	7	64	25	713	2	63	12	763	7	61	60	611	14			67	58	550	8	66	48	614	11
67	57	555	18	66	47	618	16	65	36	672	0	64	24	714	14	63	11	764	5	61	59	620	8			67	57	555	18	66	47	618	16
67	56	560	14	66	46	623	0	65	35	674	14	64	23	716	5	63	10	765	2	61	58	629	2			67	56	560	14	66	46	623	0
67	55	565	11	66	45	626	3	65	34	676	13	64	22	717	17	63	9	766	0	61	57	637	16			67	55	565	11	66	45	626	3
67	54	570	7	66	44	629	6	65	33	678	12	64	21	719	8	63	8	766	18	61	56	646	10			67	54	570	7	66	44	629	6
67	53	575	4	66	43	632	9	65	32	680	11	64	20	721	0	63	7	759	18	61	55	653	2			67	53	575	4	66	43	632	9
67	52	580	2	66	42	635	12	65	31	682	10	64	19	722	12	63	6	750	10	61	54	659	14			67	52	580	2	66	42	635	12
67	51	584	3	66	41	638	16	65	30	684	8	64	18	725	14	63	5	738	4	61	53	666	6			67	51	584	3	66	41	638	16
67	50	588	4	66	40	641	9	65	29	685	18	64	17																				

TABLE II. of 36 G.3. c.52.—continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
				£.	s.					£.	s.					£.	s.					£.	s.					£.	s.
60	51	692	6	59	34	786	12	58	16	850	4	56	54	715	19	55	33	851	19	54	11	938	3	54	11	938	3	54	11
60	50	698	18	59	33	789	5	58	15	854	4	56	53	724	5	55	32	855	1	54	10	941	4	54	10	941	4	54	10
60	49	704	12	59	32	791	18	58	14	858	4	56	52	732	12	55	31	858	10	54	9	944	4	54	9	944	4	54	9
60	48	710	6	59	31	794	11	58	13	862	4	56	51	740	18	55	30	861	18	54	8	941	2	54	8	941	2	54	8
60	47	716	0	59	30	797	4	58	12	863	11	56	50	747	19	55	29	864	12	54	7	934	2	54	7	934	2	54	7
60	46	721	14	59	29	799	18	58	11	864	19	56	49	755	1	55	28	867	6	54	6	923	18	54	6	923	18	54	6
60	45	727	8	59	28	802	0	58	10	866	6	56	48	762	2	55	27	870	0	54	5	909	6	54	5	909	6	54	5
60	44	731	14	59	27	804	2	58	9	867	14	56	47	769	4	55	26	872	14	54	4	895	14	54	4	895	14	54	4
60	43	736	1	59	26	806	4	58	8	869	2	56	46	776	6	55	25	875	8	54	3	864	18	54	3	864	18	54	3
60	42	740	7	59	25	808	6	58	7	861	18	56	45	781	15	55	24	877	14	54	2	821	8	54	2	821	8	54	2
60	41	744	14	59	24	810	8	58	6	851	18	56	44	787	4	55	23	880	0	54	1	709	14	54	1	709	14	54	1
60	40	749	0	59	23	812	9	58	5	837	18	56	43	792	13	55	22	882	6	53	53	754	8	53	53	754	8	53	53
60	39	752	11	59	22	814	10	58	4	825	2	56	42	798	2	55	21	884	12	53	52	762	16	53	52	762	16	53	52
60	38	756	3	59	21	816	11	58	3	798	12	56	41	803	10	55	20	886	18	53	51	771	5	53	51	771	5	53	51
60	37	759	14	59	20	818	12	58	2	758	8	56	40	808	1	55	19	891	1	53	50	779	13	53	50	779	13	53	50
60	36	763	6	59	19	820	14	58	1	655	10	56	39	812	13	55	18	895	4	53	49	788	2	53	49	788	2	53	49
60	35	766	18	59	18	824	11	57	57	680	10	56	38	817	4	55	17	899	7	53	48	796	10	53	48	796	10	53	48
60	34	769	11	59	17	828	8	57	57	688	18	56	37	821	16	55	16	903	10	53	47	803	7	53	47	803	7	53	47
60	33	772	4	59	16	832	5	57	56	697	6	56	36	826	8	55	15	907	14	53	46	810	4	53	46	810	4	53	46
60	32	774	17	59	15	836	2	57	55	705	14	56	35	829	17	55	14	911	5	53	45	817	1	53	45	817	1	53	45
60	31	777	10	59	14	839	18	57	54	714	2	56	34	833	6	55	13	914	17	53	44	823	18	53	44	823	18	53	44
60	30	780	4	59	13	842	6	57	53	722	10	56	33	836	15	55	12	918	8	53	43	830	16	53	43	830	16	53	43
60	29	782	5	59	12	844	14	57	52	729	9	56	32	840	4	55	11	922	0	53	42	836	7	53	42	836	7	53	42
60	28	784	7	59	11	847	2	57	51	736	9	56	31	843	12	55	10	925	12	53	41	841	18	53	41	841	18	53	41
60	27	786	8	59	10	849	10	57	50	743	8	56	30	846	5	55	9	925	14	53	40	847	9	53	40	847	9	53	40
60	26	788	10	59	9	851	18	57	49	750	8	56	29	848	19	55	8	925	16	53	39	853	0	53	39	853	0	53	39
60	25	790	12	59	8	848	14	57	48	757	8	56	28	851	12	55	7	916	12	53	38	858	12	53	38	858	12	53	38
60	24	792	7	59	7	842	2	57	47	762	17	56	27	854	6	55	6	907	2	53	37	863	0	53	37	863	0	53	37
60	23	794	3	59	6	832	14	57	46	768	7	56	26	857	0	55	5	893	2	53	36	867	3	53	36	867	3	53	36
60	22	795	18	59	5	819	10	57	45	773	16	56	25	859	3	55	4	878	2	53	35	871	16	53	35	871	16	53	35
60	21	797	14	59	4	807	10	57	44	779	6	56	24	861	7	55	3	848	6	53	34	876	4	53	34	876	4	53	34
60	20	799	10	59	3	779	16	57	43	784	16	56	23	863	10	55	2	806	4	53	33	880	12	53	33	880	12	53	33
60	19	803	0	59	2	741	2	57	42	789	7	56	22	865	14	55	1	697	0	53	32	883	19	53	32	883	19	53	32
60	18	806	10	59	1	641	2	57	41	793	18	56	21	867	18	54	54	736	4	53	31	887	7	53	31	887	7	53	31
60	17	810	0	58	58	661	8	57	39	798	9	56	20	871	9	54	54	744	11	53	30	890	14	53	30	890	14	53	30
60	16	813	10	58	57	669	18	57	38	803	0	56	19	875	1	54	53	752	18	53	29	894	2	53	29	894	2	53	29
60	15	817	0	58	56	678	8	57	37	807	12	56	18	878	12	54	52	761	5	53	28	897	10	53	28	897	10	53	28
60	14	819	17	58	55	686	18	57	36	811	1	56	17	882	4	54	51	769	12	53	27	900	4	53	27	900	4	53	27
60	13	822	15	58	54	695	8	57	35	814	11	56	16	885	16	54	50	778	0	53	26	902	19	53	26	902	19	53	26
60	12	825	12	58	53	703	18	57	34	818	0	56	15	889	13	54	49	785	0	53	25	905	13	53	25	905	13	53	25
60	11	828	10	58	52	710	15	57	33	821	10	56	14	893	11	54	48	792	0	53	24	908	8	53	24	908	8	53	24
60	10	831	8	58	51	717	12	57	32	825	0	56	13	897	8	54	47	799	0	53	23	911	2	53	23	911	2	53	23
60	9	830	18	58	50	724	9	57	31	827	13	56	12	901	6	54	46	806	0	53	22	914	1	53	22	914	1	53	22
60	8	828	4	58	49	731	6	57	30	832	19	56	11	905	4	54	45	813	0	53	21	917	1	53	21	917	1	53	21
60	7	822	8	58	48	738	4	57	29	835	12	56	10	902	4	54	44	818	10	53	20	920	0	53	20	920	0	53	20
60	6	813	12	58	47	743	15	57	28	838	6	56	9	899	4	54	43	824	1	53	19	923	0	53	19	923	0	53	19
60	5	801	2	58	46	749	6	57	27	840	9	56	8	896	4	54	42	829	11	53	18	926	0	53	18	926	0	53	18
60	4	787	10	58	45	754	17	57	26	842	12	56	7	890	4	54	41	835	2	53	17	930	15	53	17	930	15	53	17
60	3	761	2	58	44	760	8	57	25	844	15	56	6	874	14	54	40	840	12	53	16	935	10	53	16	935	10	53	16
60	2	723	18	58	43	776	0	57	24	846	18	56	5	860	8	54	39	845	1	53	15	940	5	53	15	940	5	53	15
60	1	626	14	58	42	770	9	57	23	849	2	56	4	831	16	54	38	849	10	53	14	945	0	53	14	945	0	53	14
59	59	642	0	58	41	774	19	57	22	852	1	56	3	790	18	54	37	853	19	53	13	949	14	53	13	949	14	53	13
59	58	650	13	58	40	779	8	57	21	855	0	56	2	684	6	54	36	858	8	53	12	951	11	53	12	951	11	53	12
59	57	659	5	58	39	783	18	57	20	857	19	55	55	717	18	54	35	862	18	53	11	953	9	53	11	953	9	53	11
59	56	667	16	58	38	788	8	57	19	860	18	55	54	726	3	54	34	866	6	53	10	955	6	53	10	955	6	53	10
59	55	676	8	58	37	791	18	57	18	863	18	55	53	734	9	5													

TABLE II. of 36 G.S. c. 52. — continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
				£. s.						£. s.						£. s.						£. s.						£. s.						£. s.	
52	41			853	18	51	18			966	10	49	40			894	18	48	12			1,030	16	46	30			983	15	44	44			916	0
52	40			859	10	51	15			971	1	49	39			901	10	48	11			1,033	4	46	29			987	16	44	43			923	16
52	39			865	2	51	14			975	13	49	38			906	18	48	10			1,035	12	46	28			991	17	44	42			931	12
52	38			870	14	51	13			980	4	49	37			912	7	48	9			1,038	0	46	27			995	18	44	41			939	8
52	37			876	6	51	12			984	16	49	36			917	15	48	8			1,040	8	46	26			1,000	0	44	40			947	4
52	36			880	13	51	11			989	8	49	35			923	4	48	7			1,033	2	46	25			1,003	6	44	39			955	0
52	35			885	0	51	10			986	8	49	34			928	12	48	6			1,021	10	46	24			1,006	12	44	38			961	7
52	34			889	7	51	9			983	9	49	33			932	15	48	5			1,004	10	46	23			1,009	18	44	37			967	15
52	33			893	14	51	8			980	9	49	32			936	19	48	4			988	18	46	22			1,013	4	44	36			974	2
52	32			898	0	51	7			977	10	49	31			941	2	48	3			956	12	46	21			1,016	10	44	35			980	10
52	31			901	7	51	6			974	10	49	30			945	6	48	2			908	2	46	20			1,021	7	44	34			986	18
52	30			904	14	51	5			958	0	49	29			949	10	48	1			783	8	46	19			1,026	4	44	33			991	17
52	29			908	1	51	4			942	18	49	28			952	16							46	18			1,031	1	44	32			996	16
52	28			911	8	51	3			911	10	49	27			956	3	47	47			863	14	46	17			1,035	18	44	31			1,001	15
52	27			914	16	51	2			866	0	49	26			959	9	47	46			871	14	46	16			1,040	16	44	30			1,006	14
52	26			917	10	51	1			747	18	49	25			962	16	47	45			879	14	46	15			1,046	11	44	29			1,011	14
52	25			920	5							49	24			966	2	47	44			887	14	46	14			1,052	7	44	28			1,015	14
52	24			922	19	50	50			808	2	49	23			969	5	47	43			895	14	46	13			1,058	2	44	27			1,019	14
52	23			925	14	50	49			816	11	49	22			972	8	47	42			903	14	46	12			1,063	18	44	26			1,023	14
52	22			928	8	50	48			825	0	49	21			975	11	47	41			910	7	46	11			1,069	14	44	25			1,027	14
52	21			931	19	50	47			833	9	49	20			978	14	47	40			917	0	46	10			1,066	6	44	24			1,031	14
52	20			935	10	50	46			841	18	49	19			981	16	47	39			923	13	46	9			1,062	19	44	23			1,035	8
52	19			939	1	50	45			850	6	49	18			987	1	47	38			930	6	46	8			1,059	11	44	22			1,039	2
52	18			942	12	50	44			856	18	49	17			992	6	47	37			937	0	46	7			1,056	4	44	21			1,042	16
52	17			946	2	50	43			863	11	49	16			997	11	47	36			942	4	46	6			1,052	16	44	20			1,046	10
52	16			950	17	50	42			870	3	49	15			1,002	16	47	35			947	9	46	5			1,034	16	44	19			1,050	4
52	15			955	12	50	41			876	16	49	14			1,008	0	47	34			952	13	46	4			1,017	16	44	18			1,056	3
52	14			960	7	50	40			883	8	49	13			1,011	13	47	33			957	18	46	3			983	12	44	17			1,062	2
52	13			965	2	50	39			888	18	49	12			1,015	6	47	32			963	2	46	2			934	10	44	16			1,068	1
52	12			969	16	50	38			894	9	49	11			1,018	19	47	31			967	4	46	1			807	2	44	15			1,074	0
52	11			969	13	50	37			899	19	49	10			1,022	12	47	30			971	6							44	14			1,079	18
52	10			969	10	50	36			905	10	49	9			1,026	6	47	29			975	8	45	45			899	0	44	13			1,084	3
52	9			969	7	50	35			911	0	49	8			1,024	2	47	28			979	10	45	44			906	16	44	12			1,088	8
52	8			969	4	50	34			915	4	49	7			1,017	2	47	27			983	12	45	43			914	13	44	11			1,092	13
52	7			969	0	50	33			919	9	49	6			1,005	16	47	26			986	18	45	42			922	9	44	10			1,096	18
52	6			957	12	50	32			923	13	49	5			989	8	47	25			990	4	45	41			930	6	44	9			1,101	4
52	5			941	16	50	31			927	18	49	4			974	8	47	24			993	10	45	40			938	2	44	8			1,098	10
52	4			927	4	50	30			932	2	49	3			941	12	47	23			996	16	45	39			944	12	44	7			1,091	0
52	3			896	10	50	29			935	9	49	2			894	2	47	22			1,000	2	45	38			951	2	44	6			1,079	16
52	2			852	0	50	28			938	16	49	1			771	12	47	21			1,004	5	45	37			957	12	44	5			1,063	0
52	1			735	4	50	27			942	3							47	20			1,008	8	45	36			964	2	44	4			1,046	16
						50	26			945	10	48	48			845	6	47	19			1,012	11	45	35			970	12	44	3			1,010	14

TABLE II. of 36 G. 3. c. 52. — continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
				£.	s.					£.	s.					£.	s.					£.	s.					£.	s.					£.	s.
43	11			1,104	6	41	19			1,087	17	39	23			1,091	14	37	23			1,111	16	35	19			1,151	7	33	11			1,220	8
43	10			1,107	4	41	18			1,093	7	39	22			1,096	0	37	22			1,116	6	35	18			1,158	4	33	10			1,224	7
43	9			1,110	2	41	17			1,098	18	39	21			1,100	6	37	21			1,121	13	35	17			1,165	1	33	9			1,228	6
43	8			1,113	0	41	16			1,104	8	39	20			1,104	12	37	20			1,127	0	35	16			1,171	18	33	8			1,232	6
43	7			1,105	0	41	15			1,110	7	39	19			1,108	18	37	19			1,132	7	35	15			1,178	14	33	7			1,224	8
43	6			1,098	6	41	14			1,116	6	39	18			1,115	10	37	18			1,137	14	35	14			1,184	18	33	6			1,211	16
43	5			1,076	0	41	13			1,122	5	39	17			1,122	3	37	17			1,143	0	35	13			1,191	3	33	5			1,192	14
43	4			1,059	8	41	12			1,128	4	39	16			1,128	15	37	16			1,149	17	35	12			1,197	7	33	4			1,174	8
43	3			1,024	4	41	11			1,134	4	39	15			1,135	8	37	15			1,156	14	35	11			1,203	12	33	3			1,135	10
43	2			971	10	41	10			1,131	8	39	14			1,142	0	37	14			1,163	11	35	10			1,209	16	33	2			1,077	0
43	1			837	18	41	9			1,128	12	39	13			1,146	18	37	13			1,170	8	35	9			1,212	0	33	1			928	4
						41	8			1,125	16	39	12			1,151	16	37	12			1,177	6	35	8			1,210	6						
42	42			949	2	41	7			1,123	1	39	11			1,156	14	37	11			1,178	4	35	7			1,203	2	32	32			1,104	4
42	41			956	16	41	6			1,120	6	39	10			1,161	12	37	10			1,179	3	35	6			1,191	8	32	31			1,110	11
42	40			964	11	41	5			1,102	0	39	9			1,166	10	37	9			1,180	1	35	5			1,173	4	32	30			1,116	18
42	39			972	5	41	4			1,084	10	39	8			1,164	8	37	8			1,181	0	35	4			1,154	0	32	29			1,123	5
42	38			980	0	41	3			1,048	0	39	7			1,156	14	37	7			1,181	18	35	3			1,114	16	32	28			1,129	12
42	37			987	14	41	2			995	0	39	6			1,144	14	37	6			1,169	0	35	2			1,058	2	32	27			1,135	18
42	36			993	16	41	1			858	10	39	5			1,126	12	37	5			1,149	18	35	1			912	10	32	26			1,141	0
42	35			999	18							39	4			1,109	14	37	4			1,131	18							32	25			1,146	3
42	34			1,006	0	40	40			982	0	39	3			1,071	18	37	3			1,094	2	34	34			1,075	18	32	24			1,151	5
42	33			1,012	2	40	39			989	10	39	2			1,017	2	37	2			1,039	4	34	33			1,082	9	32	23			1,156	8
42	32			1,018	4	40	38			997	1	39	1			877	0	37	1			895	10	34	32			1,089	1	32	22			1,161	10
42	31			1,023	0	40	37			1,004	11							37						34	31			1,095	12	32	21			1,167	8
42	30			1,027	17	40	36			1,012	2	38	38			1,014	18	36	36			1,046	4	34	30			1,102	4	32	20			1,173	7
42	29			1,032	13	40	35			1,019	12	38	37			1,022	1	36	35			1,053	1	34	29			1,108	16	32	19			1,179	5
42	28			1,037	10	40	34			1,025	9	38	36			1,029	5	36	34			1,059	18	34	28			1,114	1	32	18			1,185	4
42	27			1,042	6	40	33			1,031	7	38	35			1,036	8	36	33			1,066	15	34	27			1,119	7	32	17			1,191	2
42	26			1,046	4	40	32			1,037	4	38	34			1,043	12	36	32			1,073	12	34	26			1,124	12	32	16			1,198	12
42	25			1,050	3	40	31			1,043	2	38	33			1,050	16	36	31			1,080	10	34	25			1,129	18	32	15			1,206	2
42	24			1,054	1	40	30			1,049	0	38	32			1,056	9	36	30			1,085	19	34	24			1,135	4	32	14			1,213	12
42	23			1,058	0	40	29			1,053	14	38	31			1,062	2	36	29			1,091	8	34	23			1,140	1	32	13			1,221	2
42	22			1,061	18	40	28			1,058	8	38	30			1,067	15	36	28			1,096	17	34	22			1,144	18	32	12			1,228	12
42	21			1,066	13	40	27			1,063	2	38	29			1,073	8	36	27			1,102	6	34	21			1,149	15	32	11			1,229	17
42	20			1,071	8	40	26			1,067	16	38	28			1,079	1	36	26			1,107	16	34	20			1,154	12	32	10			1,231	3
42	19			1,076	3	40	25			1,072	10	38	27			1,083	12	36	25			1,112	5	34	19			1,159	10	32	9			1,232	8
42	18			1,080	18	40	24			1,076	9	38	26			1,088	4	36	24			1,116	15	34	18			1,166	15	32	8			1,233	14
42	17			1,085	12	40	23			1,080	9	38	25			1,092	15	36	23			1,121	4	34	17			1,174	1	32	7			1,235	0
42	16			1,091	15	40	22			1,084	8	38	24			1,097	7	36	22			1,125	14	34	16			1,181	6	32	6			1,222	0
42	15			1,097	19	40	21			1,088	8	38	23			1,102	0	36	21			1,130	4	34	15			1,188	12	32	5			1,202	10
42	14			1,104	2	40	20			1,092	8	38	22			1,106	15	36	2																

TABLE II. of 36 G. S. c. 52.—continued.

Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.		Ages of the elder lives.		Ages of the younger lives.		Values of the annuities.	
				£	s.					£	s.					£	s.					£	s.					£	s.					£	s.
30	30			1,131	6	28	12			1,260	17	25	16			1,255	0	22	11			1,309	16	18	16			1,302	12	14	5			1,357	0
30	29			1,137	8	28	11			1,265	6	25	15			1,263	0	32	10			1,311	16	18	15			1,311	17	14	4			1,337	8
30	28			1,143	10	28	10			1,269	15	25	14			1,270	7	22	9			1,313	16	18	14			1,321	2	14	3			1,292	2
30	27			1,149	12	28	9			1,274	4	25	13			1,277	14	22	8			1,315	16	18	13			1,330	6	14	2			1,225	10
30	26			1,155	14	28	8			1,279	12	25	12			1,285	1	23	7			1,317	16	18	12			1,335	12	14	1			1,055	12
30	25			1,161	16	28	7			1,270	16	25	11			1,292	8	22	6			1,304	16	18	11			1,340	19						
30	24			1,166	18	28	6			1,258	2	25	10			1,299	16	22	5			1,284	18	18	10			1,346	5	13	13			1,378	18
30	23			1,172	0	28	5			1,238	10	25	9			1,303	4	22	4			1,265	14	18	9			1,351	12	13	12			1,384	18
30	22			1,177	2	28	4			1,219	10	25	8			1,302	2	22	3			1,223	10	18	8			1,356	18	13	11			1,390	18
30	21			1,182	4	28	3			1,179	0	25	7			1,295	0	22	2			1,160	10	18	7			1,351	10	13	10			1,396	18
30	20			1,187	6	28	2			1,118	8	25	6			1,282	14	22	1			1,339	10	18	6			1,339	10	13	9			1,402	18
30	19			1,194	15	28	1			963	14	25	5			1,263	6							18	5			1,318	14	13	8			1,408	18
30	18			1,202	4							25	4			1,243	4	21	21			1,240	18	18	4			1,297	12	13	7			1,400	18
30	17			1,209	13	27	27			1,169	18	25	3			1,201	6	21	20			1,248	14	18	3			1,253	2	13	6			1,387	4
30	16			1,217	2	27	26			1,175	13	25	2			1,140	0	21	19			1,256	10	18	2			1,190	12	13	5			1,366	2
30	15			1,224	12	27	25			1,181	8	25	1			982	14	21	18			1,264	6	18	1			1,026	10	13	4			1,345	8
30	14			1,231	8	27	24			1,187	3							21	17			1,272	2							13	3			1,301	18
30	13			1,238	4	27	23			1,192	18	24	24			1,206	4	21	16			1,279	18	17	17			1,301	18	13	2			1,234	14
30	12			1,245	0	27	22			1,198	14	24	23			1,212	3	21	15			1,288	5	17	16			1,311	2	13	1			1,063	4
30	11			1,251	16	27	21			1,205	3	24	22			1,218	3	21	14			1,296	12	17	15			1,320	7						
30	10			1,258	10	27	20			1,211	13	24	21			1,224	2	21	13			1,304	19	17	14			1,329	11	12	12			1,396	12
30	9			1,261	10	27	19			1,218	2	24	20			1,230	2	21	12			1,313	6	17	13			1,338	16	12	11			1,399	10
30	8			1,260	2	27	18			1,224	12	24	19			1,236	2	21	11			1,321	14	17	12			1,348	0	12	10			1,402	8
30	7			1,252	18	27	17			1,231	2	24	18			1,244	11	21	10			1,319	15	17	11			1,350	7	12	9			1,405	6
30	6			1,240	16	27	16			1,239	3	24	17			1,253	0	21	9			1,317	17	17	10			1,352	15	12	8			1,408	4
30	5			1,222	0	27	15			1,247	5	24	16			1,261	9	21	8			1,315	18	17	9			1,355	2	12	7			1,411	2
30	4			1,202	6	27	14			1,255	6	24	15			1,269	18	21	7			1,314	0	17	8			1,357	10	12	6			1,397	0
30	3			1,161	12	27	13			1,263	8	24	14			1,278	8	21	6			1,312	2	17	7			1,359	18	12	5			1,375	2
30	2			1,102	10	27	12			1,271	10	24	13			1,284	19	21	5			1,292	2	17	6			1,348	14	12	4			1,353	8
30	1			950	8	27	11			1,273	3	24	12			1,291	10	21	4			1,273	0	17	5			1,328	10	12	3			1,307	18
						27	10			1,274	16	24	11			1,298	1	21	3			1,290	18	17	4			1,307	10	12	2			1,243	16
29	29			1,144	10	27	9			1,276	9	24	10			1,304	12	21	2			1,168	0	17	3			1,262	18	12	1			1,070	14
29	28			1,150	9	27	8			1,278	2	24	9			1,311	4	21	1			1,005	6	17	2			1,198	2						
29	27			1,156	8	27	7			1,279	16	24	8			1,310	0							17	1			1,033	10	11	11			1,413	6
29	26			1,162	7	27	6			1,266	16	24	7			1,302	12	20	20			1,253	10							11	10			1,422	16
29	25			1,168	6	27	5			1,246	16	24	6			1,290	2	20	19			1,262	0	16	16			1,321	4	11	9			1,427	4
29	24			1,174	6	27	4			1,227	8	24	5			1,270	10	20	18			1,270	11	16	15			1,330	5	11	8			1,427	6
29	23			1,179	14	27	3			1,186	8	24	4			1,251	2	20	17			1,279	1	16	14			1,339	6	11	7			1,420	6
29	22			1,185	2	27	2			1,126	8	24	3			1,208	14	20	16			1,287	12	16	13			1,348	7	11	6			1,406	16
29	21			1,190	10	27	1			970	8	24	2			1,146	18	20	15			1,296	2	16	12			1,357	8	11	5			1,386	4
29	20			1,195	18							24	1			988	6	20	14			1,303	19	16	11			1,366	8	11	4			1,364	

TABLE II. 3 G. 3. c. 52.—*continued*.

Ages of the elder lives.	Ages of the younger lives.	Values of the annuities.	Ages of the elder lives.	Ages of the younger lives.	Values of the annuities.	Ages of the elder lives.	Ages of the younger lives.	Values of the annuities.
7	5	1,392 14	6	1	1,074 2	4	1	1,042 16
7	4	1,371 14	—	—	—	—	—	—
7	3	1,325 18	5	5	1,359 2	3	3	1,232 10
7	2	1,258 2	5	4	1,339 4	3	2	1,170 6
7	1	1,084 2	5	3	1,294 12	3	1	1,008 8
—	—	—	5	2	1,228 16	—	—	—
6	6	1,400 10	5	1	1,058 8	2	2	1,110 14
6	5	1,380 6	—	—	—	2	1	957 12
6	4	1,359 6	4	4	1 318 10	—	—	—
6	3	1,314 4	4	3	1 275 6	1	1	825 4
6	2	1,247 2	4	2	1 210 6	—	—	—

TABLE III. of 36 G. 3. c. 52.—The values of an annuity of 100*l. per annum*, payable yearly, for any number of years not exceeding 90.

Years.	Values.	Years.	Values.
	£ s.		£ s.
1	96 2	46	2,088 8
2	188 12	47	2,104 4
3	277 10	48	2,119 10
4	362 18	49	2,134 2
5	445 2	50	2,148 4
6	524 4	51	2,161 11
7	600 4	52	2,174 14
8	673 4	53	2,187 4
9	743 10	54	2,199 4
10	811 0	55	2,210 16
11	876 0	56	2,221 18
12	938 10	57	2,232 12
13	998 10	58	2,242 18
14	1,056 6	59	2,252 16
15	1,111 16	60	2,262 6
16	1,165 4	61	2,271 8
17	1,216 10	62	2,280 4
18	1,265 18	63	2,288 14
19	1,313 6	64	2,296 16
20	1,359 0	65	2,304 12
21	1,402 18	66	2,312 2
22	1,445 2	67	2,319 8
23	1,485 12	68	2,326 6
24	1,524 12	69	2,333 0
25	1,562 4	70	2,339 8
26	1,598 4	71	2,345 12
27	1,632 18	72	2,351 10
28	1,666 6	73	2,357 4
29	1,698 6	74	2,362 14
30	1,729 4	75	2,368 0
31	1,758 16	76	2,373 2
32	1,787 6	77	2,377 18
33	1,814 14	78	2,382 12
34	1,841 2	79	2,387 4
35	1,866 8	80	2,391 10
36	1,890 16	81	2,395 14
37	1,914 4	82	2,399 14
38	1,936 14	83	2,403 10
39	1,958 8	84	2,407 4
40	1,979 4	85	2,410 16
41	1,999 6	86	2,414 4
42	2,018 10	87	2,417 10
43	2,037 0	88	2,420 14
44	2,054 16	89	2,423 14
45	2,072 0	90	2,426 14

RULES FOR INFERRING the value of an annuity of 100*l. per annum*, held on the longest of 2 lives:

Also, the value of an annuity of 100*l. per annum*, held on the joint continuance of 3 lives:

Also, the value of an annuity of 100*l. per annum*, held on the longest of 3 lives.

RULE for determining the value of an annuity of 100*l. per annum*, payable yearly, and held on the longest of 2 lives.

The values of an annuity of 100*l. per annum*, held on each of the single lives, to be added together (from Table I.), and from this sum the

value of an annuity held on the joint continuance of the 2 lives (from Table II.), to be subtracted; the result is the value of an annuity of 100*l. per annum*, held on the longest of the 2 lives.

RULE for determining the value of an annuity of 100*l. per annum*, payable yearly, and held on the joint continuance of 3 lives.

The value of an annuity of 100*l. per annum* on the joint continuance of the 2 elder lives is to be found from Table II. The age of a single life of the same (or nearest) value, with the annuity on the said joint lives, to be found from Table I. The value of an annuity of 100*l. per annum* on the joint continuance of this life, and the younger life from Table II., 5*l.* being deducted from the said sum, is the value of an annuity of 100*l. per annum* held on the joint continuance of the 3 lives.

RULE for determining the value of an annuity of 100*l. per annum* payable yearly and held on the longest of 3 lives.

The values of an annuity of 100*l. per annum* for each of the 3 single lives to be extracted from Table I., and to be added together. The value of an annuity of 100*l. per annum* on the joint continuance of the 2 youngest lives, also the value of an annuity of 100*l. per annum* on the joint continuance of the 2 eldest lives, also the value of an annuity of 100*l. per annum* on the joint continuance of the oldest life and the youngest life, (all found by Table II.) to be subtracted from the sum or addition of the annuities on the 3 single lives. To the result is to be added the value of an annuity of 100*l. per annum* held on the joint continuance of the 3 lives; the amount is the value of an annuity of 100*l. per annum* on the longest of the 3 lives.

MEDICINES.

587. TO REPEAL THE 25 G. 3. c. 79. AND FOR CHARGING OTHER DUTIES in lieu thereof, and for making effectual provision for the better collection of the said duties, 42 G. 3. c. 56. [AMD. 43 G. 3. c. 75., 52 G. 3. c. 150., 55 G. 3. c. 184. s. 54.,] [For the DUTIES, see 44 G. 3. c. 98., *sched. A. ante*, *pa.* 1400.]

588. The duties imposed by 25 G. 3. c. 79. shall cease, except as to arrears, and all the powers given by the said act, or any subsequent act, for the levying of such duties, shall be REPEALED, 42 G. 3. c. 56. s. 1., and instead thereof other duties imposed, 42 G. 3. c. 56. s. 2. [These duties REPEALED, and new ones granted, 44 G. 3. c. 98.]

589. The duties hereby granted shall be payable by the owners and proprietors, or makers and compounders, or original and present vendors of such drugs, herbs, oils, [pills in s. 2. omitting oils.] waters, essences, tinctures, powders, or other preparations or compositions whatsoever used or applied, or to be used or applied externally or internally, as medicines or medicaments for the prevention, cure or relief of any disorder or complaint incident to, or in any wise affecting the human body, and shall be charged upon and payable in respect of the same, and of every packet, box, bottle, pot, phial, or other measure, with any such contents, before the same are first sold or delivered out of the custody of the owners, proprietors, &c. thereof for sale, either wholesale or retail, either for foreign or home consumption or otherwise, and before the same are in any way uttered or vended for foreign or home consumption, or exposed to sale, or offered or kept ready for sale, and not in bulk in any shop, house, or other place, by any such owner, &c. *id.* s. 3.

590. Nothing herein shall charge with the duties hereby imposed, any drugs named in either of the books of rates, (*viz.*) the book of rates signed by Sir *Harbottle Grimston*, bart., and referred to in the 12 C. 2. c. 4., and in the other book of rates signed by the Hon. *Spencer Compton*, and referred to in the 11 G. 1. c. 7., nor to any medicinal drug which shall be so vended entire, without any mixture or composition, by any surgeon, apothecary, chemist, or druggist who has served a regular apprenticeship, or by any person who has served as surgeon in the navy or army, under any commission duly entered at the navy or war office, or by any other person licensed under this act; but all such drugs shall be vended by all such surgeons, &c. freed from such duties as before this act, *id.* s. 4.

591. Nothing herein shall charge with such duties any mixtures, compositions or preparations mixed or compounded with, or prepared from medicinal drugs medicated, or chemical preparations or compositions, or other ingredients, bearing different denominations, or having different properties, qualities, virtues, or efficacies, which shall be vended by any such surgeon, &c. as in s. 4., last *pl.*, or any such navy or army surgeon, the different denominations, properties, &c. of which mixtures, &c. are known and approved of in the prevention, cure, or relief of any disorder or complaint incident to the human body, or wherein the person mixing, &c. the same, hath not any claims to any occult, secret, or unknown art, for mixing, &c. the same, or to any exclusive right to

mixing, &c. or vending the same, and which mixtures, &c. have not, are not, or shall not be prepared, vended, or exposed to sale under any letters patent under the great seal, nor shall at any time be by any public advertisement, or hand bills, or by any labels or words affixed to or delivered with any such packet, &c. recommended to the public by the owners, proprietors, &c. thereof, as nostrums or proprietary medicines, or as specifics, or as beneficial for the prevention, cure, or relief of any such distemper or complaint, 42 G.3. c. 56. s. 5.

592. Every owner, proprietor, maker, and compounder of, and every person in G. B. vending or exposing to sale, or keeping ready for sale any such drugs, herbs, pills, &c. as in s. 3. pl. 589., to be used or applied externally or internally as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to the human body, or any packets, boxes, &c. as in s. 3. with any such contents as aforesaid, subject to the duties hereby granted, shall annually take out a licence, and pay for such licence, if he reside within the cities of London or Westminster, the borough of Southwark, or the limits of the two-penny post, or within the city of Edinburgh, a stamp duty of 40s., and for every licence so taken by any such person who shall reside in any city, borough, or town corporate, or in the towns of Manchester, Birmingham or Sheffield, there shall be charged a stamp duty of 10s. and in any other part of G. B. 5s., *id.* s. 6.

593. Persons resident in Edinburgh shall take out a licence annually, which shall be charged with a duty of 2l. as fully as if inserted in the Sch. A. of 43 G.3. c. 98., from which it was omitted by mistake, 52 G.3. c. 150. s. 3.

594. Any 2 commissioners of stamps, or some person authorized by them, shall grant licences under this act, and such licences shall continue in force until 1st Sept. in each year, to commence from the date thereof, and every owner, proprietor, &c. or person who shall vend, expose to sale, or keep ready for sale, any such drugs, herbs, &c. packets, boxes, &c. with any such contents, shall in like manner renew such licence from year to year, paying the stamp duty thereon, 42 G.3. c. 56. s. 8.

595. No person shall take any profit or emolument as the owner, or proprietor of, or make, or compound, or utter, vend, expose to, or keep ready for sale, any drugs, herbs, &c. or any packets, boxes, &c. with any such contents, subject to the duties hereby granted, unless he has obtained such licence, upon pain to forfeit 20l., to be recovered, and applied as s. 23. pl. 611. directed, *id.* s. 9.

596. Every person preparing, vending, exposing to, or keeping ready for sale any such drugs, herbs, &c. or any packets, boxes, &c. with any such contents, which are subject to the duties hereby granted, shall apply to the commissioners of stamps, or their officers for paper covers, wrappers, or labels, to be pasted or affixed to such packets, boxes, &c. and the person so applying shall at the same time deliver in to such officers a note in writing, containing his name and place of abode, and the place where the drug, &c. in respect whereof such application is made, is first sold, and such note shall be filed by the officer to whom it is delivered, *id.* s. 10.

597. Such commissioners, or the major part of them, shall print or impress on such paper covers, wrappers, or labels, some device or particular word to denote such duties, and the rate thereof, and shall also deliver from time to time to such licensed owner, proprietor, &c. sufficient covers, &c. for such purposes, on payment of the stamp duties due thereon; and all packets, boxes, &c. with any such contents, when ready for sale, and kept for sale, and before the same are vended or exposed to sale by any person, either wholesale or retail, shall have well affixed thereto, such covers, wrappers, &c. so stamped, and such commissioners shall likewise decree and direct how such covers, &c. shall be affixed to such articles, or to the papers, thread, or other thing inclosing, or which shall be directed by such commissioners to inclose the same, and shall make such rules, &c. in that behalf as they think fit, to prevent such covers, &c. being used, after having been once disposed of, which rules, &c. shall be delivered to every such owner, proprietor, &c. and vendor at the time of taking out his first licence under this act, and so with every future licence, if any alteration is made therein, *id.* s. 11.

598. No person shall utter, vend, or expose to or offer or keep ready for sale, whether for foreign or home consumption, or pay or receive or keep for the purpose of selling by retail, either on his own behalf, or that of another, any packet, box, &c. or other inclosure containing any drugs, herbs, medicines, or medicament, or other preparations subject to the duties hereby imposed, unless the cover, &c. in s. 11. last pl. directed to be affixed to the same, shall be well affixed thereto in the manner by such commissioners directed, and stamped as hereby directed, previous to such sale, &c. or exposing, &c. to sale, or that shall have any cover, &c. affixed thereto, stamped with a stamp of less value than hereby directed, upon pain that persons so offending shall forfeit for each packet, box, &c. containing any such drug, &c. so uttered,

vended or exposed, &c. to sale, 10l. to be recovered and applied, as in ss. 22, 23. pl. 611., directed, 42 G.3. c. 56. s. 12.

599. If any person, whether licensed or not, shall utter, vend, or expose to sale, or offer, or keep ready for sale, whether for foreign or home consumption, or pay or receive, or keep for the purpose of selling by retail, either on his own behalf, or that of another, any packet, box, bottle, pot, phial, or other inclosure containing any of the drugs, herbs, oils, waters, essences, tinctures, pills, powders, preparation or compositions set forth in the schedule hereto annexed without a paper cover, wrapper or label supplied by the commissioners of stamps, pursuant to the 44 G.3. c. 98., or the 42 G.3. c. 56., and duly stamped to denote the duty payable on such packet, &c. being properly affixed thereto, so that the same cannot be opened, and the contents poured or taken out without tearing such stamped cover, &c. so as to prevent its being used again, then such person shall forfeit 10l., to be recovered and applied, as by the said acts directed with regard to penalties by them imposed, 52 G.3. c. 150. s. 2.

600. If any person shall fraudulently cut, tear, or take off any stamp in respect whereof, or whereby any duties are hereby payable, or denoted to be paid to H. M., on any packet, box, &c. containing any drugs, herbs, medicine or medicament or other preparation aforesaid, subject to the duties hereby imposed after the same have been sold, or shall fraudulently paste, stick, fasten, or affix to any such packet, box, &c. any cover, &c. so stamped, the same having been once used for such purpose, or shall utter, vend, or expose to sale any packet, box, &c. containing any such drug, &c. with such cover, &c. so fraudulently cut, torn or taken off, and pasted, &c. thereto, such persons so offending, shall forfeit 20l. to be recovered, &c. as in ss. 22, 23. pl. 611. directed, 42 G.3. c. 56. s. 13.

601. If any person shall sell, or buy any such cover, &c. which has been before used for inclosing any packet, box, &c. of any drugs, &c. or other preparation liable to the duty hereby imposed, in order to be again used for the like purpose, or shall sell any packet, box, &c. with such cover, &c. which has been before used affixed thereto, such person shall forfeit 20l. to be recovered, &c. as by ss. 22, 23. pl. 611. directed, *id.* s. 14.

602. If either the buyer or seller of any such drug, herb, &c. or other preparation, or of any such cover, &c. or any such packet, box, &c. shall inform against the other party, the party so informing shall be admitted to give evidence against the party informed against, and shall be indemnified from all penalties by him incurred, and shall receive the same advantage as any other informer, *id.* s. 15.

603. The commissioners of stamps shall allow to every person supplied with paper covers, &c. under this act, the duty whereof shall amount to 5l. or more, after the rate of 5 per cent. per ann., and if such duty shall amount to 50l., then at the rate of 10 per cent. per ann., and if to 100l. or more, at the rate of 12 per cent. per ann. upon prompt payment of such duties, [QU. REF. ? see 44 G.3. s. 98. s. 1. Sch. (C.), ante page 1416.], *id.* s. 16.

604. Every person who shall prepare, or keep ready for sale, or utter, vend, or expose to sale any such drugs, &c. or preparations, or any packets, boxes, &c. with any such contents liable to the duties hereby granted, shall before they obtain any licence under this act, give notice in writing of the usual shop, house, or place where they prepare, keep for sale, make or vend, or expose to sale the same, or intend so to do, which notice shall be sent to such commissioners, or their officer next to the place where the same are prepared, kept ready for sale, &c. or intended so to be, and the like notice shall be sent whenever they change such place, which notice shall contain the particular shop or house wherein the same are so prepared, kept ready for sale, &c. or intended so to be, on pain that every person making default herein, or giving false notice, shall forfeit 10l., to be recovered &c. as by ss. 22, 23. pl. 611. directed, *id.* s. 17.

605. In case any covers, &c. shall be damaged in affixing the same upon such articles or otherwise, so as to be rendered unfit for use, such persons as are licensed under this act may bring them, together with such articles, to the commissioners of stamps, or to their head officer, and on oath or affirmation made by such licensed person, to the satisfaction of such commissioners or their officer (who shall administer such oath or affirmation, and examine into all circumstances relating to the damaging of the same) that such covers, &c. so damaged and rendered unfit for use, have not been used for any purpose, or in any other manner, and that none of them have been fraudulently re-bought or returned, and that no money or other consideration has been given for the same, except that first paid at the stamp office, or other place appointed for the distribution thereof, then such commissioners may, after destroying such damaged covers, &c. deliver to such licensed person other covers, &c. of the same denomination or value, instead of those so damaged, without taking any sum or other consideration for the same, *id.* s. 18.

606. The duties hereby imposed on drugs, herbs, oils, &c. and other preparations to be used or applied as medicines or medicaments, for the

prevention, cure, or relief of any distemper or complaint incident to the human body, and upon persons uttering or vending the same; and all the powers, penalties, &c. by this act appointed for raising, levying, &c. such duties, shall extend to charge every article mentioned in the schedule [that schedule R.E.P. and a new one given, 43 G.3. c.73., and that R.E.P. and a new one given, 44 G.3. c.98., and that R.E.P. and a new one given, 52 G.3. c.150. s.1.] hereto annexed, by the names therein mentioned, or by whatever other names they may be known; and all pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaisters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs and waters, chemical and officinal preparations of the same, or the like properties, virtues, and efficacies with those therein mentioned, prepared, or vended by any persons, wherein the person making, vending, &c. the same claims any occult secret for making the same, or any exclusive right or title to the making of the same, or which now are or shall be hereafter vended or exposed to sale under any letters patent under the great seal, or which now are or hereafter may be by any public advertisement, notice, papers, or hand bills, or by labels or words affixed to or delivered with any such packet, box, &c. recommended to the public use by the makers, &c. thereof, as nostrums or proprietary medicines, or as specifics, or as beneficial for the prevention, cure, or relief of any distemper or complaint incident to the human body; and shall also extend to charge with the duties hereby imposed on licences all persons who shall vend or expose to sale any such medicines as aforesaid, 42 G.3. c.56. s.19.

607. The schedule, and so much of the act 42 G.3. c.56. s.19. as relates thereto is R.E.P., and the schedules hereto annexed shall be deemed part of the said act, and all the powers, &c. of such act shall be applied to this act, 43 G.3. c.70. s.1. [again R.E.P., 44 G.3. c.98. s.1.]

608. The schedule of drugs, herbs, &c. annexed to 44 G.3. c.98. Sched. (B.) shall be R.E.P., and that hereto annexed shall be read with such act, and deemed part of it; and the duties by the said act imposed shall be deemed to extend to the preparations in the schedule of this act set forth, and all the powers of 42 G.3. c.56., and the powers and penalties thereof shall be of full force, and observed with regard to the matters mentioned in the schedule hereto annexed, 52 G.3. c.150. s.1. [See the Sch. post. pl.622.]

609. Nothing in this or any other act shall charge with any stamp duty ginger and peppermint lozenges, or any other article of confectionary, unless the same are vended as medicines, or as beneficial for the prevention, cure, or relief of any distemper or disorder affecting the human body, nor to compel any person to take out a licence for vending the same, as required of vendors of medicines, 52 G.3. c.184. s.54.

610. If any person shall counterfeit or forge, or procure to be counterfeited, &c. any seal, stamp, or mark directed to be used under this act, for denoting the duties hereby granted, or shall counterfeit or resemble any impression of the same on any vellum, &c. with intent to defraud H. M. of any of such duties, or shall utter, vend, or sell any vellum, &c. directed to be stamped with any stamp provided under this act, or any other act, with a counterfeit stamp thereon, knowing the same to be counterfeit, or if any person shall fraudulently and privately use any stamp, &c. directed to be used by this act, with intent to defraud H. M., such person shall be guilty of felony, and suffer death without clergy, 42 G.3. c.56. s.20. [See 52 G.3. c.143. s.7., 55 G.3. c.184. s.7. pl.132.] Powers of former stamp acts extended to this act, *id.* s.21.

611. All pecuniary penalties hereby imposed for offences committed against this act, may be sued for and recovered in any of the courts at Westminster for offences committed in Eng., Wa., or Ber., and in the courts of sessions, justiciary, or of exchequer in Scot. for the like offences committed there, by action of debt, &c. or information, wherein no essoin, &c. and only one imparlance allowed, *id.* s.22.; and such penalties shall go, if sued for within 6 calendar months, [see pl.614.] from the time when incurred, one moiety to H. M., and the other, with full costs of suit, to the informer, *id.* s.22. [But see 44 G.3. c.98. s.10. pl.123.]

612. Such division of the penalty is hereby confined to prosecutions within such time, and in default thereof no informer shall have any share thereof, but the whole shall go to H. M., and shall be recoverable as in s.23. directed, *id.* s.24.

613. Any justice of peace residing near the place where the offence is committed may determine any offence against this act, punishable by a pecuniary penalty, at any time within 6 months after the offence committed, and on information or complaint made may summon the accused, and the witnesses on either side, and examine into the fact, and on due proof made, either by confession or on oath of one witness, may give judgment for the penalty, and award his warrant under hand and seal, to levy the same on the goods of the offender, and make sale thereof if not redeemed within 6 days, and where sufficient goods of the offender cannot be found, he may commit him to prison for 3 months, unless the penalty is sooner paid; and persons aggrieved by such judgment may, on giving security to the accountant of the penalty, and the costs to be awarded in case the judgment is affirmed, appeal to the next quarter sessions for the

county, shire, &c., and the justices there shall summon and examine witnesses upon oath, and fully determine the same, and in case the judgment is affirmed such justices may award the person to pay such costs occasioned by such appeal as they think fit, 42 G.3. c.56. s.25.

614. No person shall commence any action or information in H. M.'s courts against any person, or proceed before any justice or magistrate in a summary way, for the recovery of any penalty, &c. incurred under the 42 G.3. c.56., unless the same be commenced in the name of H. M.'s attorney-general, and by his authority, or in the name of some stamp officer; and if any action or information, &c. or prosecution is commenced or prosecuted by or in the name of any other person, or under any other authority than that before mentioned, the same, and all proceedings thereon had shall be void, and such courts, justice, or magistrate wherein or before whom such action or information, &c. or prosecution is commenced, shall not permit any proceeding to be had thereupon, 43 G.3. c.73. s.4. [See a similar general provision, 44 G.3. c.98. s.10. pl.123.]

615. Every action or information, &c. brought before any court, or any justice or magistrate for any pecuniary penalty under the 42 G.3. c.56. or this act, shall be commenced within 3 calendar months after the penalty is incurred, *id.* s.5.

616. If any person who is summoned as a witness before such justice or justices, touching such matters on either side, and shall neglect to appear at the time and place appointed, without excuse, to be allowed by such justice or justices, such person shall forfeit 40s.; to be levied and paid as hereinbefore (s.25. pl.613.) directed as to other penalties, 42 G.3. c.56. s.26.

617. Such justice or justices convicting any such offenders shall make out the conviction in the form following, or to that effect, *mutatis mutandis*, viz.:—

'Be it remembered, that on — day of — in the year of our Lord — in the county of — A. B. of — was convicted before me C. D., one of H. M.'s justices of the peace for the said county, residing near the place where the offence was committed, for that the said A. B. on the — day of — now last past did, contrary to the form of the statute in that case made and provided, [here state the offence against the act] and I do declare and adjudge that the said A. B. hath forfeited the sum of — of lawful money of G. B. for the offence aforesaid, to be distributed as the law directs. Given under my hand and seal the — day of —'

Such justice, where he sees fit, may mitigate any such penalties (reasonable costs of officers and informers in prosecuting being always allowed over the mitigation,) so as such mitigation do not reduce the penalties to less than one moiety besides such costs, *id.* s.27.; and no such conviction shall be removed by certiorari, *id.* s.28.

618. Penalties hereby or by 42 G.3. c.56. imposed, may be mitigated by any justice or magistrate, the reasonable costs of officers and the informer being always allowed if demanded, over such mitigation, so as such mitigation does not reduce such penalty to less than one-fourth part, 43 G.3. c.73. s.5.

619. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence, and if a verdict shall pass against the plaintiff, or if he is nonsuited, the defendant shall have treble costs, 42 G.3. c.56. s.30.

620. Every person who shall receive from any proprietor or compounder, or original or first vendor, or any of their agents, any articles subject to the duty by 42 G.3. c.56. granted, for the purpose of selling the same again, without the labels denoting the duty being affixed thereto, and shall not within 10 days return the same to the person from whom it was received, or give information thereof at the head stamp office, and deposit such articles with the nearest distributor of stamps, shall forfeit 20l., to be recovered, &c. as penalties under the said act may be, 43 G.3. c.73. s.2. [see 42 G.3. c.56. s.22—25. pl.611—613. and see pl.614.]

621. On the outside of all parcels, boxes, trunks, or packages containing one dozen or more of packets, boxes, bottles, pots, phials, or other enclosure containing any articles in the 42 G.3. c.56. mentioned, and subject to the duty thereby imposed, and sent by any proprietor, compounder or original vendor thereof, or any agent employed by him, to any retail vendor, by any public conveyance, or which shall be about to be exported, the word "medicines" shall be written with the name of such original vendor, and of the person sending or exporting the same if not such proprietor, &c.; and the officers of customs and excise, and persons authorized by the commissioners of stamps, by authority in writing from a magistrate or justice, (which authority he may grant on information given and proved before him on oath, that there is reason to suspect that any such parcel, &c. contains such articles subject to such duties, not properly labelled according to the said act,) may open such parcels, &c., and examine if the proper labels be duly affixed to the articles contained therein; and in case such labels are not duly affixed thereto, they may seize, and send and deliver the same at the head stamp office; and the commissioners of stamps may reward the seizing officers as they see fit, 43 G.3. c.73. s.3.

622. No victualler, confectioner, pastry-cook, fruiterer, or other shop-keeper in *G. B.*, who shall only sell any of the artificial or other waters mentioned in the schedule hereto annexed, to be drank in his house or shop, and which shall be actually drank therein, shall take out a licence for that purpose under 44 *G. 3. c. 98.*, or 42 *G. 3. c. 56.*; provided such waters be sold by him in bottles with paper covers, wrappers, or labels duly stamped, properly affixed to the same, as in *s. 2. pl. 599.* mentioned, 52 *G. 3. c. 150. s. 4.*

THE SCHEDULE to which 52 G. 3. c. 150. s. 1. pl. 608. refers.

Adam's Solvent.	Brodum's Botanic Pills.
Addison's Re-animating European Balsam.	Bythell's Pectoral Lozenges.
Ætherial Anodyne Spirit.	Camphor, Æthereal Essence of.
Ague and Fever Drops (by Wilson).	Cathartic Water.
Allan's Nipple Liniment.	Cathcart's Edinburgh Ointment.
Amboyne Lotion	Water.
— Mouth Powder.	Cephalic Snuff.
— Tooth powder.	Chamberlain's Ointment.
American Alternative Pills.	— Pills.
— Salve.	Chapman's Cerate.
Soothing Syrup.	— Chilblain Water.
Tincture.	Ching's Worm Lozenges.
Andalusia Water.	Chinner's Pills.
Anderson's Scots Pills.	Church's Anodyne Essence.
Angibaud's Lozenges of Blois.	— Antispasmodic Elixir.
Anodyne Necklace.	— Chilblain Ointment.
Antapoplectic Pills.	— Cough Drops.
Appleby's Tea.	— Eye Salve.
Arabian Balsam.	— Pectoral Pills.
Arnold's Drops.	— Volatile Tincture.
— Pills.	Clerval's Syrup.
Arquebusade Water.	Clinton's Oil for Deafness.
Aromatic Spirit of Vinegar.	— Snuff.
— Condensed.	Clyde's Balsam.
Asiatic Bilious Pills.	— Ointment.
— Tonic Tincture.	Coate's Cough Drops.
Austin's Chalybeate Pills.	Collier's Assistant Pills.
— Liniment.	— Ointment.
Balm of Mecca.	— Remedy for Fistula and Piles.
— of Quito.	Complin's Specific.
Balsam of Iceland Liverwort.	Cooke's Rheumatic Pills.
Barclay's Antibilious Pills.	— Family Pills.
— Asthmatic Candy.	Cordial Balm of Gilead.
— Ointment.	Cornwell's Fruit Lozenges.
Barlowe's Specific Medicine.	— Opodeldoc.
Barron's Cachou de Rose Lozenges.	— Oriental Vegetable Cordial.
Barton's Alterative Pomade.	Costello's Cerate.
— Vital Wine.	— Collyrium.
Bateman's Drops.	— Liniment.
— Golden Spirit of Scurvy Grass.	Cottier's Resolvent and Healing Plaster.
— Plain Spirits of Do.	Cox's Tincture.
Bath's Pills.	Coxwell's Castor Oil Medicine.
Bayley's British Tooth Powder.	Culpepper's Herb Cordial.
— Ointment.	Cundell's Balsam of Honey.
— Pectoral Pills.	Curtis's Syrup.
Beaseley's Family Plaster.	Daffy's Elixir, by whomsoever made.
Baume de Vie.	Dalby's Carminative.
Beiker's Tincture.	Dalmahoy's Sal Poignant.
Bell's Restorative Pills.	— Tasteless Salts.
Bennet's Worm Powders.	Dawson's Lozenges.
Benzoin, Essence of.	Deering's Drops.
Berry's Bilious Pills.	Delescot's Myrtle Opiate.
Betton's British Oil.	De Vlnos' Pills.
Bird's Ague Tincture.	— Syrup.
Birt's Martial Balsam.	Dicey and Co.'s Bathing Spirits.
Blair's Cephalic Fluid.	Dickenson's Cephalic Drops.
Blenkinsop's Bilious Pills.	— Red Drops for Con-
Boerhaave's Antiscorbutic Wine.	— vulsions.
Boldersome's Worm Cakes.	— Drops for Fits.
Bollman's Specific.	Dixon's Antibilious Pills.
Bolton's Asthmatic Tincture.	Donavon's American Vegetable Syrup.
Bostock's Cordial.	Doranstorff's Opodeldoc.
— Grand Elixir.	Dutch Drops.
Bott's Corn Salve.	Earl's Remedy for the Hooping Cough.
— Tooth Powder.	
Bourne's Æthereal Essence.	
Box's Magnesia Lozenges.	
Brabham's Oil.	
Brandon's Composition or Medicine for the Evil and Scrophula.	
Brasil Salts	
Brodum's Botanic Pills.	

Eau de Cologne.	Hemet's Essence of Pearl
Eau Médicinale de Husson.	— Pearl Dentrice.
Edge's Chronic Embrocation.	Heming's Pine Bud Lozenges.
— Universal Cerate.	Henry's Aromatic Spirits of Vinegar.
Edward's Ague Tincture.	— Magnesia.
— Nipple Ointment.	Hewitt's Analambanic Pills.
Elixir of Longevity, or Swedish Pre-	Hickman's Pills.
servative.	Hill's Balsam of Honey.
Ellis's Aperient Pills.	— Bardana Drops.
Essence Kayou Pouti.	— Canada Balsam.
Falck's Cerate.	— Essence of Water Dock.
— Universal Pills.	— Gout Essence.
Felton's Mucilage of Marsh Mallows.	— Tincture of Centaury.
Findon's Drops.	— Sage.
Fisher's Golden Snuff.	— Valerian.
Flexney's Wart Dissolvent.	Hinde's Powders.
Fogoni's Tincture.	— Drops.
Ford's Balsam of Horehound.	Hodson's Aromatic Nervine Tea.
Fordyce's Cooling Opening Pills.	— Imperial Oil.
Foreign Medicines of all Kinds,	— Persian Restorative.
except Drugs.	— Syrup.
Fothergill's Pectoral Pills.	Holdsworth's Lozenges.
— Restorative.	Hollingshead's Balsam.
Fraunce's Elixir.	Hooper's Female Pills.
Freake's Tincture of Bark.	Hooping Cough Drops.
Freeman's Bathing Spirits.	Hope's Hectic Pills.
— Eye Water.	Howell's Powders for Epilepsy.
— Gutta Salutaris.	Hudson's Tablets for the Worms.
Friar's Balsam.	Hungary Balsam for the Stone and Gravel.
Friend to Man.	Hunt's Family Pills.
Frith's Antibilious Elixir.	Hunter's Elixir.
Fry's Worm Pills.	— Pills.
Gall's Antibilious Pills.	— Restorative.
Gamble's Aromatic Snuff.	Jackson's Asthmatic Candy.
— Sanative Tea.	— Corn Salve.
Garaveni's Styptic.	— Ointment.
Gardener's Ointment.	— Tincture.
— Pills.	Jacobson's Cough Drops.
German Corn Plaster or Salve.	James's Analeptic Pills.
Gifford's Pills.	— Antibilious Pills.
Gilbert's Roseate Lotion.	— Fever Powder.
Glasse's Magnesia.	— Medicine for the Dropsy.
Godbold's Balsam.	— Tin Powder for the Worms.
Godfrey's Cordial.	Jebb's, Sir Richard, Elixir.
— Rose Lozenges.	— Pills.
Gordon's Pills.	Jenkins's Salve.
Gould's Powders and Lotion.	Jesuits' Drops.
Gowland's Lotion.	Imperial Anodyne Opodeldoc.
Grand Specific or Infallible Antidote to Consumptions.	Infallible Restorative.
Grant's Drops.	Inglis's Scots Pills.
— Lisbon Tonic Pills.	Johnson's Golden Ointment for the Eyes.
Green's Honey Lozenges.	Johnston's Essence of Horehound.
— Oil, or Infallible Oil.	Johnenocco's Tooth Powder.
— Toothach Pills.	Jones's Rheumatic Tincture.
Greenhough's Tincture.	Irvine's Fruit Lozenges.
— Tolu Lozenges.	Juniper's Essence of Penny Royal.
Grey's Lozenges.	— Peppermint.
— Tooth Powder.	Kemp's Gangrene Ointment.
Griffin's Asthmatic Tincture.	Kennedy's Corn Salve or Plaster.
Grubb's Fryars Drops.	Koyser's Pills.
Guest's Lotion.	Knight's Pills.
— Pills.	Lamert's Balsam.
— Powder.	Lancaster Black Drop.
— Tooth Powder.	Leake's Cerate.
— Welcome Guest.	— Chilblain Water.
Haarlem's Drops.	— Pills.
Hadley's Convulsion Powders.	— Purifying Drops.
Hallam's Anima of Quassia.	Leathe's Lotion.
— Antibilious Pills.	Le Cour's Imperial Oil.
— Quassia Do.	Lee's Lozenges.
Hamilton's Astmatic Effluvia.	Lewis's Salve.
— Cinnamon Drops.	— Specific Pills.
— Corn Salve.	— Tincture of Angustura Bark.
— Patent Mineral Water.	Liquid Shell for the Stone and Gravel.
— Vegetable Balsamic Tinc-	Lobb's Stomachic Tincture.
ture.	Lockyer's Pills.
Hannay's Wash.	Lord's Corn Salve or Plaster.
Harrison's Pile Lozenges.	Lorraine's Consumptive Pills.
Harvey's Anti-Venereal Pills.	Lowrie's Eye Water.
— Grand Restorative Drops.	Lowther's Drops.
Hatfield's Tincture.	— Nervous Powders.
Hayman's Maredant's Drops.	Losenges Anised.
Hayward's Stomachic Lozenges.	— Bensoin.
— Anti-Acid Do.	— Camomile.
— Samaritan Water.	

Lozenges Ginger.
 Horehound.
 Ipecacuanha.
 Patirosa.
 Peppermint.
 Poppy.
 Rose.
 Roseated Liquorice.
 Specific.
 Spemaceti.
 Tolu.
 Lucas's Pure Drops of Life.
 Luzatte's British Pills.
 Lygnum's Antiscorbutic Drops.
 Lotion.
 Pills.
 Lynch's Embrocation.
 Madden's Vegetable Essence.
 Magnesia Tablets.
 Manne's Cough Medicine.
 Mapson's Sanative Salve.
 Marshall's Cerate.
 ——— Wart Dissolvent.
 ——— Heal-all.
 Mason's Ointment.
 Matthew's or Matthews's Alternative Medicine.
 ——— Chymical Tincture.
 ——— Remedy for curing Fistula and Piles without Cutting or Pain.
 ——— Samaritan Restorative.
 Mayersbach's Balsamic Pills.
 ——— Mixture.
 ——— Restorative Powders.
 Medley's Aromatic Herb Snuff.
 Metallic Tractors.
 Military Drops.
 Millman's Itch Ointment.
 Mollineaux's Ointment.
 Monsey's Rheumatic Powders.
 Nailor's Corn Ointment.
 Newton's Restorative Tooth Powder.
 Norman's Syrup.
 Norris's Chalybeate Pills.
 ——— Drops.
 ——— Tonic Essence.
 Norton's Mardant's Drops.
 Ordontalgic Elixir for Toothache.
 Oliver's Remedy for Consumption.
 Oliverian Ointment for the Piles.
 Orme's Medicine.
 Ormskirk Medicine for the Bite of a Mad Dog.
 Oxley's Essence of Jamaica Ginger.
 ——— Stomachic Tincture.
 Palmer's Laxative Pills.
 Paraguay Lotion.
 Paris Ointment.
 Paschall's Teething Remedy.
 Pectoral Essence of Coltsfoot.
 Perkins' Metallic Tractors.
 Perrin's Balsam of Lungwort.
 ——— Antibilious or Cough Pills.
 ——— Pile Ointment.
 ——— Powder for the Hooping Cough.
 Perry's Essence.
 Peter's Pills.
 ——— Tincture.
 Pidding's Balsam of Liquorice.
 Pike's Ointment.
 Pomade Divine.
 ——— Royal.
 Potter's Pills.
 Powell's Camphor Liniment.
 ——— Eye Salve.
 Price's Breast Salve.
 Pricket's Styptic.
 Prince's Russia Oil.
 Pullen's Antiscorbutic Pills.
 ——— Purging Pills.
 Purland's Expectorating Pills.
 Pyrmont Tablets.
 Radcliffe's Purging Elixir.
 ——— Rheumatic Tincture.
 Randall's Essence of Ginger.
 Refined British Oil.
 Relfe's Nipple Ointment.
 Richardson's British Corn Salve or Plaster.
 Riga Balsam.
 Robberd's Cough Drops.
 Robert's Worm Sugar Plums.
 Robertson's Vegetable Julap.
 Roche's Embrocation.
 Roe's English Coffee for Nervous Disorders.
 Rogers' Antibilious Elixir.
 ——— Antiscorbutic Pills.
 Rook's Balsam.
 Rose Tablets.
 Ruspini's Styptic.
 ——— Tincture.
 ——— Tincture for the Toothache.
 ——— Tooth Powder.
 Ryan's Essence of Coltsfoot.
 Rymor's Cordiac and Nervous Tincture.
 ——— Detergent Pills.
 ——— Essence of Garlic.
 ——— Pectoral Medicine.
 ——— Tonic Pills.
 Salmon's Guttæ Vitæ.
 Savage's Oil.
 Saville's Ointment.
 Schuid's Liquid Dentrifice.
 Schult's Vegetable Acid Air.
 Scot's Gout Pills.
 Senate's Aromatic Steel Lozenges, or Lozenges of Steel.
 Severne's Worm Tea.
 ——— Ague Cakes.
 Sharpe's Hepatic Pills.
 Sharp's Drops for Cancers.
 Shaw's Sovereign Itch Ointment.
 Shee's Specific Drops.
 ——— Pills.
 ——— Preventive Lotion.
 Sibley's Lunar Tincture.
 ——— Solar Ditto.
 Simson's Infallible Æthereal Tincture.
 Singleton's Golden Ointment.
 Sloane's, Sir Hans, Pills.
 Smart's Tincture of Cascarella Bark.
 Smellome's Eye Salve.
 Smith's Antibilious Pills.
 ——— Antihetic Balsam.
 ——— Cooling Opening Pills.
 ——— Drops.
 ——— Purifying Pills.
 ——— Restorative Medicated Wine.
 Smyth's Drops.
 ——— Restorative.
 Solander's Sanative Tea.
 Soley's Essence of Squills.
 Solomon's Abstergent.
 ——— Anti Impetigines.
 ——— Balm of Gilead.
 Spain's Restorative Oil.
 Speediman's Stomach Pills.
 Specific Convulsion Drops.
 ——— for the Yellow Fever.
 ——— Remedy (by Wessels).
 ——— Tincture.
 Spence's Dentrifice.
 Spilsbury's Antiscorbutic Drops.
 ——— Compound Essence.
 Spinluff's Aromatic Bilious Cordial.
 Squire's Elixir.
 Squirrel's Drops.
 ——— Tonic Pills.
 ——— Powders.
 Steer's Camomile Drops.
 ——— Camphorated Eye Water.
 ——— Convulsion Oil.
 ——— Nitre Drops.
 ——— Opodeldoc.
 ——— Paregoric Lozenges.
 ——— Purging Elixir.
 ——— Solution of Myrrh.
 Sterne's Balsamic Æther.
 ——— Stomachic Tablets.
 ——— Tincture of Gout Drops.
 Storey's Worm Cakes.

Stoughton's Bitters.
 ——— Elixir.
 Stringer's Essence of Myrrh.
 ——— Myrrh Dentrifice.
 ——— Paregoric Lozenges.
 Swedish Preservative, or Elixir of Longevity.
 Swinfen's Anti-Acid.
 ——— Electuary.
 ——— Ointment.
 ——— Worm Sugar Cakes.
 Swiss Balsam.
 Syrian Corn Plaster.
 Tasteless Ague Drops.
 ——— Fever Drops.
 Taylor's Antispasmodic Pills.
 ——— Remedy for Deafness.
 ——— Restorative Balsam for the Eyes.
 Thomas's Tolu Essence.
 Thompson's Ague Tincture.
 ——— Patent Medicinal Water.
 Sickell's Æther.
 Tincture for the Teeth and Gums.
 Tooley's Cordial.
 Toothache Fluid.
 Tooth Powder, Asiatic.
 ——— Paraguay.
 ——— Royal.
 Trotter's Asiatic Tooth Powder.
 Trowbridge's Golden Pills.
 Tuberosa Vitæ or Chilblain Water.
 Turlington's Balsam.
 Vandour's Nervous Pills.
 Van Swieten's Gout Cordial.
 Vegetable Embrocation.
 Vital Balm.
 Waite's Worm Nuts.
 Walford's Pancreatic Powders.
 Walker's Jesuits Drops.
 ——— Specific Remedy.
 ——— Stomachic Wine.
 Walkey's Tooth Powder.
 Waller's Ointment.
 Walsh's Antiptertussis.
 ——— Coltsfoot Lozenges.
 Walsh's Ginger Seeds.
 ——— Pills.
 Ward's Dropsy Pills.
 ——— Essence for the Headache.
 ——— Liquid Sweet.
 ——— Paste.
 ——— Powders.
 ——— Red Pills.
 ——— Sack Drops.
 ——— Sweating Powder.
 ——— White Drops.
 Ware's Asthmatic Drops.
 Warren's Analeptic Powders.
 ——— British Tooth Powder.
 Waters, *videlicet*—All artificial Mineral Waters, and all Waters impregnated with Soda or Mineral Alkali, or with Carbonic Acid Gas, and all Compositions in a liquid or solid State, to be used for the Purpose of compounding or making any of the said Waters.
 Webster's Diet Drink.
 Welch's Female Pills.
 Wheatley's Ointment.
 ——— Fluid.
 Whitehead's Cerate.
 ——— Essence of Mustard.
 ——— Horehound.
 ——— Pills.
 Whittell's Black Drops.
 Williams' Aperient Pills.
 ——— Essence of Benzoin or Pulmonic Drops.
 ——— Spa Elixir, or Restorative Drops.
 Willis's Asthmatic Pills.
 Wilson's Balsam.
 ——— Opening Pills.
 ——— Powders.
 Winch's Cough Drops.
 Withers's Essence of Camomile.
 Wray's Ague Pills.
 York Medicinal Preventive Lotion.
 Zimmerman's Stimulating Fluid.

And also all other pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaisters, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs and waters, chemical and officinal preparations whatsoever, to be used or applied externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to or in anywise affecting the human body, made, prepared, uttered, vended, or exposed to sale by any person or persons whatsoever, wherein the person making, preparing, uttering, vending, or exposing to sale the same, hath or claims to have any occult secret, or art for the making or preparing the same, or hath or claims to have any exclusive right or title to the making or preparing the same, or which have at any time heretofore been, now are, or shall hereafter be prepared, uttered, vended, or exposed to sale under the authority of any letters patent under the great seal, or which have at any time heretofore been, now are, or shall hereafter be by any public notice or advertisement, or by any written or printed papers or hand bills, or by any label or words written or printed, affixed to, or delivered with any packet, box, bottle, phial, or other inclosure, containing the same, held out or recommended to the public by the makers, venders, or proprietors thereof as nostrums or proprietary medicines, or as specifics, or as beneficial to the prevention, cure, or relief of any distemper, malady, ailment, disorder or complaint incident to or in anywise affecting the human body.

SPECIAL EXEMPTIONS.

All drugs named or contained in the book of rates subscribed with the name of Sir Harbottle Grimstone, Baronet, and mentioned and referred to by the act of tonnage and poundage made in the 12th year of the reign of king Charles the Second, and in another book of rates, intituled "An additional book of rates of goods and merchandizes, usually imported, and not particularly rated in the book of rates referred to in the act of tonnage and poundage made in the 12th year of the reign of king Charles the Second, with rules, orders, and regulations, signed by the Right Honourable Spencer Compton, Speaker of the honourable house of commons, and mentioned and referred to by an act made in the 11th year of the reign of H. M. king George the First."

All medicinal drugs whatsoever, which shall be uttered or vended entire, without any mixture or composition with any other drug or ingredient whatsoever, by any surgeon, apothecary, chemist, or druggist, who hath served a regular apprenticeship, or by any person who hath served as a surgeon in the navy or army, under any commission or appointment, duly entered at the war office or navy office, or by any other person whatsoever, licensed to sell any of the medicines chargeable with a stamp duty.

And also all mixtures, compositions, or preparations whatsoever, mixed or

compounded with, or prepared from medicinal drugs, medicated or chemical preparations or compositions, or other ingredients, bearing different denominations, or having different properties, qualities, virtues, or efficacies, which shall be uttered or vended by any such surgeon, apothecary, chemist, or druggist as aforesaid, or by any such person who hath served as a surgeon in the navy or army, under any such commission or appointment as aforesaid, the different denomination, properties, qualities, virtues, and efficacies of which mixtures, compositions, and preparations, as aforesaid, are known, admitted, and approved of in the preservation, cure, or relief of any disorder, malady, ailment, or complaint incident to or in anywise affecting the human body, and wherein the person mixing, compounding, preparing, uttering, or vending the same, hath not nor claims to have any occult secret or art for the mixing, compounding, or preparing the same, nor hath nor claims to have any exclusive right or title to the mixing, compounding, or preparing, or to the vending of the same, and which mixtures, compositions, or preparations, have not been, are not, nor shall hereafter be prepared, uttered, vended, or exposed to sale under the authority of any letters patent under the great seal, nor at any time heretofore have been, now are, or shall hereafter be by any public notice, advertisement, or by any written or printed papers or hand bills, or by any labels or words, written or printed, and affixed to or delivered with any such packet, box, bottle, pot, phial, or other inclosure aforesaid, held out or recommended to the public by the owners, proprietors, makers, compounders, original or first vendors thereof, as nostrums or proprietary medicines, or as specifics, or as beneficial for the prevention, cure, or relief of any such distemper, malady, ailment, or complaint, as aforesaid.

NEWSPAPERS.

623. FOR EXPLAINING 10 *A. c. 19. s. 101.*, IN RELATION to the stamp duty on newspapers [and for the better collection of such duties], 11 *G. 1. c. 8. s. 13.* [EXPL. 15 *G. 5. c. 65.* AMD. 16 *G. 2. c. 26. s. 5.*, 29 *G. 3. c. 50. ss. 7—9.*, 34 *G. 3. c. 72.*, 37 *G. 3. c. 90. ss. 33—38.*, 41 *G. 3. U. K. c. 10. s. 10.*, 42 *G. 3. c. 99. ss. 7, 8.*, 44 *G. 3. c. 98. Sch. C.* (see *ante*, page 1416.) such discount shall be allowed, notwithstanding the proprietors of newspapers advance the price of newspapers one halfpenny, 49 *G. 3. c. 50.* [QU. *all this* superseded by 55 *G. 3. c. 185. ss. 9, 10.*]

624. Journals, mercuries, and newspapers, printed on one sheet and half-sheet of paper, shall not be deemed pamphlets, nor pay as such, 11 *G. 1. c. 8. s. 13.*

625. The duties by 11 *G. 1. c. 8. s. 14.*, and 30 *G. 2. c. 19.* granted on newspapers, &c. do and shall extend to charge every sheet, and every half sheet of paper on which any journal, &c. or paper, containing public news, shall be printed, whether the same be contained in a greater or less number of sheets or half sheets, 15 *G. 3. c. 65.*

626. If any person shall sell, hawk, or expose to sale, any newspapers, or any book, pamphlet, or paper, deemed a newspaper, within the meaning of any stamp act now in force not being duly stamped, any justice of peace may commit the offender on conviction, by confession, or on oath of one witness, to the house of correction for 3 months, and any person may apprehend and carry before a justice, any such offender; and such person so seizing shall, on the conviction of such offender, and producing a certificate of such conviction, under the hand of such justice, (which certificate, such justice shall give without fee,) be entitled to a reward of 20s., to be paid by the receiver-general of stamp-duties, 16 *G. 2. c. 26. s. 5.* [EXT. to almanacks, 30 *G. 2. c. 19. s. 26.* See STAMPS, *Almanacks. pl. 207.*]

627. No commissioner of stamps, nor any of their officers, shall cancel any stamps upon any copies or impressions of newspapers, under the pretence of their remaining unsold [see 10 *A. c. 19. s. 114.* STAMPS (*Pamphlets*), *pl. 672.*] in the hands of the printers, publishers, or proprietors thereof, nor shall they make any allowance on account of the same, or of present payment of the duties, other than as hereinafter mentioned, 29 *G. 3. c. 50. s. 7.*

628. Such commissioners may allow to any person who shall bring, at one time, to the head stamp-office to be stamped, or shall buy of such commissioners or their agents, at such head office, paper duly stamped with newspaper duties, which duties shall amount to 10*l.* at the rate of 4 *per cent.* on prompt payment, which shall be in lieu of all other allowances, 29 *G. 3. c. 50. s. 8.* [See 44 *G. 3. c. 98. Sch. C. ante*, page 1416.; 55 *G. 3. c. 185. s. 9.*, *post*, *pl. 634.*]

629. If any hawk of any newspaper, or other person, shall let out any newspaper for hire, to any person, or different persons, or from house to house, he shall forfeit 5*l.*, to be recovered and applied as any other penalty may be, by the stamp acts, 29 *G. 3. c. 50. s. 9.*

630. The commissioners of stamps and their officers, may stamp any quantity of single demy paper in sheets, which shall be brought to them for that purpose, on payment of the duties to the receiver-general, instead of stamping every half sheet of double demy paper as heretofore, 34 *G. 3. c. 72. s. 1.*

631. Nothing herein shall limit the price of any paper whereon the allowance by this act granted has not been demanded and paid, nor to prevent any person on prompt payment of the duties imposed by any act now in force, from receiving the allowance of 4*l. per cent.* thereon, in any case where the allowance hereby granted, is not demanded and paid, 37 *G. 3. c. 90. s. 37.* [See 44 *G. 3. c. 98. Sch. (C.)*, *ante*, page 1416.]

632. General issue, treble costs, 37 *G. 3. c. 90. s. 38.* [See the section at length, STAMPS (*Attorney's Certificate*), *pl. 297.*]

633. Discount on prompt payment of the stamp duties on newspapers, 37 *G. 3. c. 90. ss. 33—36.*, 41 *G. 3. U. K. c. 10. s. 10.*, 42 *G. 3. c. 99. ss. 7, 8.*, 44 *G. 3. c. 98. Sch. C.* (see *ante*, page 1416.) such discount shall be allowed, notwithstanding the proprietors of newspapers advance the price of newspapers one halfpenny, 49 *G. 3. c. 50.* [QU. *all this* superseded by 55 *G. 3. c. 185. ss. 9, 10.*]

634. A discount at the rate of 20*l. per cent.* on the prompt payment of any sum of 10*l.* or more, for the duties on newspapers, shall be made to all proprietors of newspapers who sell their papers at not exceeding 7*d.* each, or at a price not exceeding 2*d.* each above the price they were sold at, for 3 calendar months before 22*d.* June 1797; and a discount at the rate of 4*l. per cent.* shall be made on prompt payment of the duties on newspapers of 10*l.* or more, to all proprietors who sell their paper at a higher price than as aforesaid, 55 *G. 3. c. 185. s. 9.*

635. The commissioners of stamps shall provide two sets of stamps for denoting the duties on newspapers, one of which shall express the allowance of 20*l. per cent.*, and the other not, and they shall stamp newspapers with one of these sets, according as 20 or 4 *per cent.* is allowed; and if any person shall print, or cause to be printed, any newspaper, &c. without printing thereon the price at which sold, or shall sell or expose to sale, the same at any higher price than shall be printed thereon; or shall print, or cause to be printed on any newspaper, with the larger discount, any price exceeding that in respect of which the larger discount is allowed, or shall sell or expose to sale, the same at any such higher price, such person so offending shall forfeit for each paper so printed, sold, or exposed to sale, contrary thereto, 20*l. id.* s. 10.

636. Size of sheets of paper for printing newspapers, 34 *G. 3. c. 72. s. 2.* ENLARGED, 39 & 40 *G. 3. c. 72. s. 19.*

637. No newspaper or paper containing public intelligence, shall be printed in *G. B.* on paper exceeding 32 inches in length, and 21 in breadth, and the commissioners of stamps shall not stamp with the newspaper duty, paper of a larger size than as aforesaid, 44 *G. 3. c. 98. s. 22.*

638. TO SUBJECT CERTAIN PUBLICATIONS TO THE DUTIES of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels, 60 *G. 3. c. 9.*

639. All pamphlets and papers containing any public news, intelligence, or occurrences, or any remarks or observations thereon, or upon any matter in church or state, printed in any part of the U. K. for sale, and published periodically, or in parts or numbers, at intervals not exceeding 26 days between the publication of any 2 such pamphlets or papers, parts or numbers, where any of them respectively shall not exceed 2 sheets, or shall be published for sale for less than 6*d.* exclusive of the duty by this act imposed, shall be deemed to be newspapers within the 38 *G. 3. c. 78.*, 55 *G. 3. (Ir.) c. 80.*, 55 *G. 3. c. 185.*, and 56 *G. 3. (Ir.) c. 56.* and all other acts in force relating to newspapers, and be subject to the same duties of stamps, with the same allowances and discounts, as newspapers printed in *G. B.* and *Ire.* now are subject to under the said acts, and shall be printed, published, and distributed under the like regulations, provisions, penalties, &c. as are contained in the said acts, or in any other act now in force in *G. B.* or *Ire.*, relating to newspapers; and such acts, and all other acts now in force in *G. B.* or *Ire.* relating to the printing, publishing, or dispersing, in *G. B.* or *Ire.*, any newspapers, or containing any regulations relating thereto, and all the provisions and penalties therein, shall (except where altered by this act) be applied to all such pamphlets and printed papers, as fully as if re-enacted in and made part of this act; and such recited acts, and all other such acts as aforesaid, and this act, shall be construed as one act, *id.* s. 1.

640. No quantity of paper less than a quantity equal to 21 inches in length and 17 in breadth, in whatever way the same may be made, or divided into leaves, or in whatever way the same may be printed, shall be deemed to be a sheet of paper within this act, *id.* s. 2.

641. No cover or blank leaf, upon which any advertisement or other notice is printed, shall, for this act, be deemed a part of any such pamphlet, &c. aforesaid, *id.* s. 3.

642. All pamphlets and papers containing any public news, intelligence, or occurrences, or any such remarks or observations as in s. 1. aforesaid, printed for sale, and published periodically, or in parts or numbers, at intervals exceeding 26 days between any 2 such pamphlets, &c. and which said pamphlets, &c. shall not exceed 2 sheets, or which shall be published for sale at a less price than 6*d.*, shall be first published on the first day of every calendar month, or within 2 days before or after that day, and at no other time; and every person who shall first publish any such pamphlet, &c. on any other day, shall forfeit 20*l.*, *id.* s. 4.

643. Upon every such pamphlet or paper, as in s. 1., and upon every part or number thereof, shall be printed the full price at which the same shall be published for sale, and also the day on which first published; and every person who shall publish any such pamphlet, &c. without such price and day being printed thereon; or every person who shall, within 2 months after the day of publication printed thereon as aforesaid, sell

or expose to sale any such pamphlet, &c. or any portion or part thereof, upon which the price so printed as aforesaid shall be 6d., or above that sum, for a less price than 6d., shall forfeit 20l., 60 G.3. c.9. s. 5.

644. Nothing in this act shall extend to subject any person publishing any pamphlet or paper to any penalty for any allowance in price made by the person for whom and on whose behalf, and for whose profit the same was first published, to any bookseller or distributor, or other person to whom the same shall be sold for the purpose of retailing the same, *id.* s. 6.

645. All pamphlets and papers by this act declared subject to the stamp duties upon newspapers, shall be freed from all the stamp duties and regulations contained in any act relating to pamphlets, *id.* s. 7.

646. No person shall print or publish for sale, any newspaper, or any pamphlet or other paper containing any public news, intelligence, or occurrences, or any remarks or observations thereon, or upon any matter in church or state, which shall not exceed 2 sheets, or which shall be published for sale at a less price than 6d., until he or she shall have entered into a recognizance before a baron of the exchequer, in *Eng., Scot., or Ire.*, as the case may be, if such newspaper or pamphlet, or other paper, shall be printed in *London or Westminster*, or in *Edinburgh or Dublin*, or shall have executed in the presence of, and delivered to some justice of the peace for the county, city, or place where such newspaper, &c. shall be printed, if printed elsewhere, a bond to H. M., together with 2 or 3 sufficient sureties, to the satisfaction of such baron taking such recognizance, or of the justice taking such bond, every person printing or publishing any such newspaper, &c. aforesaid, in 300l. if such newspaper, &c. shall be printed in *London* or within 20 miles thereof, and in 200l. if printed elsewhere in the U. K., and his or her sureties in a like sum in the whole; conditioned that such printer or publisher shall pay to H. M., every such fine or penalty as may be imposed upon or adjudged against him or her, by reason of any conviction for printing or publishing any blasphemous or seditious libel, at any time after the entering into such recognizance or executing such bond; and that every person who shall print or first publish any such newspaper, &c. without having entered into such recognizance, or executed and delivered such bond with such sureties, shall forfeit 20l., *id.* s. 8.

647. In every case in which any surety or sureties in any such recognizance or bond, shall be required to pay and shall have paid the whole or any part of the sum for which he shall have become surety; or in case any such sureties shall become bankrupt, or be discharged under any insolvent act; then the person for whom such sureties shall have been bound, shall not print or publish any newspaper, &c. until he or she shall, upon being required so to do by the commissioners of stamps for *G. B. and Ire.* respectively, have entered into a new recognizance, or executed a new bond, with sufficient sureties, in the manner and to the amount in s. 8. *pl.* 646. aforesaid; and in case he or she shall print or publish any such newspaper, &c. without having entered into such new recognizance, or executed such new bond, having been so required so to do, he or she shall forfeit 20l., *id.* s. 9.

648. Provided that if any surety or sureties shall be desirous of withdrawing from such recognizance or bond, he, she, or they, may so do, upon giving 20 days previous notice in writing to the commissioners of stamps respectively, or to the distributor of stamps for the district where the printer or publisher for whom he or they is or are surety or sureties shall reside, and also to such printer or publisher; and that in any such case, every such surety or sureties, after the expiration of such notice, shall not be liable upon such bond or recognizance, other than and except for any penalty before that time imposed; and that then the person for whom such surety or sureties shall have been bound, shall not print or publish any newspaper, &c. aforesaid, until he or she shall have entered into a new recognizance, or executed a new bond, with sufficient sureties, in the manner and to the amount in s. 8. aforesaid; and in case he or she shall print or publish any such newspaper, &c. aforesaid, without having entered into such new recognizance or bond, he or she shall forfeit 20l., *id.* s. 10.

649. No such bond shall be subject to any stamp duty, *id.* s. 11.

650. Lists of all the recognizances entered into in the respective courts of exchequer in *Eng., Scot., or Ire.*, shall, 4 times in each year, be transmitted to the commissioners of stamps in *G. B. and Ire.* respectively, as the case may be, by the respective officers recording such recognizances; and all bonds executed under this act shall, within 10 days at the furthest after the execution thereof, be transmitted to such commissioners respectively, by the justices to whom the same shall have been delivered, *id.* s. 12.

651. The printer or publisher of any pamphlet or other paper for sale, containing any public news, intelligence, or occurrences, or any remarks or observations thereon, or on any matter in church or state, shall, upon every day upon which the same shall be published, or within 6 days after, deliver to the commissioners of stamps for *G. B. and Ire.* respectively, at their head offices, or to some distributor or officer to be appointed by them to receive the same, and whom they are hereby

required to appoint, one of the pamphlets or papers so published upon each such day, signed by the printer or publisher thereof, in his handwriting, with his name and abode; and the same shall be kept by such commissioners, or such distributor or officer, in such manner as the commissioners shall direct; and such printer or publisher shall be entitled to receive from the commissioners, or such distributor or officer, the amount of the retail price of such pamphlet or paper so delivered; and in every case in which the printer and publisher of such pamphlet or paper shall neglect to deliver one such pamphlet or paper as hereinbefore directed, they shall respectively forfeit 100l., 60 G.3. c.9. s. 13.

652. Provided that in case the commissioners, or such distributor or officer shall refuse to receive or pay for any copy of such pamphlet or paper offered to be delivered as aforesaid, on account of the same not being within this act, such commissioners, distributor, or officer shall, if required so to do, deliver to such printer or publisher a certificate in writing that a copy of such pamphlet or paper had been by him duly offered to be delivered; and such printer or publisher shall thereupon be discharged from any penalty for not having delivered such copy, *id.* s. 14.

653. Every person who shall sell or expose to sale, any pamphlet or other paper not being duly stamped, if required to be stamped, shall forfeit 20l., *id.* s. 15.

654. It shall be lawful for any of H. M.'s courts of record at *Westminster or Dublin*, or of great session in *Wa.*, or any judge thereof respectively, or for any court of quarter or general sessions, or for any justice of peace before whom any person charged with having printed or published any blasphemous, seditious, or malicious libel, shall be brought for the purpose of giving bail upon such charge, to make it a part of the condition of the recognizance to be entered into by such person and his or her bail, that the person so charged shall be of good behaviour during the continuance of such recognizance, *id.* s. 16.

655. All fines and penalties by this act imposed shall be recovered by action of debt, &c. in any of H. M.'s courts of record at *Westminster or Dublin*, or the courts of great session in *Wa.*, or the courts of the counties palatine, or in the court of session or court of exchequer in *Scot.* (as the case shall require), wherein no essoin, &c. shall be allowed; or before any 2 justices of peace of the county, city, or place where the offence shall be committed; provided that no larger amount in the whole than 100l., shall be recoverable before any justices of peace for any such penalties incurred in any one day, *id.* s. 17.

656. Any 2 or more justices of peace, in all cases in which they are authorized to hear and determine any offence which shall be committed against this act, or any other act which are by this act required to be construed therewith as part thereof (*see s. 1. pl.* 639.), upon information exhibited or complaint made, within 3 months after any such offence committed, may summon the party accused, and also the witnesses on either side; and upon the appearance, or contempt of the party accused, may proceed to the examination of the witnesses upon oath (which oath they shall administer), and give judgment for the penalty incurred; and in case the party shall not immediately pay the penalty, may commit the offender to prison, for not exceeding six months, unless such penalty shall be sooner paid; and if any party is aggrieved by the judgment of any such justices, then he, she, or they may, upon giving security to the amount of the penalty adjudged, together with such costs as may be awarded in case such judgment shall be affirmed, appeal to the justices at the next quarter or general sessions for the county, division, or place wherein such offence was committed, who shall summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgment shall be affirmed, such justices may order the appellant to pay such costs, as to them shall seem meet; provided, that such justices, where they see cause, may mitigate any such penalty, in such manner as they think fit; the reasonable costs and charges of the officers or informers being always allowed over such mitigation; and so as such mitigation does not reduce the penalty to less than one-fourth over such costs, *id.* s. 18.

657. If any person shall be summoned as a witness to give evidence before such justices touching any such offence, either on the part of the prosecutor or of the accused, and shall neglect to appear at the time and place appointed, without a reasonable excuse, to be allowed of by the justices before whom the prosecution shall be depending, or appearing shall refuse to give evidence, then such person shall forfeit any sum not exceeding 20l., to be levied and paid in such manner and by such means as is in this act, s. 18. *pl.* 656. directed as to other penalties, *id.* s. 19.

658. The justices before whom any offender shall be so convicted, shall cause the conviction to be made out in the form following, or in any other form to the like effect, *mutatis mutandis*; viz.

County of — } Be it remembered, that on — at — A. B. of — was duly
to wit. } convicted before us, — of H. M.'s justices of the peace for —
in pursuance of an act passed in the 60th year of the reign His present Ma-
jesty, intituled, An Act (*title of this act*); for that the said A. B. on the —
day of — now last past, did [*here state the offence, as the case may happen to be*]
contrary to the form of the statute in that case made and provided; for which

offence we do adjudge that the said *A. B.* hath forfeited the sum of —; and [if the justices mitigate the penalty] which sum of — we do hereby mitigate to the sum of —. Given under our hands and seals, this — day of —. 60 G. 3. c. 9. s. 20.

659. No order or conviction made under this act by any justices of peace, shall be removed by *certiorari*, advocacy, or suspension into any court; and no writ of *certiorari*, &c. shall supersede execution or other proceedings upon any such order or conviction, but execution and other proceedings shall be had thereupon notwithstanding, *id.* s. 21.

660.* No person may commence, prosecute, enter, or file, any action, &c. or information in any of H. M.'s courts, or before any justice or justices of peace, against any person for the recovery of any penalty incurred under this act, unless the same be commenced, &c. in the name of H. M.'s attorney-general in *Eng.*, or in *Ire.*, or H. M.'s advocate for *Scot.*, or in the name of the solicitor or some other officer of H. M.'s stamp duties in *Eng.*, or in *Scot.*, or *Ire.* respectively; and if any action &c. shall be commenced, in the name of any other person, the same and every proceeding thereupon had, shall be void, *id.* s. 22.

661. Such duties shall be under the commissioners of stamps in *G. B.* and *Ire.*; who, or the major part of them, in *G. B.* and *Ire.* respectively, shall do all other things necessary for putting this act into execution, with relation to the said duties, *id.* s. 23.

662. The said duties shall be payable to H. M.; and such duties, and the several allowances, discounts, and sums, in respect of the same, shall be respectively levied, collected, paid, recovered, adjudged, accounted for, and applied, mitigated and allowed, in the like manner, and by any or either of the general or special methods, by which the duties upon newspapers, and discounts and allowances in respect thereof, under the commissioners of stamps, are or may be; and the several persons, and also all such pamphlets and papers, of what nature or kind soever, by this act made liable to the duty, or entitled to any discount or allowance, shall be liable to all the conditions, regulations, &c. to which such persons and newspapers are generally or specially liable by any act in force before the passing of this act; and every penalty, or forfeiture for any offence committed against any act now in force for securing the duties under the commissioners' stamps, upon newspapers, or for the regulation or improvement of such duties, and the several provisions therein contained, shall (except where by this act altered or repealed) extend to, and be respectively applied, and put in execution in respect of the several duties charged, imposed, and allowed, as fully as if such provisions, pains or penalties, and things, were particularly repeated and re-enacted in this act, *id.* s. 24.

663. The monies arising from the duties hereby granted shall be paid into the receipt of the exchequer at *Westminster* and *Dublin* respectively, and be carried to the consolidated fund of the *U. K.*, *id.* s. 25. [see 55 G. 3. c. 185. s. 14.]

664. Nothing in this act shall extend to acts of parliament, proclamations, orders of council, forms of prayer and thanksgiving, and acts of state, ordered to be printed by H. M., or his authorized officer; or to any printed votes or other matters by order of either house of parliament; or to books commonly used in schools, or books or papers containing only matters of devotion, piety, or charity, or daily accounts; or bills of goods imported and exported; or warrants or certificates for the delivery of goods; and the weekly bills of mortality; or to papers containing any lists of prices current, or of the state of the markets, or any account of the arrival, sailing, or other circumstances relating to merchant vessels; or of any other matter wholly of a commercial nature; provided such bills, lists, or accounts do not contain any other matter than what hath been usually comprised therein; or to the printers or publishers of the foregoing matters, *id.* s. 26.

665. Nothing in this act shall extend to charge with stamp duties any work reprinted and republished in parts or numbers, whether such work shall be wholly reprinted or shall be republished in an abridged form; provided that such work shall have been first printed and published 2 years previous to such reprinting and republication, and provided such work was not first published in parts or numbers, *id.* s. 27.

NOTARIES PUBLIC.

666. EVERY PERSON WHO SHALL USE OR EXERCISE THE OFFICE of a notary public, or do any notarial act, without being duly admitted in the court wherein notaries are usually admitted, and without having delivered in his name and residence, and taken out the certificate required by 25 G. 3. c. 80. s. 1., and 37 G. 3. c. 90. s. 26., or one of them, shall forfeit 50*l.*, and be incapable to do any act or thing as a notary public, or recover any fee on account thereof; and such penalty shall be recoverable and applied as any penalty of like value by such acts imposed may be, 39 & 40 G. 3. c. 72. s. 7., [See STAMPS (Attorney's Certificates); for the duty see 55 G. 3. c. 184., Sch. Part I. tit. Certificate.]

PAMPHLETS.

667. FOR BETTER COLLECTING THE STAMP DUTIES ON pamphlets, 10 A. c. 19. ss. 104. 111—114. 120., [RE. as to s. 112., by 55 G. 3.

c. 185. s. 5.]; [This title is also framed. For the duties, see 55 G. 3. c. 185. Sch. Pamphlets; and further as to pamphlets, ante, Newspapers.]

668. All vellum, &c. on which any thing hereby charged with duty is written, (the paper to be used in printing pamphlets, exceeding one sheet only excepted), shall, before such writing, be brought to the head office to be stamped, 10 A. c. 19. s. 104.

669. One printed copy of every such pamphlet, printed or published within *London* or *Westminster*, or the weekly bills of mortality, shall, within 6 days after the printing, be brought to the head office for stamping of vellum, &c. and the title thereof, with the number of sheets, and the duty hereby charged, shall be entered; which duty shall be paid to the receiver-general of the stamp duties, who shall give a receipt for the same, on such printed copy, or the same shall be stamped to denote the payment of the duty; and one printed copy of every such pamphlet, printed or published in any part of *G. B.*, not within such limits, shall, within 14 days after the printing, be brought to some head collector of the stamp duties, who shall enter the title thereof, with the number of sheets, and the duty hereby charged, which duty shall be thereupon paid to such collector, who shall give a receipt for the same on such copy, 10 A. c. 19. s. 111.

670. [If the duty is not paid, the author shall lose all property therein, RE. 55 G. 3. c. 185. s. 5.]; and the printer and publisher, and all persons concerned therein shall forfeit 20*l.*, *id.* s. 112.

671. No person shall sell, or expose to sale, any such pamphlet without the name and place of abode of some known person, by or for whom the same was really printed or published, printed thereupon, on pain that persons offending herein shall forfeit 20*l.* with costs, *id.* s. 113.

672. The commissioners of stamps, or head officers by them appointed, may cancel all stamps upon such copies of such newspapers, [RE. as to newspapers, 29 G. 3. c. 50. s. 7.] or pamphlets, contained in one sheet or less, as shall remain unsold in the hands of the person by or for whom the same were printed or published; and on oath made before such commissioners, or the major part of them, or such head officer, (who shall administer the same, and examine into all circumstances relating to the selling of such newspapers or pamphlets,) that all such copies so cancelled shall be really and truly remaining unsold, and that none of them have been fraudulently returned or rebought, and cause the like number of sheets, half sheets, or less pieces, to be stamped *gratis*, and without paying any duties; and such commissioners may make such rules, &c. for regulating such allowances, and cancelling, as they think fit, *id.* s. 114.

673. Provided that 2 justices of peace may hear and determine any offence against this act, in printing, selling, or exposing to sale, any pamphlets or newspapers not stamped; which justices shall, on information exhibited, or complaint made within 3 months after any such offence, summon the party accused, and also the witnesses, and upon the appearance or contempt of the party (upon proof of notice) proceed to the examination of witnesses on oath, and give judgment; and where the party shall be convicted, either by view of the justices, or either of them, or upon such information, may issue warrants for levying any pecuniary penalty on the goods of the offender, and make sale thereof within 6 days if not redeemed; and if no goods, may imprison the party till penalty paid; and persons aggrieved by the judgment of such justices, may appeal to the next quarter sessions for the county, and the justices there may summon and examine witnesses on oath, and finally determine the same, and in case of conviction, shall issue warrants to levy such penalty; but such justices may mitigate such penalty, the reasonable costs of the officers and informers being always allowed, so as the penalty is not reduced to less than 1-4th, *id.* s. 120.

PAWNBROKER.

674. FOR BETTER COLLECTING THE STAMP DUTIES ON licences to be taken out by pawnbrokers, 25 G. 3. c. 48. [This title is framed from the purport of these sections. For the duty, see 55 G. 3. c. 184. Sch. Part I. tit. Licence.]

675. Duties imposed, and placed under the commissioners of stamps, *id.* ss. 1, 2. No person exercising the business of a pawnbroker, shall, unless he is licensed as after provided, receive by way of pawn, pledge, or exchange from any person, any goods or chattels for the repayment of money lent thereon in *G. B.* on pain to forfeit 50*l.*, to be recovered and applied as in s. 12., *id.* s. 3.

676. Two commissioners of stamps, or some person authorized by them, shall grant licences to persons applying for the same, to use or exercise the trade or business of pawnbrokers in any city, town, or place in *G. B.*, for one year, to commence from the date of the licence; and such pawnbrokers shall take out another licence for another year, 10 days before the expiration of the old one, and so renew the same from year to year, paying the stamp duties due thereon, *id.* s. 4.

677. All persons who shall take by way of pawn, or pledge, or exchange, any goods, &c. for the repayment of the money lent thereon, shall be deemed pawnbrokers within this act, and take out a licence accordingly, *id.* s. 5.

678. Nothing in this act shall extend to any person who shall lend money upon pawn or pledge, at or under *5l. per cent. per ann.* interest, without taking further profit for the loan or forbearance of such money lent, *25 G. 3. c. 48. s. 6.*

679. No pawnbroker or person, receiving by way of pawn, &c. any goods, &c. licensed under this act, shall by virtue of one licence, keep more than one house or shop for taking goods in pawn, but shall have a distinct licence for each such house or shop, *id. s. 7.*

680. Persons in partnership, carrying on the trade, &c. of a pawnbroker in one house, shop, or tenement only, need have but one such licence in one year, *id. s. 8.* Commissioners may alter the stamps, *id. s. 9.* Forgery of such stamps felony, *id. s. 10.* [See *55 G. 3. c. 184. s. 7. pl. 132.*] Former stamp acts extended to this act, *id. s. 11.*

681. All pecuniary penalties imposed for offences against this act, shall be sued for in the courts at *Westminster* for offences committed in *Eng., Wa., or Ber.*; and the courts of session, judiciary, or exchequer, in *Scot.*, for offences committed in *Scot.*, by action of debt, &c. or information, wherein no essoin, &c., and only one imparlance allowed, and wherein the plaintiff, if he recovers, shall recover to his own use with double costs, *id. s. 12.* [But see *44 G. 3. c. 98. s. 10. pl. 123.*]

682. Duties paid into exchequer, *id. s. 13.* Persons sued for any thing done under this act, may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff has a verdict against him, or is nonsuited, the defendant shall have treble costs, *id. s. 14.*

PLATE.

683. EVERY PERSON WHO SHALL FORGE OR COUNTERFEIT, OR cause to be forged, &c., any mark, stamp or die, provided under this or any former act, relating to the duties on gold or silver plate wrought in *G. B.*, for the purpose of stamping any such gold or silver plate, as by any act relating thereto directed, or shall forge, &c. or cause to be forged, &c., the impression of any such stamp, &c., with intent to defraud *H. M.*; or if any person shall stamp, &c. or cause to be stamped, &c., any such gold or silver plate, or any vessel or ware of base metal, with any such forged stamp, or shall transpose or remove or cause to be transposed, &c., from one piece of such plate to another, or to any ware of base metal, any impression made with any such stamp so provided; and every person who shall sell, exchange, or expose to sale, or export out of *G. B.* any such plate or ware of base metal, having thereon the impression of any forged, &c. stamp or any forged, &c. impression, or any impression which has been so transposed, knowing the same to be forged or transposed; and every person, who, without lawful excuse, (the proof whereof shall lie on the person accused), shall have in his possession any such forged stamp, &c., or shall privately use any such stamp, &c. so provided, with intent to defraud *H. M.*, such person, and all others knowingly aiding him, shall, on conviction, suffer death as felons without clergy, *55 G. 3. c. 185. s. 7.* [See *13 G. 3. c. 59. s. 24 G. 3. S. 2. c. 53.*, and *37 G. 3. c. 90. ss. 16, 17.*, and the notes, *tit. GOLD AND SILVER, pl. 91, 92.* And for the duty see *55 G. 3. c. 185. Sch. tit. Plate.*]

POST HORSES.

684. FOR REPEALING THE DUTIES ON LICENCES taken out by persons letting horses for the purpose of travelling post, and on horses let to hire for travelling post and by time, and on stage coaches, and for granting other duties in lieu thereof, and also additional duties on horses let to hire for travelling post and by time, *25 G. 3. c. 51.* [AMD. and EXT. to horses let to hire for any less period than 28 successive days, *57 G. 3. c. 59. ss. 9—28.*, *1 G. 4. c. 88. ss. 3—6.* For the duty, see *44 G. 3. c. 98. Sch. B. ante, page 1400.*]

685. The duties on post horses, by *20 G. 3. c. 51.* and *23 G. 3. c. 63.* granted, shall cease, *s. 1.*; and bonds given, *s. 2.*, and licences issued in pursuance of the said acts shall stand in force for the times herein limited, *25 G. 3. c. 51. ss. 1—3.*

686. Further duties on licences issued for letting horses to hire, and on horses so let to hire, *id. s. 4.* [REP. and new ones given, *44 G. 3. c. 98. s. 1. Sch. B.*, which duties are still in force.] Duties under the commissioners of stamps, *id. s. 6.*

687. No person required to be licensed shall, unless he be authorized in manner in *s. 7. pl. 688.* prescribed, let out any horse for hire, either by the mile or stage, or to draw any coach with 4 wheels, or any calash with 2 wheels, or any other carriage used in travelling post, or otherwise for a day, or less period of time, upon pain to forfeit *10l.*, *25 G. 3. c. 51. s. 6.*

688. Two commissioners of stamps, or some person authorized by them, shall grant licences to such persons who shall apply for the same, to let out horses for hire, as aforesaid, within *G. B.*, for one year, to commence from the day of the date of such licence; and every person who shall take out such licence, shall take out a fresh licence for another year, 10 days before the expiration of that year for which he shall be licensed, if he continue to let out horses; and shall, in like manner, renew such licence from year to year, paying down the sums due for such licences, as long as he continue to let out horses for hire, *id. s. 7.* [See as to dates of such licences, *57 G. 3. c. 59. s. 7. pl. 797.*]

689. No postmaster, innkeeper, or other person whatsoever, shall,

by virtue of one licence, keep more than one inn for letting horses; but for each inn, a separate licence shall be taken out and paid for by such postmaster, upon pain to forfeit for every inn so kept by him not licensed, *50l.*, *25 G. 3. c. 51. s. 8.*

690. Every postmaster so licensed, shall cause "Licensed to let Post Horses," to be written either on a sign hung out, or in some visible place in the front of his house, stables, or out-offices, at the places at which he lets out horses to hire, to denote that such postmaster is a letter of horses, and authorized so to furnish travellers with the same; and if any postmaster so licensed shall let out horses for hire, without fixing or hanging out such token, such postmaster shall forfeit *5l.*, *id. s. 9.*

691. Every person so licensed, shall, if he furnish his own chaises or carriages, at the same time with such horses, paint on the outside pannel of each door of the chaise or carriage, his christian and surname, and the name of the place of his abode, in letters of a colour distinct from the colour of the carriage, each letter at least one inch in length, and continue the same thereupon as long as such carriage shall be so used; and if any person shall neglect to paint the same, as before directed, or shall mark any false name or abode, he shall forfeit *5l.*, *id. s. 10.*

692. Every postmaster so licensed, if he furnish his own carriages with four wheels, or any carriage with two wheels, at the same time with such horses let to hire for a day, or less period of time, for drawing on any public road, (where such carriages shall have an outside seat for the driver), shall affix upon some conspicuous part of the footboard, or other part of such seat; (and where such carriages shall not have an outside seat,) upon the pole, shaft, or splinter-bar, a brass or tin plate, upon which shall be marked the christian and surname of such owner, together with the name of the place of his abode, in large characters, and continue the same thereon, and replace the same as often as occasion shall require, during the time such carriage shall be so used; and if any person shall omit so do, or mark any false name or abode, on any such plate, he shall forfeit *5l.*, *id. s. 11.* [See such carriages to be numbered, *57 G. 3. c. 59. s. 14. pl. 753.*]

693. The commissioners shall, at the time of issuing such licence, deliver to every person so licensed, printed papers, intituled, "Stamp office Weekly Accounts," in which shall be inserted the day of the week, and blanks left for the number of horses and miles, and name of the place to which such horses shall be hired to go; and also for the day of the month, and the names of the drivers employed, to be filled up as after directed, according to the following form, or such other as the commissioners shall judge convenient.

Stamp Office Weekly Account.

A. B.		Stamp Office Weekly Account.						C.		
Month and Day.	Week and Day.	Names of Drivers.						Names of places to which the Horses are hired to go.	Duty.	
		A. B.		C. D.						
		No. of Horses.	Miles.	No. of Horses.	Miles.					
	Sunday									
	Monday									
	Tuesday									
	Wednesday									
	Thursday									
	Friday									
	Saturday									

And shall also deliver a number of tickets, on which shall be printed the words "Stamp Office," and also the word "Horses," and 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the number; and likewise the word "Miles," except where the horses are hired for a day, or any less period of time, and then, instead of the word "miles," the words "For a day" shall be inserted, and also the amount of the duty, according to the number of horses expressed by figures on such tickets, and shall take care that all persons licensed be furnished with such accounts and tickets; and in case any officer employed in the execution of this act, in relation to such duties, shall wilfully neglect to do any matter by this act required, whereby any subjects shall sustain any damage, such officer shall be liable, in any action on this statute, to answer to the party aggrieved damages, with treble costs, *25 G. 3. c. 51. s. 12.*

694. Every person so licensed, shall, at the time of receiving his first licence, give security, by bond, to *H. M.* in *50l.* with a condition that he will, whenever thereunto required, re-deliver the stamp office tickets which he may have received, and that may remain unaccounted for by him, or will pay the money due thereon; and that he will also deliver to the persons authorized by the commissioners to inspect the same, and to receive the money due thereon, the stamp office accounts

delivered to him, faithfully made out, signed, and attested, as after (s. 27. *pl.* 708, &c.) directed, and make payment of all such money as shall be due; and also truly perform all the directions herein, on his behalf to be observed; and in case of the non-performance or breach of such condition, the commissioners, or persons appointed by them, may cause such bond to be prosecuted; and in case of judgment against the defendant, the commissioners may refuse such person any such licence in future, 25 G. 3. c. 51. s. 13.

695. Such tickets shall be valued in account, and paid for, in case of deficiency, at the rate of 1s. 9d. for each horse, according to the number of horses expressed by figures on such tickets, and in the receipt given by such postmasters for the same, *id.* s. 14. [See the new duty, 44 G. 3. c. 98. *Sch. B. ante*, page 1400.]

696. Every person so licensed, who shall let horses to hire by the mile or stage, shall, by themselves or servants, previous to the using such horses, demand and receive for the use of H. M., from the persons hiring, 1½d. *per* mile for each mile such horse shall be hired to travel, at the rate of miles which he shall charge such traveller for the stage such horse may be hired to go; and shall, at the time he receives the duty, deliver to the persons hiring such horse, the stamp office tickets, and to which such postmaster shall add, if an innkeeper, the name of his sign or house; if not an innkeeper, his name; and he shall also insert the name of the place where such licensed person resides, and of the place to which such horses may be hired to go; and if to London, the name of the street, square, or place in London; and in words or figures the month, and day of the month, and the number of miles for which such horses are hired: and if any postmaster, under pretence of there not being any turnpike upon the road through which he may be hired to go, or under any other pretence whatsoever, shall neglect to demand and receive the duty of 1½d. *per* mile, or to deliver the ticket so filled up, such postmaster shall forfeit 10*l.*; and moreover, in case of not receiving the duty, be chargeable therewith, in the same manner as if he had actually received the same, *id.* s. 15.

697. Every traveller to whom such tickets, whereon shall be expressed the miles, shall be delivered, if they pass through any turnpike, shall, at the first at which any toll shall be collected, through which he shall pass, deliver to the toll-gate keeper there the ticket given to him, which the toll-gate keeper shall demand, receive and file; and if any traveller going post, shall neglect to take such ticket, or shall not deliver the same, properly filled up, he shall, before such horses pass through such turnpike, pay for every horse 1s. 9d., which the gate-keeper is to demand, and not permit such horses to pass till he shall have paid the same, or produced such ticket, *id.* s. 16.

698. No traveller shall be compelled to pay for a greater number of miles than shall be expressed upon the ticket; and if any postmaster shall insert in such ticket the name of any other place than the place to which the horses shall be hired to go, or shall fill up a less number of miles than the number charged to such traveller, every person so offending, shall forfeit 10*l.*; and such commissioners shall, if they think fit, after conviction, refuse such offender any licence in future, *id.* s. 17.

699. Where any ticket shall be issued, with the number of miles expressed thereon, and the person so issuing the same shall charge the traveller a specific sum by the stage, and not at *per* mile, in such case, such postmaster shall be accountable for 1-4th part of the money received by him, as and for the duty by this act directed to be paid; and shall, in that case, express on the ticket the money charged to such traveller, and enter in the weekly account 1-4th part of the money received, and pay the same to the collector; and if any postmaster shall act contrary hereto, he shall forfeit 10*l.*, *id.* s. 18. [See also 57 G. 3. c. 59. s. 16. *pl.* 755.]

700. Every person so licensed, who shall let to hire any horse by the day, or less period of time, shall, by themselves or servants, previous to such horse being used, demand, and receive, from the persons hiring the same, 1½d. for each mile such horse shall be hired to go, where the distance shall be ascertained, and where not, then 1s. 9d. for each horse hired, previous to such horse's being used; and shall then deliver to the persons hiring such horses, the stamp office tickets, with the words "for a day" inserted therein, as occasion shall require; and to which every postmaster shall add, if an innkeeper, the name of his sign or house; if not an innkeeper his name; and he shall also insert the name of the place where such licensed person resides, and, in words or figures, the month, and day of the month; and if any postmaster shall neglect to demand and receive the 1½d. *per* mile, or 1s. 9d. for each horse, as the case shall be, from such persons hiring the same, or shall neglect or refuse to deliver the tickets so filled up, such postmaster shall forfeit 10*l.*; and moreover, in case of not receiving the duty, be chargeable therewith as if he had actually received the same, *id.* s. 19.

701. Every person to whom such day-ticket shall be delivered, if he, in the day for which such ticket shall be given, pass through any turnpike, shall, at the first turnpike, deliver to the toll gatherer there the day ticket given to him at the place where he hired such horses, which the toll gatherer shall demand, receive and file; and in return

for such day ticket, such person shall receive from the toll gatherer a ticket called "an exchange ticket," to be supplied from the stamp office, which shall contain the name of the county in which the turnpike shall be, and the words "Received day ticket;" and also the number of horses according to the figures expressed in such day ticket, together with the name of the place at which such day ticket was given, and some mark, denoting the particular day in which such exchange ticket was issued, in printed letters or figures; which exchange tickets the toll gatherer shall deliver to such person *gratis*, in return for such day ticket left with him; and which shall be shewn by such person at every turnpike through which he shall afterwards on that day pass with such horses: and if any person, to whom such day ticket shall be delivered, shall neglect to leave the same at such first turnpike, or shall refuse to shew the ticket given to him in exchange, at every turnpike through which he shall on that day pass, he shall pay for every horse used by him, 1s. 9d. before such

such turnpike, and the gatekeeper there is to demand, and retain the same to his own use; and where the name of the owner of the carriage shall be marked on the foot-board or seat, or pole, shaft, or splinter-bar, when the carriage is let out with the horses, then such gatekeeper shall not permit such horses to pass through until such traveller shall have paid the same, or left such day ticket, or shall have produced such exchange ticket, 25 G. 3. c. 51. s. 20. [See further as to these tickets, 57 G. 3. c. 59. s. 10. *pl.* 749. s. 13. *pl.* 752.]

702. Every person who shall take off such brass or tin plate, with an intent to evade the duty, or the 1s. 9d. to be paid at the turnpike, as before directed, shall forfeit 10*l.*, *id.* s. 21.

703. In case any carriage, upon which any brass or tin plate is directed to be affixed, [see s. 11. *pl.* 692.] shall pass through any turnpike, without having such plate thereon, as in s. 11. directed, the driver shall forfeit 40*s.*, *id.* s. 22.

704. Where any postmaster shall let to hire any horse to return in less than 2 days, and the number of miles, instead of the words "for a day," shall be inserted in such ticket, he shall fill up the name of the place to which the horses are hired to go, and the true number of miles, ascertaining the distance both going to, and returning from the place expressed in such ticket; and in default of not filling up the ticket, as before in s. 12. *pl.* 693. directed, such postmaster shall forfeit 10*l.*; and moreover be chargeable with the duty as if he had actually received the same, *id.* s. 23.

705. Every postmaster, when he shall let to hire for 2 days, or longer, any horses for drawing any carriage on any public road, shall deliver to the person travelling in such carriage, or to the driver thereof, a note or certificate, to be supplied from the stamp office, on which shall be printed "Hired for two or more days," and to which such postmaster shall add the day of the month, the name of the abode and the number of days for which the horses shall be hired, and the abode of the person hiring the same; and the person travelling in such carriage, or the driver thereof, shall, at the first turnpike, if he pass through any, deliver to the toll-gate keeper there the note so given to him, which the toll-gate keeper shall demand, receive, and file; and in return for such note, the toll-gate keeper shall deliver a ticket, called "The check ticket," to be supplied from the stamp office, which shall contain the name of the county in which the turnpike shall be, and the words "Certificate delivered," and also the name of the place whence such note issued, together with some mark, denoting the day on which such check ticket was issued, in printed letters or figures; which check ticket the toll-gate keeper shall deliver to such person *gratis*, in return for such note left with him, and which check ticket delivered, shall be shown by the driver, or some person therein, to the toll gatherer at every turnpike through which the horses pass; and if any person so hiring such horses, shall have neglected to take such note, or shall neglect to leave the same at such first turnpike, or shall refuse to show, at the turnpikes through which he shall pass, the check ticket given by the toll-gate keeper, such traveller shall pay for every horse used 1s. 9d. before such horses pass such turnpike, which the toll-gate keeper shall demand, and receive to his own use, and not permit such horses to pass till such travellers have paid the same, or produced such note or check ticket; and if any postmaster shall, in such note, insert any false name or abode, or shall wilfully insert therein any fictitious name or abode of the person hiring such horses, or shall, in letting out such horses, by any collusion, pretend to let out his horses for longer time than for which the same were actually hired, with intent to evade the duty, such postmaster shall forfeit 20*l.*; and the commissioners shall, if they think fit, after conviction, refuse any licence in future to such postmaster, *id.* s. 24. [See further as to these tickets, 57 G. 3. c. 59. s. 10. *pl.* 749.]

706. Every horse hired for drawing any carriage for less than 2 successive complete days, shall be deemed to be hired for a day, and shall be subject to all the regulations as horses hired for a day or less time are, *id.* s. 25. [See 57 G. 3. c. 59. ss. 9, 10. *pl.* 748, 749.]

707. Every toll-gate keeper who shall have received any of the day tickets or notes for two or more days, and shall refuse to give any traveller, *gratis*, the tickets directed to be given in exchange, or who shall

deliver the exchange or check ticket without having received in lieu thereof the stamp office day-ticket or note for 2 or more days; or who shall make any alteration in any of the tickets hereby directed to be filed by him, after such tickets shall have come to his custody, or shall deliver any of the tickets directed to be received and filed by him, to any person other than the person authorized as after mentioned to receive the same, he shall forfeit 40s., 25 G. 3. c. 51. s. 26.

708. Every person so licensed to let horses shall insert, in the account before, (s. 12. *pl.* 693.) specified, so delivered to him from the stamp office, the number of horses used in travelling post, and the number of miles for which such horses shall have been used, and the name of the place to which such horses were hired to go; also the number of horses let to hire for a day, or less time; and also the note issued by them, and the day of the month on which the day tickets were used, or such note issued, together with the names of the drivers; which account shall be signed by such postmaster, and witnessed by the hostler, or servant employed in preparing such horses, and shall be open, when required, to the inspection of any person authorized under the hands and seals of such commissioners to inspect the same; and such postmaster so licensed, residing in the city of London, or liberty of Westminster, shall, the first Tuesday or Wednesday in every month, and such other person licensed, residing within 5 miles of the head office for stamps, or within the bills of mortality, shall, the first Thursday or Friday in every month, or at such other times as may be appointed by the commissioners, on public notice given in the *Gazette*, bring in and deliver to the commissioners, or to the persons appointed by them for the purpose of receiving the same, at the head office, the accounts before in s. 12. *pl.* 693. directed for the 4 weeks ending on the Saturday preceding such day of delivery, and shall, at the same time, pay such money which shall be due thereon to the receiver-general, or to the officer for collecting such duties, at the head office, upon pain of 10l. for every default in not delivering in such account, and double the amount of the money payable from such postmaster, for such duties, for the nonpayment thereof, *id.* s. 27. [See now 57 G. 3. c. 59. ss. 15—20. *pl.* 754—759., 27 G. 3. c. 26. s. 14. *pl.* 786.]

709. Every person so licensed, not residing within London or Westminster, or within 5 miles of the same, or within the bills of mortality, shall, at such times and places to be appointed as after mentioned, produce and deliver the accounts before (s. 27.) directed for the weeks ending on the Saturday preceding such delivery, and then unaccounted for, to the person authorized under the hands and seals of 3 of the commissioners of stamps, &c. to receive such accounts, and the money due thereon; and at the same time pay to such person all money due upon such accounts, under the penalty of 10l. for every default in not delivering such accounts, and double the amount of the money due for the duties, for nonpayment thereof, *id.* s. 28.

710. Every person so licensed shall enter in his weekly account, the tickets, notes, or certificates, so issued by him, on the day in which issued; and if any postmaster shall date any of the posting or day tickets, or any note by him delivered, in any other manner than as the same shall at delivery be entered in his weekly account, he shall forfeit 40s., *id.* s. 29.

711. Every postmaster, who shall be guilty of any wilful concealment, or making false accounts, or any other fraudulent contrivance, with an intent to defraud H. M. of the duties, shall forfeit 50l.; and such commissioners may, after judgment, refuse any licence in future, *id.* s. 30.

712. Every postmaster who shall take the hire for horses that have paid the duty, under pretence that they are on the return home, by the mile, or from stage to stage, shall be considered as the person to whom the duties shall be paid, and shall be chargeable with the same, as if he was the proprietor of such horses, although the same belong to any other postmaster, *id.* s. 31.

713. In order to prevent evasion of the duties on horses hired by the mile or stage, by letting such horses for a day or less time, no postmaster, at whose inn any traveller shall change horses, shall let to hire; any horse to such traveller, in any other manner than by the mile or stage; and if any postmaster shall act contrary hereto, he shall forfeit 10l., *id.* s. 32.

714. Where any postmaster cannot furnish horses to convey travellers on their journey, when applied to for that purpose, such postmaster shall issue to any traveller requiring the same, a fresh ticket filled up, and receive the duty, and charge himself therewith, in the same manner as if the horses had been hired from such postmaster, *id.* s. 33.

715. Every toll-gate keeper is authorized to demand and receive from the collector appointed to get in the same, to whom he shall deliver the day and posting tickets as after directed, 3d. for every pound which the duties upon such tickets amount unto; and such collector shall pay the same accordingly; and such allowance shall be over the allowance hereby given to such toll-gate keeper, of retaining the money by him collected from such travellers, who shall not have delivered the tickets to such toll-gate keeper, *id.* s. 34.

716. Every toll-gate keeper shall, for such compensation, bring the tickets by him received, if within 5 miles of the head office for stamps, to such head office, or to such other place, within the bills of mor-

talities, as the commissioners shall appoint; and if beyond the 5 miles, then to such places, and at such times, as the collector appointed to collect such tickets shall require, and deliver up such tickets to the collector, 25 G. 3. c. 51. s. 35.

717. Every toll-gate keeper who shall have received such stamp office tickets, who shall not bring such tickets, at the times and places in s. 35. aforesaid, shall, upon demand at the gate of such turnpike, deliver such tickets to the collector; and if any toll-gate keeper shall refuse to deliver up all such tickets received by him, he shall for each ticket he shall refuse to deliver up, forfeit 5s., *id.* s. 36.

718. If any toll-gate keeper shall wilfully neglect to demand, or shall refuse to receive from any person, any ticket directed to be delivered to him, or shall neglect to file the same when delivered, such toll-gate keeper shall forfeit 5l., *id.* s. 37.

719. In case any toll-gate keeper shall demand or receive, or agree to take any less money than he is authorized to receive, and retain to his own use, such toll-gate keeper shall forfeit 20s., *id.* s. 38.

720. The commissioners of stamps may erect bars across any public road, for the receipt of the tickets, and place a person thereat, who shall have the same power to collect such tickets issued, and demand the money from travellers not showing the same, as the turnpike men may, and be subject to the same penalties for any thing done contrary to this act, as the turnpike men are, *id.* s. 39.

721. Every postmaster, not residing within 5 miles of the head office for stamps, nor within the bills of mortality, shall, at the times, and at the places to be mentioned at the foot of the first licence granted to him, when the same shall be delivered, and afterwards at the foot of every receipt given by the collector for the money paid in by him on account of the duties, attend and there deliver in and pass his account, and pay the duty received to the collector; provided no such person be compelled to travel for the payment of the duties, or other cause whatsoever, touching the same, if he live in a market town, out of the said town, or if he live out of a market town, then to no other place than to the market town nearest to his habitation, *id.* s. 40. [See 57 G. 3. c. 59. s. 20. *pl.* 759.]

722. Nothing herein shall extend to any horses used in hackney coaches, where the horses shall be employed to go no greater distance than 10 miles from the cities of London, or Westminster, and the suburbs thereof, *id.* s. 41. [See 57 G. 3. c. 59. s. 23. *pl.* 762.]

723. Every horse hired by the mile shall be deemed to be hired to travel post within this act, although the hirer do not go several stages upon a post road, or change horses; and although, at the stage at which such horses be hired, there shall not be any post-house; and although there shall not be any post settled on the road, *id.* s. 42.

724. If any postmaster shall die, his executors, administrators, or other persons succeeding to such inn, may let horses to hire in manner aforesaid, until such person shall procure such licence, and give such security as in s. 12. *pl.* 693. directed, without being liable to the penalty inflicted on the persons letting horses to hire without being licensed; provided such licence be taken out within 30 days after the death of such postmaster; and such person shall be subject to the same rules as such postmaster was subject, *id.* s. 43.

725. Every postmaster shall, at delivering his accounts to the commissioners or person appointed to receive the same, at the head office, or to the collector authorized to receive the same, and the money due thereon, make oath, or subscribe a solemn affirmation before such commissioners, or other person so appointed, or collector, (who shall administer such oath, &c.) to the truth of the accounts then delivered, in the form here given [See new form, 57 G. 3. c. 59. s. 18. *pl.* 757.]; and if any person taking such oath or affirmation, shall thereby commit wilful perjury, he shall be subject to such pains as persons convicted of wilful perjury are; and if any postmaster shall refuse to take the oath or affirmation, the collector may refuse to receive the money due on such accounts; and such postmaster shall be liable to the penalty of 20l., as if they had not delivered in their accounts, and paid the money due thereon, *id.* s. 44.

726. If any person who shall keep any coach, or other carriage with four wheels, or any calash, or other carriage with two wheels, to be employed as public stage coaches, for conveying passengers for hire to and from different places within G. B., shall let out the same without having first obtained a licence under the hands of 2 of such commissioners, or some person authorized by them, he shall forfeit for every time such carriage shall be used 10l., *id.* s. 45. [See further as to stages, STAMPS (Stage Coaches).]

727. Two commissioners, or some person authorized by them, shall grant licences, under their hands and seals, to any person who shall apply for the same to let out for hire any such carriage, directed to be licensed by this act, for one year, to commence from the day of the date of such licences; which licence shall be renewed 10 days previous to the expiration of the year for which it was granted; and if the person licensed shall continue to let out for hire such carriage, he shall renew such licence from year to year, paying down the sums due for such li-

cence, and so yearly as long as he shall continue to let out such carriage for such purpose, 25 G. 3. c. 51. s. 46.

728. No person so licensed shall, by virtue of one licence, keep more than one coach, diligence, or other carriage, for such purposes, *id.* s. 47.

729. Every person so licensed to use any carriages, to be employed as public stage coaches, shall pay 1*d.* for every mile, *id.* s. 48. [R*ep.* 44 G. 3. c. 98. s. 1. Sch. B. tit. Carriage.]

730. Every person so licensed to use such carriages, to be employed as public stage coaches, shall, at the time of receiving such licence, declare from and to what place such coach is intended to be used, distinguishing the number of miles between the two extreme places such coach is intended to go, and the number of journeys each coach is to be used, either in the day or in the week, as the case may happen to be, that the same may be inserted in such licence; and every person so licensed shall give security, by bond, to H. M., in 20*l.*, or in treble the sum to which the duty for the journeys inserted in such licences for one month would amount unto, in the option of the commissioners, with a condition for the faithful accounting for and paying such sums as may be due for the journeys expressed in such licences, *id.* s. 49.

731. All coaches directed to be licensed, that shall go from London or Westminster to any place in the country, or that shall come from the country to any place in London or Westminster, shall be licensed at the head stamp office, *id.* s. 50.

732. The commissioners, or such officers as they appoint, shall make such allowances as appear just to any person licensed to use any such coach, upon oath made by the owner before the commissioners, or such officers, as to the number of journeys actually made in a day by such coach, where the same shall differ from the number expressed in such licences; which oath the commissioners, or the collector, shall administer, and to examine into all the circumstances relative to the number of journeys made by such coach; and the commissioners shall make such regulations with respect to such coaches, where such allowances are applied for, as they find necessary, as well for securing the duties, as doing justice to the owners thereof, *id.* s. 51.

733. Every person so licensed to use such coach shall paint on the outside of each door, before he use the same, his christian and surname, together with the name of the place from whence they set out, and to which they are going, in large characters, in letters of a colour distinct from the colour of the carriage, each letter one inch in length, under the penalty of 10*l.*; and every proprietor of such coach, licensed to go from London to any other place, or from any other place to London, shall, on the first Monday in every month, between 8 in the morning and 2 in the afternoon, unless an holiday, and then on the next day, clear the duties due by paying the same to the receiver-general, or to the officer for collecting the duties at the head office; and if such proprietor shall be licensed from any town in the country to any other town than London, then such proprietor shall clear the said duties, by paying the same to the person authorized, by commission under the hands and seals of three commissioners, to receive the same, under the penalty of 5*l.*, *id.* s. 52.

734. Every licensed proprietor of any coach, who shall discontinue the use of the same, shall give notice in writing, 7 days before he discontinue, and shall have such notice indorsed upon the back of his licence, or upon the bond so given as in s. 49. *pl.* 730. aforesaid, and from thenceforth, on payment of all arrears, shall be no longer chargeable for the same, *id.* s. 53.

735. The receiver-general, and the other collectors appointed to receive the duties, shall make an allowance to the persons licensed to let horses to hire, for all monies by them paid on account of the duties; and they may deduct, for their own use, 3*d.* in the pound, out of the monies by them accounted for and paid to such receiver-general or collector, *id.* s. 54.

736. If any person shall falsely make, forge, or counterfeit, or cause to be falsely made, &c. or wilfully aid in the false making, &c. any ticket, note, or certificate by this act directed to be used; or shall utter as true, any false ticket, &c. with an intent to defraud H. M. of such duties, such person shall forfeit 50*l.*, *id.* s. 55.

737. All penalties hereby imposed shall be divided (if prosecution be commenced within six calendar months), one moiety to H. M., and the other moiety, with full costs, to the person who shall inform and sue for the same, *id.* s. 56. [See 27 G. 3. c. 26. s. 11. *pl.* 783. 57 G. 3. c. 59. s. 26. *pl.* 765.]

738. All penalties which shall amount to 50*l.* shall be sued for in any court at Westminster, for offences committed in Eng. and Wa. or Ber., and in the courts of sessions, justiciary, or exchequer in Scot. for offences committed in Scot., by action of debt, &c. wherein no essoin, &c., *id.* s. 57.

739. Such division of the penalties shall be confined to the prosecuting for the same within the time before limited; and in default of such prosecution within such time, no informer shall have any part of such penalties, but the whole thereof shall belong to H. M., and shall be re-

coverable by information, at the instance of the attorney-general, or lord advocate of Scot., 25 G. 3. c. 51. s. 58.

740. Any justice near the place where the offence be committed may determine any offence against this act which subjects the offender to any penalty, not amounting to 50*l.*, *id.* s. 59. [See this section enlarged, 1 G. 4. c. 88. s. 24. *pl.* 770.]

741. If any person summoned as a witness to give evidence before such justice, either on the part of the prosecutor, or person accused, shall neglect to appear at the time and place appointed, without a reasonable excuse for such neglect, to be allowed of by such justice, or appearing shall refuse to be examined on oath and give evidence, such person shall forfeit 40*s.* to be levied by such means as in s. 59. directed, *id.* s. 60.

742. All summonses, issued by any justice under this act, against the owners of any coaches required to be licensed, that shall be left at the inn where the carriage or diligence shall put up, with the book-keeper, shall be good service on the owners, although such owners shall not have a residence in such inn, *id.* s. 61.

743. A conviction in the form here given (*mutatis mutandis*), shall be good, without stating the facts or evidence in any more particular manner, *id.* s. 62. [See the new form, 1 G. 4. c. 88. s. 6. *pl.* 771.]

744. Any justice may mitigate such penalties, reasonable costs of the officers and informers in making the discovery, and in the prosecution being always allowed above such mitigation, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over such costs, *id.* s. 63. [See 1 G. 4. c. 88. s. 6. *pl.* 771.]

745. Receiver-general of stamp duties to pay the duties granted by this act into the exchequer. Auditor to keep separate account thereof, *id.* s. 64. [But see 55 G. 3. c. 185. s. 14. *ante.*]

746. So much of 9 A. c. 10. s. 5. as restrains any person other than the post-master-general or his deputies, from preparing or providing, or from letting to hire, or furnishing any horses or furniture for riding post, shall be R*ep.*, *id.* s. 66.

747. Persons sued for any thing done under this act may plead the general issue, and give the special matter in evidence; and if a verdict shall pass for the defendant, or if the plaintiff is nonsuited, the defendant shall have treble costs, s. 67.

748. All the provisions, penalties, &c. of 25 G. 3. c. 51., for securing the duties thereby granted for horses hired for a day, or less period of time, for drawing on any public road any carriage used in travelling post or otherwise, both where the distance to be travelled should be ascertained, and where not, (except the provision which declares that every horse hired for any less period than two successive complete days shall be deemed to be hired for a day,) shall, so far as consistent with this act, be put in execution for the securing the duties granted by 44 G. 3. c. 98., for horses hired for a less period than 28 successive days, for the purposes and in the cases aforesaid, both where the distance shall be ascertained and where not, as fully as if the same had been inserted in this act; and all the provisions and penalties in 25 G. 3. c. 51. imposed, with respect to horses hired for 2 or more days, for drawing any such carriage used in travelling as aforesaid, shall as far as consistent with this act, be applied to horses hired for 28 successive days or above, for the purposes and in the cases aforesaid, 57 G. 3. c. 59. s. 9.

749. The commissioners of stamps shall supply all persons licensed to let post horses with proper tickets, and the toll-gate keepers with proper exchange tickets, for denoting hirings for any less period than 28 successive days, both where the distance to be travelled shall be ascertained and where not, all which tickets shall specify the number of horses to be let to hire as heretofore; and the original tickets shall have blanks, to be filled up with the day or number of days for which such hiring is made, the name of the person letting to hire if not an innkeeper, or the name of his sign or house if an innkeeper, the name of the place of his residence, and the day of the month and year when the hiring commenced; and also in cases of hiring to go to any certain place and back, and the name of such place, and the full number of miles thither and back; and also in cases of hiring for any 2 or more days the name and residence of the hirer; and the exchange tickets shall have blanks, to be filled up with the number of days for which the hiring shall be made, the name of the place where the original ticket was issued, and the date thereof, and the name of the toll-gate and county where the exchange ticket was given; and also in cases of hirings to go to any certain place and back the name of such place, and the number of miles there and back, as expressed in the original ticket, and also the name of the hirer if expressed in the original ticket; and all such original and exchange tickets shall be filled up accordingly, and delivered and shewn, and used by all persons concerned, in such manner as by 25 G. 3. c. 37. s. 20. *pl.* 701., concerning the original and exchange tickets thereby required to be provided, and subject to the like penalties in cases of omission, *id.* s. 10.

750. The commissioners of stamps shall also supply all persons licensed to let horses to hire with proper certificates, and the toll-gate

keepers with proper check tickets, for denoting hirings for 28 successive days as above, not liable to the before-mentioned duties, which certificates shall have blanks, to be filled up with the number of horses let to hire, the number of days for which hired, the name and residence of the person hiring and letting to hire, and the month and year and day of the month when the hiring shall commence; and the check tickets shall have blanks, to be filled up with the same particulars, and with the name of the toll-gate and county where the check tickets shall be given; and such certificates and check tickets shall be filled up accordingly, and delivered, shewn, and used by the persons concerned in such manner as by 25G.3. c. 51. s. 24. pl. 705. directed, concerning certificates and check tickets thereby required, to be delivered, &c. in cases of, and for denoting hirings for 2 days or more, and subject to the like penalties in case of omission, 57G.3. c. 59. s. 11.

751. Where any person so licensed, shall let to hire any horse, &c. for drawing any carriage to be used in travelling, either for 2 or more days, under 28 or for 28 successive days or above, and the horses shall be returned before the expiration of the time, the person letting the same shall receive of the person returning such horses the exchange ticket or check ticket received for the original ticket or certificate, and shall deliver up such exchange ticket or check ticket to the farmer or collector of the duties, to whom he shall be bound to deliver his stamp-office weekly accounts; and if any person so licensed shall neglect so to do, he shall forfeit 10*l.*; and if he shall use such exchange ticket or check ticket, or give out the same to any person for the purpose of being used to cover any other hiring from the duty, he shall forfeit 50*l.*, *id.* s. 12.

752. If the hirer of horses shall not deliver or shew at any turnpike, toll-bar, or bridge, the proper ticket, exchange ticket, certificate, or check ticket, which he ought to do, pursuant to 44G.3. c. 98. and 25G.3. c. 51. and this act, and shall falsely allege the horses to be his own or not hired, in order to avoid being stopped, or to avoid the payment of the sum which the toll-gatherer shall be entitled to demand in default of such ticket being delivered or shewn, every person so offending shall forfeit 20*l.*, *id.* s. 13.

753. Where any person so licensed to let horses, in pursuance of such acts, shall keep carriages used in travelling, to be furnished at the same time with horses let to hire, by the mile or stage (except hearses and mourning coaches, which shall remain subject to the same regulations as heretofore), he shall, before any such carriage shall be so furnished, cause every carriage kept to be numbered with a different number, beginning with number one, and proceeding upwards to the highest number of carriages which he shall so keep; and shall also paint in one or more straight lines, on the outside panel of each door of every carriage which shall have a door thereto, and on some conspicuous part of each of the outsides of every such carriage, which shall not have a door thereto, his christian and surname, and the name of the city, town, or place, where he shall keep such carriages; and the number, in large and legible characters and figures, of black or white, whichever shall most differ from the colour of the carriage, each letter at least one inch in length, and each figure at least one inch and a half in length, and both letters and figures to be of a proper breadth in proportion to the length, and shall continue the same on every such carriage as long as such carriage shall be kept for the purpose aforesaid, varying the numbers from time to time as occasion shall require; and if any person so licensed shall neglect to number, mark, or paint any such carriage in manner aforesaid, or shall mark or paint any false name or place, or any higher number than the greatest, or shall keep two or more carriages with the same number, or shall continue any number upon any carriage after he shall cease to keep a number of carriages corresponding therewith, he shall forfeit 10*l.* *id.* s. 14. [See also 25G.3. c. 51. s. 11. pl. 692.]

754. All persons so licensed shall, instead of the particulars required by the act of the 25G.3. c. 57. s. 27. pl. 708., to be inserted in their stamp-office weekly account, insert therein the particulars following; (that is to say,) whenever they shall let to hire by the mile or stage, the number of horses so let to hire, the number of miles which the same shall be hired to go, the names of the places, from and to which the same shall be hired to go, the month and day of the month and week when hired, the sort of carriage, if any, which they shall furnish, together with such horses, and the number of such carriage, and the christian and surname of every driver employed therewith, and amount of duty payable upon every such hiring; and whenever they shall let to hire, for any period less than 28 successive days, any horses for drawing any carriage used in travelling, the number of horses, the month and day of the month and week when hired, the sort of carriage, if any, furnished therewith, and the number of such carriage, the christian and surname of every driver employed with such horses, the time for which the same shall be hired, and the number of miles which the same shall be hired to go, and the names of the places from and to which the same shall be hired to go, where the distance shall be ascertained, and also the amount of the duty payable for such hiring; and whenever they shall let to hire, for 28 successive

days or more, any horses for drawing any carriage used in travelling, the number of horses so let, the month and day of the month and week when hired, the sort of carriage, if any, furnished therewith, and the number of such carriage, the christian and surname of every driver employed, the time for which the same shall be hired, and the name and abode of the person hiring; and they shall also insert in every such account a notice of all horses let to hire for drawing any carriage used in travelling, either for two or more days under 28, or for 28 successive days or above, and which since the date of their last account shall have been returned by the hirer, before the expiration of the time agreed for; and in case of any neglect to insert such several particulars, they shall forfeit 20*l.*, 57G.3. c. 59. s. 15.

755. Where any person so licensed shall let any horse by the mile or stage, and shall charge the person a specific sum for the whole stage, and not after the usual rate per mile, the person letting such horses shall be accountable for one fourth of the sum so charged by him, for the duty, and shall deliver to the person hiring such horses the like stamp-office ticket as if the same had been charged for per mile, and shall add thereto the specific sum charged; and the person letting such horses shall also enter in his stamp-office weekly account one fourth part of the sum so charged, as and for the duty, and shall pay the same accordingly to the collector; and if such licensed person shall neglect so to do, he shall forfeit 10*l.*, *id.* s. 16. [See also 25G.3. c. 51. s. 18. pl. 699.]

756. Every person so licensed shall enter in his stamp-office weekly account the several particulars required, on the same day on which such horses shall be let to hire; and, in default, shall forfeit 40*l.*, *id.* s. 17.

757. Instead of the oath or affirmation required by 25G.3. c. 51. s. 44., to be made by persons licensed as to the truth of their stamp-office weekly accounts, the following oath or affirmation shall be made and subscribed before the collector: *viz.*

‘I A. B. do swear, [or affirm, as the case may require] that the several weekly accounts, now by me delivered, of the duties arising upon horses, which I have let for the purpose of travelling post, or otherwise, from the — day of — to the — day of — as far as the same have been entered and kept by me, are fair, just, and true accounts; and that I have charged therein the duty for the true number of miles, received for the use of his majesty, from the travellers who have hired horses from me; and that I have inserted therein an account of all the day-tickets, notes, and certificates issued by me; and as far as such accounts have been entered and kept by any other person or persons, I verily believe the same to be true.’
So help me GOD.

And if any person shall wilfully make a false oath or affirmation, every person so offending, and being convicted, shall be subject to the pains and penalties of perjury, *id.* s. 18.

758. All the provisions, penalties, &c. of 25G.3. c. 51. ss. 12. 44. relating to the stamp-office weekly accounts, so far as unvaried, shall apply to such accounts, with such variations as before directed, *id.* s. 19.

759. Every person so licensed, residing in the city of London or Westminster, or within 5 miles of the head office, or within the bills of mortality, shall deliver his weekly accounts, and pay the duties unto the collector for stamps at such place, in London or Westminster, and at such time as shall be appointed for that purpose by a notice to be printed upon the blank forms of the stamp-office weekly accounts; and every such person not residing within 5 miles of the head office, or within the bills of mortality, shall deliver his weekly accounts and pay the duties unto the collector in the market-town in which he shall reside, or the nearest market-town to his residence, and at such time as shall be appointed by notice printed upon the blank forms of the weekly accounts, under the penalty of 10*l.* for every default in not delivering such account, and double the amount of the duties due, *id.* s. 20. [See also 25G.3. c. 51. ss. 27. 28. 40. pl. 708, 709. and pl. 721. 27G.3. c. 26. s. 14. pl. 786.]

760. If any person not licensed shall let to hire by the mile or stage any horse to be used in travelling, or shall let to hire for any period less than 28 successive days any horse for drawing any carriage as aforesaid, he shall be chargeable with the duties in the same manner as if he had obtained such licence, and had received such duties from the person hiring, and shall, from time to time, upon a week's notice in writing given by any collector for the district, deliver to such collector, whenever requested, after the expiration of such notice, a true account in writing, signed by him, of every horse so let to hire and not accounted for, and of the mode in which every such horse shall have been let to hire, and of the duty payable in respect thereof, in the same manner as is required to be done by persons licensed, and shall also verify such account by oath or affirmation, to be administered by such collector, and shall thereupon pay to such collector the amount of such duties; and, in case of neglect, he shall forfeit 20*l.* for every default in not delivering such account so verified, and double the amount of the duties for non-payment thereof: but where any such notice shall have been given, then, upon delivery of such account, and payment of the duty, and upon taking out a licence, the person so delivering such account shall be indemnified from any penalty he may be liable to for having let to hire without such licence, *id.* s. 21.

761. Where any person liable to account for and pay any duty shall neglect so to do, according to the directions of such acts, to the collector appointed to receive such duties, and such duty shall not exceed 10*l.*, such collector, first obtaining a warrant under the hand and seal of one justice (which justice, on complaint, shall summon the party complained of and the witnesses on either side, and examine into the matter of fact, and grant such warrant, on due proof being made of the sum due from such duty, either by confession or on oath of one witness), may distrain such person by his goods for the amount, and the distress detain for 4 days, at the costs of such person; and if he shall not within that time pay the amount of duty with the costs of distress, then such goods shall be sold by such collector, who shall render the overplus, if any, after deducting the amount of such duty, and the costs of taking and selling such distress, to the person distrained; and such collector, for the purpose of taking such distress, may break open in the day-time, any house or place, where any goods of such person shall be, being authorized by such warrant, and calling to his assistance the constable or peace officer of the county, &c., where any refusal or resistance shall be made; and the leaving of the summons to appear before such justice, at the dwelling or usual abode of the party, shall be a good service thereof, 57 G.3. c.59. s.22.

762. The said duties shall not attach upon horses hired for drawing any carts or carriages usually employed for the conveyance of fish, or for any horses used in chariots or other carriages licensed by the commissioners of hackney coaches, where the same shall be hired to go no greater distance than 10 miles from London or Westminster, or the suburbs thereof; but the said duties shall attach upon horses hired for drawing hearses, in the same manner as those hired for drawing mourning coaches, *id.* s.23. [See 25 G.3. c.51. s.41. *pl.* 722.]

763. Two justices of peace for any division in G. B., may cause the distances between any places in their division and the neighbourhood, to be measured by some proper persons, who shall be paid for such measurement such sum as shall appear reasonable to the justices out of the county stock, upon the warrant of such justices; and the measurement being verified before such justices by the oath of the persons making the same, they shall publish such measurement under the hand of the clerk of such division, twice, in some newspaper of the county for which such justices shall act; and after such publication, if any person letting horses to hire, shall charge for a greater number of miles than specified in the table, if the distance for which any horse shall be hired shall exceed 7 miles, he shall forfeit 10*l.*, *id.* s.24.

764. All pecuniary penalties amounting to 10*l.* and not amounting to 50*l.*, imposed by this act or by the said act of 25 G.3. c.51. may be recovered and levied, either in the manner prescribed by that act, with regard to penalties amounting to 50*l.*, or in the manner thereby prescribed with regard to penalties not amounting to 50*l.*; and all penalties not amounting to 10*l.* imposed by this act, shall be recovered and levied in the manner prescribed by the said act, with regard to penalties of the same amount, *id.* s.25. [See 25 G.3. c.51. s.56. &c. *pl.* 737, &c.]

765. All pecuniary penalties imposed by this or any other act herein recited, which shall be sued for within 6 calendar months shall be divided, one moiety to H. M., and the other moiety, together with full costs, to the person who shall inform; and any person whomsoever may sue for the same within the time aforesaid, notwithstanding the provisions to the contrary in 44 G.3. c.98. s.10. *pl.* 123., or in any other act or acts; and all penalties not sued for within the time belong wholly to H. M., *id.* s.26.

766. But no farmer of such duties, or any other person, shall prosecute for any such penalty in any of the courts at Westminster or in Scot., without having first obtained the consent in writing of the commissioners of stamps, nor unless the prosecution shall be carried on by the solicitor of stamps, or some other solicitor or attorney approved of by the commissioners; and the said commissioners, if they think fit, may order such proceedings to be stayed on payment of part only of the penalty incurred with or without costs, or on payment of costs only, or any part thereof, as they shall judge fit, *id.* s.27.

767. No person shall commence any action or suit, for the recovery of any penalty incurred on this or any act relating to the post-horse duties, until after 14 days notice has been delivered to the persons incurring such penalty, or left at his last place of abode, (which notice shall be in writing) of the intention of such person to apply to the commissioners of stamps, for leave to commence such action, &c.; and which notice shall state the offence committed, and the day when, and the amount of the penalty to be recovered; and such person at the trial, shall not give in evidence any thing relating to any offence not specified in such notice, 1 G.4. c.88. s.5.

768. It shall not henceforth be necessary, upon the trial or hearing of any action or prosecution, for the recovery of any of the duties on horses, &c. hired as aforesaid, which shall be let to farm, pursuant to any future act or this act, or for the recovery of any penalty imposed by such acts in anywise relating to such duties, to produce the instrument, whereby the commissioners of stamps were authorised by the

treasury to let to farm such duties, or to produce the commission, under which such commissioners of stamps were appointed such commissioners, or to prove the execution of any contract or agreement, whereby such duties were let to farm, or of any assignment of such contract or agreement, or of any commission or deputation, whereby any person is appointed a collector of the same duties by such commissioners of stamps, or to prove the signatures of any such commissioners to any consent to prosecute for such penalties; provided that such contract, agreement, assignment, commission, or deputation, and consent to prosecute, shall be produced on such trial or hearing; and it shall appear, that the person claiming under such contract, &c. had in fact acted as farmer or collector of the duties therein described; and that in every such case, such proof shall be deemed by the judges or justices before whom such trial or hearing is had, to be good evidence of such person being the farmer or collector of the duties mentioned in such contract, &c. unless the contrary be shewn by other evidence, 57 G.3. c.59. s.28.

769. The duty of 1*s.* 9*d.* per day, imposed by 44 G.3. c.98. upon every horse, hired for drawing any carriage on any public road, shall be deemed to be payable for every horse hired in G. B., in all cases where the distance shall not, at the time of hiring, be ascertained; and when it is ascertained, the duty of 1½*d.* per mile shall be charged, 1 G.4. c.88. s.3.

770. Any justice of peace residing near the place where any offence against this act, or the 25 G.3. c.51., 27 G.3. c.26., 44 G.3. c.98., and 57 G.3. c.59. relating to the duties on post-horses, which is punishable by pecuniary penalty under 50*l.*, shall on information given, summon the party accused, and also the witnesses on either side, and examine into the fact; and on due proof thereof, made either by confession or on oath of one witness, give judgment or sentence of dismissal, or for the penalty, according as by 25 G.3. c.51. directed, as to penalties; and shall award his warrant, under his hand and seal, for levying any pecuniary penalties so adjudged on the goods of the offender, and cause sale to be made thereof, if not redeemed within 6 days, rendering overplus to the owner; and if no such goods can be found to answer the penalty, such justice shall commit the offender to prison for 6 months, unless the penalty is sooner paid; and every person, who shall deem himself aggrieved by such judgment or sentence, may, (on giving security to the amount of the penalty and costs as awarded by such justice, in case such judgment or sentence is affirmed) appeal to the next quarter-sessions for the county or place; and the justices there shall summon and examine witnesses on oath, and finally hear and determine the same; and in case such judgment or sentence is affirmed, such justices may award the appellant to pay such costs as they deem meet: provided, that if such sessions shall fall within 6 days after such judgment or sentence, the intended appellant may, on giving such security, appeal to the next subsequent sessions; and no such proceedings so to be had shall be quashed for want of form, or be removed by *certiorari* or otherwise, into any court of record at Westminster, *id.* s.4.

771. A conviction or judgment, or sentence of dismissal, in the form following, *mutatis mutandis*, shall be good, *viz.*:

‘Be it remembered, that on the — day of — in the year of our Lord — at — in the county of — A. B. came before me C. D. one of H. M.’s justice of the peace for the said — residing near the place where the offence was committed, and informed me that E. F. of — on the — day of — at — in the said — did *(here set forth the fact for which the information is laid)* whereupon the said E. F. after being duly summoned to answer the said charge, appeared before me on the — day of — at — in the said —, and having heard the charge contained in the said information, declared he was guilty of the said offence [*or, as the case may happen to be, did not appear before me pursuant to the said summons, or did neglect and refuse to make any defence against the said charge*]; but the same being fully proved upon the oath of G. H. a credible witness, [*or, as the case may happen to be, acknowledged and voluntarily confessed the same to be true*] and it manifestly appearing to me that he the said E. F. is guilty of the offence charged upon him in the said information, I do hereby convict him of the offence aforesaid, and do declare and adjudge that he the said E. F. hath forfeited the sum of — of lawful money of G. B. for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided: [*or, after stating the summons and nonappearance of the said defendant, or, the appearance of the defendant, and that he was not guilty of the said offence, as the case may be, and it manifestly appearing to me that he the said E. F. is not guilty of the said offence charged upon him by the said information, I do therefore dismiss the said complaint or information.*] Given under my hand and seal the — day of —

Provided, that such justice may mitigate such penalties as he shall think fit, reasonable costs of the officers and informers, in making the discovery and in prosecuting for the same, being always allowed over such mitigation, provided that such penalties shall not thereby be lessened more than one half, besides such costs, *id.* s.6.

772. TO ENABLE THE TREASURY to let to farm the duties granted by 25 G.3. c.51. on horses let to hire, for travelling post and by time, to such persons as are willing to contract for the same, 27 G.3. c.26. [Cov. 30 G.3. c.33., 33 G.3. c.71., 36 G.3. c.84., 39 G.3. c.74., 42 G.3. c.52.,

45 G. 3. c. 56. *The act seems to be in force. See 1 G. 4. c. 88. s. 2. pl. 792.]*

773. The commissioners of the treasury, or 3 of them, either by themselves, or the commissioners of stamps, duly authorized for that purpose, under the hands and seals of the commissioners of the treasury, or 3 of them, may let to farm the duties of 1*d.* per mile, and 1*s.* 9*d.* per horse, by 25 G. 3. c. 51. granted to such persons as shall be willing to farm the same, according to the regulations after prescribed, 27 G. 3. c. 26. s. 1.

774. The commissioners of the treasury, or 3 of them, may fix such particular districts as shall appear to them most proper, for the purposes of farming out such duties separately in each district to the best advantage, *id.* s. 2.

775. One month's notice at least shall be given by the treasury, or commissioners of stamps in the *London Gazette*, of the time and place of letting such duties, specifying the districts, and the sum at which it is proposed to put up the same, and also the place into which proposals for farming the same shall be delivered, *id.* s. 3.

776. No such proposals shall be proceeded on, unless the same are delivered in at least 3 days previous to the day appointed in the *Gazette*, signed with the names of the parties, stating the places of their abode, who intend to become bidders, and specifying the district for which they bid, *id.* s. 4.

777. The treasury, or 3 of them, or the commissioners of stamps, shall let such duties arising within any such district, for not exceeding 3 years, and the same shall be put up at a rent not less than the gross amount which they shall appear to have produced within the year ending 1st August, 1786, and the bidding for the same shall be conducted under such regulations as shall be established by the treasury, or by the commissioners of stamps; and the person who shall be the highest bidder shall be the farmer of such duties for 3 years, or such other shorter term as may be determined on, and as shall be inserted in the *Gazette*, and shall forthwith execute a contract, to be prepared in pursuance of this act, and give security by bond to H. M., with 3 sureties, for payment to H. M., of the money or yearly rent contracted for; such rent to be paid into the hands of the receiver-general of stamp-duties, at the head office, in equal portions, by 8 payments in the year, *viz.* on 15th Sept., 1st Nov., 16th Dec., 1st Feb., 16th March, 1st May, 16th June, and 1st Aug. in every year, unless any of the days shall be on a Sunday, and then the next day thereafter; the first payment to be made on executing the contract, and continue to be made on every succeeding day of payment in each year, during the continuance of the contract, and before the expiration of the term for which such duties shall have been let to farm, *id.* s. 5.

778. In every contract entered into in pursuance of this act, there shall be inserted a clause, declaring that the same shall be made void on any resolution made by the house of commons, upon 6 months notice being given by the treasury, to any person entering into such contract, *id.* s. 6.

779. In case any of the districts fixed on shall not be let to farm at the time fixed by such advertisement, for want of offers, the treasury, or the commissioners of stamps, may fix a future day for letting such districts in manner, and upon the notice before provided, *id.* s. 7.

780. The treasury, or the commissioners of stamps, upon any contract being entered into, and bond given, shall deliver to the person farming such duties, and executing such contract, a deputation or authority, under the hands and seals of 3 of them, appointing such persons to be the collectors of the duties let to them, and authorizing such person farming the duties to take securities by bonds from the persons licensed, in the name of H. M., with such conditions as are required by 25 G. 3. c. 51. s. 13., and to execute all powers, touching the collecting, managing, or accounting for the duties farmed to them, within their district, as fully as the collectors appointed by the commissioners under such act are empowered to do, *id.* s. 8.

781. The person farming the duties, with the consent of the commissioners of stamps, may vary the mode of keeping the weekly account, directed by 25 G. 3. c. 51. s. 27. *pl.* 708., to be kept by the persons who let out horses to hire for travelling post, or by time, in such manner as they shall judge most convenient for keeping such accounts; and they may, by any indorsement, or on the face of the tickets or certificates to be delivered by them to the licensed persons, add the name or number of the district which they farm; and any person forging such tickets, or aiding therein, or uttering as true any false ticket, note, or certificate, with an intent to defraud the farmers, shall forfeit 50*l.*, to be recovered and applied as other penalties are by such act directed to be recovered and applied, *id.* s. 9.

782. All powers, forfeitures, and directions, prescribed by the 25 G. 3. c. 51., with relation to such duties, or to the persons appointed to collect the same, and not hereby altered, shall be in full force, and carried into execution by the persons farming the same, and appointed collectors thereof by the commissioners of stamps, as fully as if the same had been re-enacted; and such persons so farming the duties shall have all re-

medies for recovery of the money payable for such duties within their respective districts, as the collectors appointed by the commissioners of stamps now are entitled to have, 27 G. 3. c. 26. s. 10.

783. All securities, bonds, or obligations, taken by the persons farming such duties from such licensed persons under this or the said act, shall be taken in the name of H. M., and shall be prosecuted in the name of H. M., with the consent of the attorney-general in *Eng.*, or advocate-general in *Scot.*; and all actions, or informations, prosecuted for any penalty forfeited by this or the said act, shall be prosecuted in the name of H. M., or in the name of the attorney-general or advocate-general, or by any person who shall prosecute in the manner in the said act directed: provided, all actions, &c. prosecuted in the name of any farmer, shall be deemed to be popular actions, *id.* s. 11. [*But see as to prosecuting for penalties, 57 G. 3. c. 59. ss. 26, 27. pl. 767, 768.*]

784. Any person farming such duties may use the like remedies for recovery thereof, against the persons appointed to receive the same, by extent or otherwise, which may be used for any duties payable directly to the king, *id.* s. 12.

785. The duties shall belong, and the tickets issued thereupon shall be returned and accounted for to the persons who shall be the farmers of the duties arising within the district where such tickets issued, and where the licensed persons issuing the same shall reside; and the gatekeepers at whose gate such tickets shall be delivered, shall return the same to the farmer from whose district such tickets shall have issued, at the time, and in the manner the same are by 25 G. 3. c. 51. s. 36. *pl.* 717. directed to be returned to the collectors, *id.* s. 13.

786. Every person so licensed, residing in *London* or *Westminster*, or within 5 miles of the head office for stamps, or within the bills of mortality, shall bring in and deliver to the farmer so appointed collector of such duties, the accounts directed by 25 G. 3. c. 51. s. 27. *pl.* 708. the said act to be delivered, and shall pay at such place in *London* or *Westminster*, and at such times as shall be appointed by public notice in the *London Gazette*, by order of the commissioners of stamps, the money due on such accounts; and every licensed person, not residing within 5 miles of the head office, nor within the bills of mortality, shall, at the times, and at the places mentioned at the foot of the post licence, and afterwards at the foot of every receipt given by the collector, attend, and there deliver in and pass his accounts, and pay the duty received by him, to the person so appointed collector thereof under the penalty in the said act (s. 28. *pl.* 709.) directed; provided, no such licensed person shall be compelled to travel, for the payment of the duties, farther than to the market town nearest to his habitation, *id.* s. 14. [*See 57 G. 3. c. 59. s. 23. pl. 759.*]

787. No person farming such duties, and appointed collector thereof, shall, by such appointment, be disqualified from voting at any election of members to serve in parliament, *id.* s. 15.

788. No contract for letting such duties to farm shall be made with any person licensed to let horses for travelling post, nor to any one for his use, or so as he shall have any interest therein, but the same (if made) shall be utterly void; and if such contract shall be assigned to any person as aforesaid, or to any other person for his use, so that he shall have any interest therein, or benefit therefrom, such assignment shall also be utterly void, *id.* s. 16.

789. Persons sued for any thing done in pursuance of this act, may plead the general issue, and if a verdict pass for the defendant, &c. such defendant shall have treble costs, *id.* s. 17.

790. FOR LETTING TO FARM THE POST HORSE DUTIES, and for better securing and facilitating the recovery of such duties, 57 G. 3. c. 59. [*Con. (until 31st Jan. 1824), and Amd. 1 G. 4. c. 88.*]

791. The commissioners of the treasury may either by themselves or the commissioners of stamps, or 3 of them, let to farm the post-horse duties by 44 G. 3. c. 98. granted to such person, as may be willing to farm them, in such separate districts, and for such terms as shall be deemed convenient, and subject to the regulations of 27 G. 3. c. 26., so far as they are applicable and are not altered by 57 G. 3. c. 59.; provided such duties shall not be let to farm for any longer period than 31st Jan. 1824, 1 G. 4. c. 88. s. 1.

792. All the provisions, &c. of 27 G. 3. c. 26., 44 G. 3. c. 98., and 57 G. 3. c. 59., shall be deemed in full force as to such duties as shall be so let to farm, so far as they are not hereby expressly altered, *id.* s. 2. [*Similar provisions, 57 G. 3. c. 59. ss. 1, 2. now Exp.*]

793. The treasury or the commissioners of stamps shall prescribe the time for making a deposit of money, and the amount thereof on account of the rent to be paid by the person declared to be the farmer of the said duties; and in case such person shall fail to make such deposit at the time prescribed, or to execute such contracts, and give such security for the payment of the rent, and due performance of such contract, as by 27 G. 3. c. 26., directed within the time so appointed, the bidding and contract of such person shall be void, and his deposit, if any made, forfeited, and the duties put up again, 57 G. 3. c. 59. s. 5.

794. If such duties arising in any district shall not be let to farm at the time fixed by public advertisement, pursuant to this act and the

27 G.3. c.26., the treasury, or such commissioners, may let the same by private contract for the like term as aforesaid, 57 G.3. c.59. s.4. [See now 1 G.4. c.88. s.1. pl. 791.]

795. The commissioners of stamps shall depute not only the farmers and lessees of such duties, and their executors, administrators, and assigns, but also any other persons at the request of such farmers, &c. to be collectors of such duties within their respective districts, with full powers to grant the necessary licence for letting out horses to hire, and to take security by bond in the name of H. M. with such conditions as are required by the acts relating to such duties, and to receive the stamp office weekly accounts by such acts directed to be delivered by persons letting to hire horses within their respective districts, and the money due thereon, and may administer the oath or affirmation in s. 18. pl. 757. required, as to the truth of such accounts, and generally to do all things touching the payment of such duties, which by the several acts relating to such duties are authorized to be done by collectors, *id.* s.5.

796. No deputation for the collection of such duties shall be charged with any higher stamp-duty than 1*l.* 15*s.*, *id.* s.6.

797. After the said 31*st* Jan. 1818, all licences for letting horses to hire between the 31*st* Jan. and the 16*th* Mar., in any year, shall be dated on the 1*st* Feb., and all licenses granted at any other time shall be dated on the day on which the same shall be granted, and all such licences shall continue in force from the day of the date thereof, until the 31*st* Jan. following, *id.* s.7.

798. All the provisions of 42 G.3. c.100., 48 G.3. c.98., 51 G.3. c.76., and 54 G.3. c.174. shall CEASE, *id.* s.8.

PROBATES AND LETTERS OF ADMINISTRATION.

799. FOR THE BETTER COLLECTION OF THE STAMP DUTIES ON the probate of wills or letters of administration, issued in G. B., 37 G.3. c.90. s.10., 39 & 40 G.3. c.72. s.16., 41 G.3. (U. K.) c.86. s.3., 42 G.3. c.99. s.5., 48 G.3. c.149. ss.35—37., 55 G.3. c.184. ss.37—53. [This title is also framed, and for the duty see 55 G.3. c.184. Sch. Part III.]

800. Every person who shall administer the personal estate of any person dying, or any part thereof, without proving the will of the deceased, or taking out letters of administration of such estate within 6 calendar months after the death of the person dying, shall forfeit 50*l.* to be recovered in the court of exchequer at Westminster for offences committed in Eng., or the court of exchequer in Scot., for offences committed there, by action of debt, &c., or information, wherein no essoin, &c., and only one imparlance allowed, and one moiety of such penalty shall, if sued for within 6 calendar months, go to H. M., and the other to the party suing, 37 G.3. c.90. s.10. [See the penalty increased, 55 G.3. c.184. s.37. pl. 807.]

801. Where due proof on oath is made to the commissioners of stamps, (which oath one of such commissioners may administer,) that any will has, through inadvertence, been proved, or that any letters of administration have been taken out on the same property, in more than one ecclesiastical or prerogative court, or more than once in any such ecclesiastical court, and by reason thereof more than one stamp duty has been paid, such commissioners may, on delivery to them of the useless probate or letters to be cancelled, or on production of the valid probate or letters granted on any such will or property, cancel the useless probate, &c. and stamp any vellum, &c. with stamps of the like denomination and value as those cancelled, without taking any money for the same, 39 & 40 G.3. c.72. s.16.

802. The commissioners of stamps shall provide a stamp, distinguishable from all others, in order to stamp probates of wills, or letters of administration, in relation to estates, in respect whereof any probates or letters have been before taken out, and the full duty paid, according to the value of such estate; and where any probates or letters which have been so before stamped, and the full duty paid on the estate, and a further probate or letters are required for the same estate, such further probate, &c. shall be stamped with the stamp provided under this act; and such further probate or letters shall be available in law, and of as good effect as if the same had been at first duly stamped with the full duties, 41 G.3. (U. K.) c.86. s.3.

803. The commissioners of stamps may require of the register or other officer of every ecclesiastical court having the custody of any wills proved in such court, or account or register of any administrations granted, an account of all such wills or letters of administration, together with the particulars thereof, and extracts of any such wills as seem necessary to such commissioners, on payment of the fees agreed on for the same, or as may be settled by the ecclesiastical court, and such officer shall within one month after such requisition made, make out and deliver such account, on pain, in case of neglect, or in case of wilfully and knowingly delivering a false account, to forfeit 50*l.* to be recovered by the attorney-general to H. M.'s use, 42 G.3. c.99. s.3.

804. The probate of the will, or the letters of administration of the effects of any deceased person, shall be deemed valid and available by the executors or administrators of the deceased, for recovering,

transferring, or assigning any debts or other personal estate or effects, whereof or whereto the deceased was possessed, or entitled either wholly or partially as a trustee, notwithstanding the amount or value thereof, or so much thereof as was trust property in the deceased, as the case may be, shall not be included in the value of the estate for which the stamp duty on such probate or letters was paid, 48 G.3. c.149. s.35.

805. Where the executors or administrators of any person deceased are desirous of transferring, or of receiving the dividends of any share standing in the name of the deceased, of and in any government or parliamentary stocks or funds, transferable at the bank of Eng., or of the stocks or funds of the bank of Eng., or of any other corporation or company, and passing by transfer in the books of such corporation, &c. under any such probate or letters of administration, and allege that the deceased was possessed thereof, or entitled thereto, either wholly or partially, as a trustee; the bank and any other corporation, &c. or their officers may for their indemnity require an affidavit or affirmation of the fact, as in s.37. pl. 806. mentioned, if it shall not otherwise appear, and thereupon may permit such executors or administrators to transfer the stock or fund in question, and receive the dividends thereof, without regard to the stamp duty on the probate or letters. And where the executors or administrators of any person deceased shall have occasion to recover any debt or other personal estate due to the deceased, and shall allege that he was possessed thereof or entitled thereto, either wholly or partially, as a trustee; the person liable to pay such debt may require a like affidavit as aforesaid, and thereupon make over such debt or effects to such executors, &c., regardless of such stamp duty as aforesaid; and where the executors, &c. of any person deceased, shall have occasion to assign or transfer any debts due to the deceased, or any chattels real, or other personal estate, whereof or whereto the deceased was possessed or entitled, and shall allege that the same were due to, or vested in him, either wholly or partially, as a trustee, the persons to whom or for whose use such debts, chattels, real, &c. shall be proposed to be assigned, may require such affidavit as aforesaid, and thereupon accept such assignment or transfer, regardless of such stamp duty as aforesaid, *id.* s.36.

806. Upon any such requisition as in s.36. such executors or administrators, or some person to whom the fact shall be known, shall make a special affidavit or affirmation of the facts, stating the property in question, and that the deceased had not any beneficial interest in the same, or no other than shall be therein set forth, but was possessed of or entitled thereto wholly or in part, in trust for some person, whose name or other description shall be specified, or for such purposes as shall be therein specified, and that the beneficial interest of the deceased, if any, in the property in question, does not exceed a certain value also therein specified, according to the best estimate that can be made thereof, if reversionary or contingent; and that the value of the estate for which the stamp duty was paid on the probate or letters, is sufficient to cover all such beneficial interest, as well as the rest of such personal estate of the deceased, and for which such probate or letters have been granted, as far as the same has come to the knowledge of such executors or administrators; and where such affidavit or affirmation is made by any other person than the executors or administrators of the deceased, they also shall make an affidavit or affirmation that the same is true to the best of their knowledge, and that the property in question is intended to be applied accordingly; which affidavits or affirmations shall be sworn before a master in chancery, and shall be delivered to the party requiring the same, and be sufficient indemnity to them; and if any person making such affidavit or affirmation shall knowingly and wilfully make a false oath or affirmation of the matters therein contained, such persons shall, on conviction, be liable to the pains inflicted on persons guilty of perjury, *id.* s.37. [See as to the parties before whom these affidavits may be sworn, 55 G.3. c.184. s.50. pl. 820.]

807. If any person shall take possession of, and in any manner administer, any part of the personal estate and effects of any person deceased, without obtaining probate of the will or letters of administration, within 6 calendar months after his or her decease, or within 2 calendar months after the termination of any dispute respecting the will or the right to letters of administration, if there shall be any such, which shall not be ended within 4 calendar months after the death of the deceased; every person so offending shall forfeit 100*l.*, and also a further sum, after the rate of 10*l.* per cent. on the amount of the stamp duty payable on the probate of the will or letters of administration, 55 G.3. c.184. s.37. [See 37 G.3. c.90. s.10., pl. 800.]

808. No ecclesiastical court or person shall grant probate of the will or letters of administration of the estate and effects of any person deceased, without first receiving from the person applying for the same, or from some other competent person, an affidavit, or affirmation, that the estate and effects of the deceased, for which the probate or administration is to be granted, exclusive of what the deceased was pos-

seemed of or entitled to as a trustee for any other person, and not beneficially, but including the leasehold estates for years of the deceased, whether absolute or determinable on lives, if any, and without deducting any thing on account of the debts owing from the deceased, are under the value of a certain sum to be therein specified, to the best of the deponent's or affirmant's knowledge and belief, in order that the full stamp duty may be paid on such probate or administration; which affidavit or affirmation shall be made before the surrogate or other person who shall administer the usual oath for the due administration of the estate and effects of the deceased, 55 G. 3. c. 184. s. 38.

809. Every such affidavit or affirmation shall be exempt from the stamp duty, and be transmitted to the commissioners of stamps, together with the copy of the will, or extract or account of the letters of administration to which it relates, by the registrar or other officer of the court, whose duty it is to transmit copies of wills, and extracts or accounts of letters of administration, [see 42 G. 3. c. 99. s. 3. pl. 802.] to such commissioners, for the better collection of the duties on legacies and successions to personal estate upon intestacy; and if any registrar or other such officer shall neglect to transmit such affidavit or affirmation to such commissioners, as hereby directed, he shall forfeit 50*l.*, *id.* s. 39.

810. Where any person, on applying for the probate of a will or letters of administration, has estimated the estate and effects of the deceased at a GREATER value than they shall afterwards prove to be, and shall in consequence pay too high a stamp duty thereon, if such person shall produce such probate or letters to such commissioners of stamps, within 6 calendar months after the true value has been ascertained, and deliver to them a particular inventory, account, and valuation of such estate and effects, verified by an affidavit or affirmation; and if it thereupon appear to such commissioners, that a greater stamp duty was paid than the law required, such commissioners may cancel and expunge the stamp on such probate or letters and substitute another, denoting the duty which ought to have been paid thereon, and make an allowance for the difference, as in the cases of spoiled stamps, [viz. by giving other stamps in lieu, see Div. X. Page 1422.] or, if the difference be considerable, to repay the same in money, at their discretion, *id.* s. 40.

811. Where any person, on applying for the probate of a will or letters of administration, has estimated the estate and effects of the deceased at a LESS value than they shall prove to be, and shall in consequence pay too little stamp duty thereon, such commissioners, on delivery to them of an affidavit or affirmation of the value of the estate and effects of the deceased, may cause such probate or letters to be duly stamped, on payment of the full duty due thereon in respect of such value, and of the penalty payable by law for stamping deeds after the execution thereof, [see ante, Div. XI. and STAMPS (Conveyances)] without any deduction or allowance of the stamp duty originally paid on such probate or letters; provided that if the application is made within 6 calendar months after such true value is ascertained, and if it appear by affidavit or affirmation, to such commissioners, that such duty was paid in consequence of mistake, or of its not being known that some particular part of the estate and effects belonged to the deceased, and without any intention of fraud or delay of payment, such commissioners may remit the penalty, and cause such probate or letters to be duly stamped, on payment only of the sum wanting to make up the duty at first due thereon, *id.* s. 41.

812. In cases of letters of administration on which too little stamp duty has been paid at first, such commissioners shall not cause the same to be so duly stamped, until the administrator has given such security to the ecclesiastical court or ordinary by whom the letters were granted, as ought by law to have been given on the granting thereof, in case the full value of the estate and effects of the deceased had been then ascertained; and such commissioners shall also yearly or oftener transmit an account of the probates and letters of administration, upon which the stamps have been rectified under this act, to the several ecclesiastical courts by which the same have been granted, together with the value of the estate and effects of the deceased, upon which such rectification has proceeded, *id.* s. 42.

813. Where too little duty has been paid on any probate or letters of administration, in consequence of mistake or misapprehension, or of its not being known that some particular part of the estate and effects belonged to the deceased, if any executor or administrator acting under such probate or letters shall not, within 6 calendar months after the discovery of the mistake or misapprehension, or of any estate or effects not known to have belonged to the deceased, apply to such commissioners, and pay what shall be wanting to make up the duty which ought to have been paid at first on such probate or letters, he shall forfeit 100*l.*, and also a further sum, at the rate of 10*l.* per cent. on the amount of the sum wanting to make up the proper duty, *id.* s. 43.

814. No ecclesiastical court or person shall call in and revoke, or accept the surrender of any probate or letters of administration, on the ground only of too high or too low a stamp duty having been paid

thereon; and if any ecclesiastical court or person shall do so, the commissioners of stamps shall not make any allowance whatever for the stamp duty on the probate or letters which shall be so annulled, 55 G. 3. c. 184. s. 44.

815. "Whereas it may happen in the case of letters of administration on which the proper stamp duty hath not been paid at first, that certain debts, chattels real, or other effects, due to the deceased, have been found to be of such great value, that the administrator hath not money sufficient to pay the requisite stamp duty, in order to render such letters available for the recovery thereof by law; and it may also happen that executors or persons entitled to take out letters of administration may, before obtaining probate of the will or letters of administration, find some considerable part of the estate and effects of the deceased so circumstanced as not to be immediately got possession of, and may not have money sufficient to pay the stamp duty on such probate or letters;" BE IT ENACTED, That such commissioners of stamps, on satisfactory proof of such facts by affidavit or affirmation, in any such case which may appear to require relief, may cause such probate or letters to be duly stamped, for denoting the duty payable, and may give credit for the duty, either upon payment of the penalty, or without, in cases of probates or letters already obtained, and upon which too little duty has been paid, and either with or without allowance of the stamp duty already paid thereon, as the case may require, under this act; provided in all such cases of credit that security be first given by the executors or administrators, together with 2 sureties to be approved by such commissioners, by a bond to H. M., in double the amount of the duty, for full payment of the sum for which credit is given, within 6 calendar months, or any less period, and of the interest for the same, at the rate of 10*l.* per cent. per ann., from the expiration of such period until payment thereof, in case of any default of payment at the time appointed; and such probate or letters being so duly stamped, shall be as available as if the proper duty had been at first paid thereon, and stamped accordingly, *id.* s. 45.

816. If at the expiration of the time so allowed for the payment of such duty on such probate or letters, it appear to such commissioners, that the executor or administrator to whom such credit was given, has not recovered effects of the deceased to an amount sufficient for the payment of such duty, they may give such further time for the payment thereof, and upon such terms as they think expedient, *id.* s. 46.

817. The probate or letters of administration so to be stamped on credit, shall be deposited with such commissioners, and not be delivered up until payment of the duty, together with such interest, if any due; but the same may be produced in evidence by some officer of such commissioners, at the expense of the executor or administrator, *id.* s. 47.

818. The duty for which credit shall be so given, shall be a debt to H. M., from the personal estate of the deceased, and shall be paid in preference to any other debt due from the same estate; and if any executor or administrator shall pay any other debt in preference thereto, he shall not only be liable to pay the duty out of his own estate, but shall also forfeit 500*l.*, *id.* s. 48.

819. If before payment of the duty for which credit is so given, it is necessary to take out letters of administration *de bonis non*, such commissioners may cause such letters *de bonis non*, to be duly stamped with the particular stamp provided for letters of that kind, for denoting the payment of the duty in respect of the effects of the deceased, on some prior probate or letters of administration of the same effects, in the same manner as if the duty had been actually paid, upon having the letters *de bonis non* deposited with such commissioners, and upon having such further security for the payment of the duty as they think expedient; and such letters of administration shall be as available as if the duty for which credit is given, had been paid, *id.* s. 49.

820. Where any part of the personal estate which the deceased was possessed of or entitled to, is alleged to have been trust property, if the person who is required to make any affidavit or affirmation relating thereto, conformably to the 48 G. 3. c. 149. s. 37. pl. 806. resides out of Eng., such affidavit or affirmation may be made before any person commissioned to take affidavits by the court of session or of exchequer in Scot., or before a justice of peace in Scot., or a master in chancery ordinary or extraordinary in Ire., or before any judge or civil magistrate of any other country or place where the party happens to reside; and every such affidavit or affirmation shall be as effectual as if made before a master in chancery in Eng., pursuant to such act, *id.* s. 50.

821. Where it shall be proved by oath or proper vouchers to the satisfaction of such commissioners, that an executor or administrator hath paid debts due from the deceased, and payable by law out of his personal or moveable estate, to such an amount as being deducted from the value of the estate and effects of the deceased, for which a probate or letters of administration, or a compensation of a testament, testamentary or dative, shall have been granted after 31st Aug. 1815, or which shall be included in any inventory exhibited and recorded in a commissary court in Scot., as the law requires, after that day, shall

reduce the same to a sum, which, if it had been the whole gross amount or value of such estate and effects would have occasioned a less stamp duty to be paid on such probate or letters of administration, or confirmation or inventory, than shall have been actually paid thereon under and by virtue of this act, such commissioners may return the difference, provided the same is claimed within 3 years after the date of such probate, or letters, or confirmation, or the recording of such confirmation; but where by reason of any proceeding at law or in equity, the debts due from the deceased have not been ascertained and paid, or the effects of the deceased shall not have been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming such return of duty within such term of 3 years, the commissioners of the treasury may allow any further reasonable time for making the claim, 55 G.3. c.185. s.51.

822. All affidavits and affirmations required by this or any former or future act, or which shall be required by such commissioners of stamps, to be made for their satisfaction, concerning any circumstances upon which they are to execute the powers vested in them by this act, or for the verification of any accounts concerning the duties under their management, or for any other purpose relating to such duties, shall, in all cases not otherwise expressly provided for, be made before such commissioners or any one of them, or before a master in chancery, ordinary or extraordinary in *Eng.*, or before any person duly commissioned to take affidavits by the court of session or the court of exchequer in *Scot.*, or before a justice of peace in *Scot.*, *id.* s.52.

823. All persons before whom any affidavit or affirmation is directed to be made by this or any former or future stamp act, shall be authorized to take the same and administer the proper oath or affirmation for that purpose; and if any person making any such affidavit or affirmation shall knowingly and wilfully make a false oath or affirmation concerning any of the matters therein specified, he shall, on being convicted, be liable to such penalties as persons convicted of corrupt perjury are liable to, *id.* s.53.

824. FOR THE BETTER COLLECTION OF THE STAMP DUTIES ON the probate of wills or letters of administration issued in *Scot.*, 44 G.3. c.98. ss.23, 27., 48 G.3. c.149. ss.38—42., 53 G.3. c.108. s.19., 56 G.5. c.107. [And see as to swearing affidavits, &c., and as to return of duty on paying the debts of the deceased in *Scot.*, 55 G.3. c.184. ss.50—53. *pl.* 820—825.; This title is framed from the purport of these sections. For the duty, see 55 G.3. c.184. *Sch.* Part III.]

825. All executors, administrators, nearest kin, creditors, and others, who intromit with, or enter upon the possession or management of all or any personal or moveable estate or effects of any deceased person in *Scot.*, shall, on or before disposing of or distributing any such estates, uplifting any debts due to the deceased, and at all events within 6 calendar months next after having assumed such possession, &c. and before any person shall be confirmed executors, testamentary or dative, exhibit on oath in the proper consistorial court called the Commissary Court, a full inventory of such estate and effects, either already recovered or known to be existing, distinguishing whether situated in *Scot.*, or elsewhere, likewise any will or other writing relative to the disposal of such estate, which the persons exhibiting such inventory may have access to; and such inventory, together with the will or other writing, shall be recorded in the books of such court, without any other expence than the ordinary fees of registration, and without prejudice to the laws of *Scot.* in other respects regarding the total or partial confirmations, or the rules of succession there established, and without prejudice to the increase of fees payable on confirmations, which shall remain as they are at present; and in case a discovery is made of other effects of the deceased, which because unknown were omitted in such inventory, an additional inventory shall be exhibited on oath, and recorded by the person intromitting or assuming the management thereof; and in case such persons shall neglect to exhibit such original or additional inventory, or knowingly omit any part of such estate, he shall forfeit not exceeding double stamp duty payable on the amount of such estate and effects, or on the sum so omitted, and not less than 100*l.* for each such neglect, to be recovered and applied as other penalties by this act may be, 44 G.3. c.98. s.23. [See 48 G.3. c.149. s.38. *pl.* 827.]

826. Penalties may be recovered as any other penalty under the stamp acts may be, and shall go to H. M., 44 G.3. c.98. s.27. [See the section at length, STAMPS, Div. V. *pl.* 124.]

827. All persons who as executors, nearest kin, or creditors, or otherwise, shall intromit with or enter upon the possession or management of any personal or moveable estate or effects in *Scot.*, shall on or before disposing of or distributing any part of such estate or effects, or uplifting any debt due to the deceased, and at all events within 6 calendar months after having assumed such possession or management, in whole or part, and before they be confirmed executors, testamentary, or dative, exhibit on oath or affirmation in the proper commissary court in *Scot.*, (which oath, &c. any judge, or any other commissioner appointed by such court may administer, and which shall not be liable to stamp duty,) a full and true inventory duly stamped as hereby required of all

personal or moveable estates and effects of the deceased already recovered or known, distinguishing what shall be situated in *Scot.* and what elsewhere, together with any testament or other writing relating to the disposal thereof, or part thereof which such exhibitors shall have in their custody; and which inventory, together with such writing (if any), shall be recorded in the books of such court, without any other expence to the party than the ordinary fees of registration; and if at any subsequent period a discovery is made of any other effects of the deceased, an additional inventory of the same shall, within 2 calendar months after, in like manner be exhibited or recorded as aforesaid by such persons &c. as aforesaid; and in case any person hereby required to exhibit such inventory shall neglect so to do within the times limited, or in case of any wilful omission of any part of the estate and effects of the deceased, the party so neglecting, &c. shall forfeit 20*l.* to be recovered by ordinary action, or summary complaint in the sheriff, steward, or borough court, or before a justice of peace of the shire, &c. where the party sued resides, which court or justice may mitigate such penalty, so as the same is not reduced below one-half, besides costs; and the persons so offending, shall be charged with double the stamp duty which would have been payable on such inventories so neglected to be exhibited, according to the value of the estate, &c. which ought to have been specified therein, or double the increased stamp duty, which would have been payable on such inventory exhibited in respect of the estate, &c. omitted, as the case may require, and such double duty shall be a debt to H. M., and be sued for accordingly, 48 G.3. c.149. s.38.

828. Every inventory so exhibited and recorded as in s.38. *pl.* 827. shall be retained by the clerk of the commissary court, and be transmitted by him, together with such oath or affirmation to the stamp duty solicitor at *Edinburgh*, who shall file the same in the stamp office there; and in case such clerk shall fail to record, retain, or transmit such inventory, &c. or shall receive or record any such inventory, not duly stamped, he shall forfeit 50*l.* *id.* s.39.

829. Where such additional inventory shall be exhibited to be so recorded, the same shall also specify the value of the estate, &c. of the same person comprised in the former one, and the duty on such additional inventory shall be the *ad valorem* on the whole amount of the estate specified in both, and on such additional inventory duly stamped being so recorded and transmitted, the solicitor of stamp duties, on the application of the person who exhibited the same, shall deliver the former inventory to him with a certificate thereon signed by him, bearing that an additional inventory of the effects of the deceased duly stamped, had been transmitted to him and filed; and such certificate shall entitle the party exhibiting such additional inventory to demand the amount of stamp duty on such former inventory from the head distributor at *Edinburgh*, who shall pay the same, on a proper receipt being given, and the former inventory and certificate being delivered to him to be produced with the receipt as a voucher for such payment, *id.* s.40.

830. The duty hereby charged on any such inventory, shall be deemed to be payable only on the value of such part of the estate and effects therein mentioned as shall be situated in *Scot.*, *id.* s.41.

831. The commissary court in *Scot.* shall not grant confirmation of any testament, testamentary, or dative, or *cik thereto*, unless the same is mentioned in some such inventory exhibited and recorded as in s.38. *pl.* 827.; and no executor or other person shall recover any debt or effects of any person dying in *Scot.* unless the same have been previously included in such inventory, except the same were vested in the deceased as a trustee, and not beneficially, but these provisions shall not in other respects prejudice the law of *Scot.* regarding total or partial confirmations, or the rules of succession there established, *id.* s.42.

832. Where any additional inventory of the personal or moveable estate and effects of any person deceased, which shall be exhibited to be recorded in the commissary court of *Scot.* pursuant to 48 G.3. c.149. s.40. *pl.* 829. would not under that act be liable to a greater stamp duty than that already paid on any former inventory of the same person's estates, &c. such additional inventory shall be exempted from all stamp duty, 53 G.3. c.108. s.19.

833. Where inventories of the personal estate of persons deceased, have been exhibited in any commissary court in *Scot.* prior to 1st Sept. 1815, and duly stamped under 48 G.3. c.149. and in consequence of the subsequent discovery of other effects an additional inventory so exhibited; such additional inventory shall be exempted from the *ad valorem* duties, by 55 G.3. c.184. granted, and shall be liable only to the duties by 48 G.3. c.149. granted, 56 G.3. c.107.

RECEIPTS.

834. FOR GRANTING TO H. M. CERTAIN ADDITIONAL STAMP duties in receipts, [and for better collecting the same], 31 G.3. c.25. ss.13, 14, 21, 22., 35 G.3. c.55., 45 G.3. c.126., 50 G.3. c.34. s.12. [As to receipts for legacies, see ante, Legacy, and see STAMPS (Bills, and Notes); and for the duty, 55 G.3. c.184. *Sch.* Part I. *tit.* Receipts.]

835. This act shall not extend to any receipt or other discharge

given for any legacy or share of a personal estate, divided by force of the statute of distributions, or the custom of any province or place duly stamped, or to any receipt given by the treasurer of the navy for any money imprested to or received by him for the service of the navy, or to the receipt of any agent for money imprested by or to him, on account of the pay of the army or ordnance, or to any receipt to be given by any officer, seaman, or soldier, or their representatives for any wages, pay, or pensions due to them from the navy, army, or ordnance, nor to any receipt to be given for the consideration of the purchase of any share in any public stock or fund, or the stocks of the corporations of the bank of *Eng.*, *East India*, or *South Sea* companies, or for the dividends payable on such shares of such stocks, nor to any receipt given for money deposited in the banks of *Eng.* or *Scot.* or in the house of any banker, nor to any receipt, &c. written on the back of any bill of exchange, promissory, or other note duly stamped, or on the back of any foreign bill of exchange payable in *G. B.*, nor to any release or acquittance deed duly stamped, 31 *G. 3. c. 25. s. 13.*

836. This act shall not extend to any receipt, &c. given on any bill or note of the bank of *Eng.*, or to any letter acknowledging the safe arrival of any bills or securities for money, or to any receipt, &c. indorsed on, or contained in any deed, bond, mortgage, or other instrument acknowledging the payment or re-payment of any part of any principal sum, or any interest thereon, lent, paid, or secured by or upon such deed, &c. duly stamped, nor to any receipt, &c. given for any money payable by the law of merchants for drawbacks or bounties upon exportation from this kingdom, nor to any certificate of over-entry of any custom duties, *id. s. 14.* [See the exemptions, 55 *G. 3. Sch. Part I. tit. Receipt, ante.*]

837. Receipts exempted from duty under 31 *G. 3. c. 25. ss. 13, & 14.* [and all former acts, 43 *G. 3. c. 126. s. 10.*] shall be exempted from the duty hereby imposed, 35 *G. 3. c. 25. s. 2.*, 43 *G. 3. c. 126. s. 10.*

838. Nothing herein shall subject any person to any penalty in respect of any receipt, &c. accepted by them on vellum, &c. not stamped, in case the same is brought to be stamped, as in *s. 20.* [this clause is *verbatim* with 35 *G. 3. c. 55. s. 11. pl. 848.*] directed, and the duties and penalties hereby imposed, paid to the proper officer; nor subject any such person to any such penalties in respect of such receipts, until the expiration of one calendar month after such receipt, &c. was given, or bore date, 31 *G. 3. c. 25. s. 21.*

839. No officer or person shall be subject to any penalties, disabilities, &c. in this or any former act contained, for writing or accepting receipts, &c. hereby made liable to duty given to them in respect of any public employment, on any book belonging to any public office, or the office of any corporation or company, or in any court of law or equity in *G. B.* without any stamps thereon which have been first shewn to, and signed by the commissioners of stamps, or 3 of them, or some officers by them for that purpose authorized to signify his consent, (and which they may refuse or allow, as they think fit,) that the receipts, &c. written in such book may be there written without any stamp thereon; so as the person having the custody of such book do when required, permit such commissioners, or their officers to inspect the same, and do also when required pay to the receiver-general all sums which ought under this act to be paid for such receipts, &c. written in such books, *id. s. 22.* [QU. are the 31 *G. 3. c. 25. ss. 13, 14, 21, 22.* REF. by 35 *G. 3. c. 55. s. 4. pl. 841.* See the particular wording of that clause.]

840. All rules, regulations, penalties, &c. in the 31 *G. 3. c. 25.* contained, viz. *ss. 12—17, 20—22.* in relation to the duties on receipts, discharges, and acquittances for which other provisions are hereby made, shall cease, except as to arrears, 35 *G. 3. c. 55. s. 4.*

841. The full and just sum for which any receipt, &c. is given, and the true date thereof shall be inserted therein; and all notes, memorandums, or writings given on the payment of money amounting to 40s. or more, whereby any sum is acknowledged to have been paid, released, or discharged, or which shall in any ways denote such acknowledgment, and whether signed or not by the name of the party on whose behalf given, shall be deemed receipts within this act, and be liable to the duties imposed thereon; and shall be paid by the person by whom or on whose behalf such receipts, &c. are required, (except such receipts, &c. as shall be given upon the payment of money in respect of any salary, pension, debt, or other sum payable from H. M.; in which case the duty shall be paid by the person giving such receipt, &c.) and which duties in default of payment according to this act, may be levied against the person by whom they are hereby made payable, their executors, administrators, and assigns, *id. s. 5.*

842. Every receipt, &c. note, memorandum, or writing given by any person upon the payment of money, which shall express, or in any way denote any general acknowledgement of any debt, claim, account, or demand, or all or any debts, &c. being paid, discharged, or released, or whereby any sum therein mentioned is acknowledged to be in full of all such debts, &c. and whether the same is or is not signed by or with the name of the person on whose behalf the same is given, shall be deemed

a receipt for 500l. and more, [QU. now 1000l. see 55 *G. 3. c. 184. Sch. Part I. tit. Receipt.*] within this act, and be liable to the duty accordingly; and no such receipt, &c. note, &c. shall be pleaded or given in evidence in any court, or be available in law or equity as an acknowledgement of any debts, &c. being paid, &c. whether generally or otherwise, or for any other, or greater sum than that therein expressed, unless the same is stamped with the proper 5s. stamp, [10s., 55 *G. 3. c. 184. Sch.] 35 *G. 3. c. 55. s. 6.*, 43 *G. 3. c. 126. s. 3.**

843. Every note, memorandum, or writing given to any person upon the payment of money, which shall express, or in any way denote any acknowledgement of any part of any debt, &c. being paid, &c. whether signed or not by the party on whose behalf given, shall be deemed a receipt within this act, 35 *G. 3. c. 55. s. 7.*

844. Every person who shall write or sign, or cause to be written, &c. any receipt, &c. given on the payment of money liable to any stamp duty on vellum, &c. without the same being first duly stamped, or stamped with a stamp of a lower denomination than that which ought to be charged, shall forfeit 10l. if the sum mentioned therein, shall not amount to 100l. and 20l. if it shall amount to 100l. or upwards, *id. s. 8.*

845. Every person giving any receipt, &c. or any note, &c. acknowledging the payment of any money in which a less sum is expressed, than actually paid, or who shall separate the sum actually paid into divers sums, with intent to evade the duty, or who shall with like intent write off part of any debt, &c. or who shall be guilty of or concerned in any fraudulent contrivance, with intent to defraud H. M. of these duties, shall forfeit 50l. to be recovered as in *s. 12. pl. 849.* directed, *id. s. 9.*

846. All vellum, &c. liable to any stamp duty, shall before any thing is written thereon, be brought to the head stamp office, to be stamped, and the commissioners of stamps, or their officers shall stamp the same in any quantities on payment of the duty; and no receipt, &c. note, &c. liable to such duties shall be pleaded or given in evidence, or admitted to be available in any court of law or equity, unless the same is stamped with the proper stamp, denoting the payment of the duty, or some higher duty, and neither such commissioners, or their officers shall stamp any vellum, &c. at any time after such receipts, &c. is ingrossed, &c. thereon, except as herein provided, *id. s. 10.*

847. Every receipt, &c. given on the payment of money, and written on vellum, &c. not stamped, which shall be brought to the commissioners of stamps, or their officers, to be stamped within 14 days after the same was given, or shall bear date, shall be stamped on payment of 5l. besides the duty, and any such receipt, &c. so brought to be stamped after the expiration of such 14 days, and within one calendar month after it was given or shall bear date, shall be stamped on payment of 10l. besides the duty, and the proper officer shall, on such receipts, &c. being brought within such times, and on payment of the duty and such penalty, stamp the same with the proper stamp, *id. s. 11.*

848. The penalties hereby inflicted are to be recovered, levied, applied, and mitigated, as hereby directed, 35 *G. 3. c. 55. ss. 12—16.* [These sections are *verbatim* with 31 *G. 3. c. 25. s. 24—28.* (see STAMPS, Bills and Notes, *pl. 312—316.*) with the exceptions, that in cases where under 31 *G. 3. c. 25. s. 28.*, and 35 *G. 3. c. 55. s. 16.* the attorney-general of *Eng.* or the advocate of *Scot.* is directed to prosecute; the prosecution in *Eng.* under the former act may be in any court at Westminster, and that under the latter act is confined to the court of exchequer.]

849. If any person shall forge or counterfeit, or procure to be counterfeited, &c. any stamp directed to be used in pursuance of 31 *G. 3. c. 25.* or this act, to denote the duties thereby granted, or shall counterfeit or resemble the impression of the same on any vellum, &c. with intention to defraud H. M., or shall utter, vend, or expose to sale any vellum, &c. liable to such duties, with such counterfeit mark or impression thereon, knowing the same to be counterfeited, or shall privately or fraudulently use any stamp directed to be used by this act or the 31 *G. 3. c. 25.* with intent to defraud H. M., such person shall, on conviction be adjudged a felon, and suffer death without clergy, *id. s. 17.* and 43 *G. 3. c. 126. s. 11.* [See 55 *G. 3. c. 184. s. 7. pl. 182.*]

850. Former acts extended to this act, *id. s. 18.*, 43 *G. 3. c. 126. s. 12.* [No general issue clause is attached to this act. QU. Does the general issue clause of 31 *G. 3. c. 25. viz. s. 35.*, see STAMPS, (Bills and Notes, *pl. 317.*) extend to this act?]

851. If any receipt, acquittance, or discharge, for any sum amounting to 40s., shall, contrary to this act be engrossed, &c. on unstamped vellum, &c. or vellum, &c. stamped with a stamp of a lower denomination or value than hereby directed, then there shall be due to H. M. the full duty chargeable thereon; and which duty shall be payable by the persons hereby required to give such receipts, his, her, or their executors, administrators, and assigns, 43 *G. 3. c. 126. s. 4.*

852. Any person, or agents of persons, from whom any sum is due, and who have paid such sums, may provide a piece of vellum, &c. stamped with the proper or a higher stamp duty, and may demand of the persons entitled to such sums, or their agents, a receipt, &c. for the same, and also the amount of duty thereon; and if any such person

shall refuse to give such receipt or pay such amount, such person shall forfeit 10*l.*, to be recovered as any other penalty under the 51 *G. 3. c. 25.* or 55 *G. 3. c. 55.* may be, 43 *G. 3. c. 126. s. 5.*

853. No receipt, discharge, or acquittance, liable to the duties hereby granted, shall be pleaded or given in evidence, or admitted to be good, or available in any court of law or equity, unless the same is duly stamped, *id. s. 6.*

854. Persons sued for any thing done under this act, may plead the general issue, and give the special matter in evidence; and if the plaintiff has a verdict against him, or is nonsuited, the defendant shall have treble costs, *id. s. 15.*

855. All receipts or unstamped paper taken by the paymasters of exchequer bills for either principal or interest paid by them in discharge of such bills before this act passed, shall be valid; and all persons are hereby indemnified for penalties thereby incurred, and all such receipts and discharges shall in future be exempted from stamp duty, 50 *G. 3. c. 55. s. 12.*

STAGE-COACHES.

856. FOR THE BETTER COLLECTION OF THE DUTIES ON STAGE-COACHES, 44 *G. 3. c. 98. s. 33., 55 G. 3. c. 108. ss. 21, 22., 55 G. 3. c. 185. ss. 11, 12.* (*This title is also framed.*) [For the duties see 55 *G. 3. c. 185. Sch., tit. Stage-Coaches*, which are to be levied as the duties under 25 *G. 3. c. 51.* by 37 *G. 3. c. 16. s. 2.* see STAMPS (*Post-Horses*).]

857. All persons duly licensed [See as to such licences, 25 *G. 3. c. 51. ss. 45, 46. pl. 726, 727.*] to keep any coach, berlin, landau, chariot, diligence, calash, chaise-marine, chaise, chair, or other carriage with 2 or more wheels, to be employed as a public stage-coach, or carriage for the purpose of conveying passengers for hire to and from different places in *G. B.*, shall paint on the outside of each door of such carriage, or some other conspicuous part thereof, in legible letters of 2 inches in length, and in a different colour from the ground on which the same was painted, the words "Licensed to carry not exceeding 4, 6, 8, 10," or more passengers, as the licence obtained for such carriages shall specify; and if any person shall make use of any such carriages for so carrying passengers for hire without having such words painted on such carriage in the manner before directed, or shall at any time carry more inside passengers (children in lap excepted) than is specified in the licence for using such carriages, and the words so painted on the outside of such doors of such carriage, every person so offending shall forfeit 20*l.*, 44 *G. 3. c. 98. s. 13.*

858. Every person who shall keep and employ, or let out any coach, berlin, landau, chariot, diligence, calash, chaise-marine, chaise, chair, or other carriage, with 2 or more wheels, as a public stage-coach or carriages for conveying passengers for hire from different places in *G. B.*, without having a licence from the commissioners of stamps, shall answer to H. M. such duties as he would be liable to in respect of such carriage under the 44 *G. 3. c. 98.* in case he had made the declaration concerning the same by 25 *G. 3. c. 51. s. 49. pl. 730.* [see STAMPS (*Post-Horses*).] required, and had obtained a proper licence for employing such carriage for the particular journey, distance, or number of miles, and for the number of journeys in the day or week, and for the number of passengers which he shall have advertised to the public, that such carriage was to go and carry, or which such coach shall actually have gone and carried, at any one period after the same was set up as a public stage-coach at the election of such commissioners; and the person so letting out, &c. such coach, shall be chargeable with such duty for the same, from the time such coach was so set up as a stage-coach without such licence, until such licence is obtained, or such coach is discontinued, and also with the duty which would have been payable for the proper licence for such coach during the same period, 55 *G. 3. c. 108. s. 21.*

859. All licences for keeping coaches to be used as public stage-coaches, which shall be granted between 31 *July* and 1 *Sept.* in any year, shall be dated on 1 *Aug.*, and all such licences granted on any other day, shall be dated on the day granted, and all such licences shall continue in force until 31 *July* following both inclusive; provided nothing herein shall extend to any stage-coaches licensed by the commissioners of hackney coaches, *id. s. 22.* [See 25 *G. 3. c. 21. s. 45. pl. 726.*]

860. All such parts of any acts of parliament [44 *G. 3. c. 88, 98. Sch. B.*] as authorize the commissioners of hackney-coaches to licence any hackney-coach to be used as stage-coaches, and as exempt the owners of hackney-coaches already so licensed from taking out licences from the commissioners of stamps, and from the payment of mileage duties on stage-coaches, and from the provisions of acts relating to stage-coaches, shall be *REP.*; and the owners of hackney-coaches now employed as stage-coaches, shall be liable to take out licences from the commissioners of stamps, and be subject to the same duties and regulations as the owners of any other stage-coaches, 55 *G. 3. c. 185. s. 11.*

861. None of the provisions of any act relating to hackney-coaches shall be construed to prevent the owners or drivers of stage-coaches duly licensed, and paying the mileage duties, from taking up passengers within the bills of mortality out of the paved streets of *London, West-*

minster or Southwark, and any continuation thereof, so that they do not deviate from their regular road for that purpose, 55 *G. 3. c. 185. s. 12.*

STAPLE.

(STATUTES repealed and expired.)

1. CONCERNING THE STAPLE AT CALAIS, 12 *R. 2. c. 16., 14 R. 2. c. 1., 21 R. 2. c. 7.* [REP. 1 *H. 4. c. 3.*] and 2 *H. 6. c. 4., 8 H. 6. cc. 17—21., 10 H. 6. c. 1., 11 H. 6. c. 13., 14 H. 6. c. 2., 15 H. 6. c. 8., 27 H. 6. c. 2.* [ALL EXP.]

2. NO PROTECTION ALLOWED BEFORE THE MAYOR OF THE STAPLE at Calais, 1 *H. 7. c. 3.* [EXP.]

3. FOR REGULATING EXPORTATION OF STAPLE MERCHANDIZES, 11 *H. 6. c. 14., 14 H. 6. c. 5.* [EXP.]

(STATUTES in force.)

4. NONE OF H. M.'s JUSTICES SHALL TAKE COGNIZANCE OF THINGS belonging to the staple, 27 *E. 3. S. 2. c. 5.*

5. In case that K. B. or C. P. or justices in eyre or of assize, the court of the *Marshalsea*, or any other justices do come to the places where the staples be, neither they nor the steward or marshal, or others of such court, shall have cognizance of things which pertain to the mayors and ministers of the staple, *id. ibid.*

6. NO MARSHAL OR OTHER OFFICER OF H. M.'s HOUSE SHALL make livery, or meddle in the staples with the houses where the merchants of the staple or wool, or other merchandize thereof be lodged, nor enter to execute their office there, nor take any thing to spare any therein, on pain to make quatreble satisfaction to the party at whose suit he is attained, with further grievous punishment by H. M., 27 *E. 3. S. 2. c. 6.*

7. OF THE JURISDICTION OF THE MAYOR AND CONSTABLES of the staple, 27 *E. 3. St. 2. c. 8., and 36 E. 3. c. 7.* [VIRTUALLY AMD. 27 *E. 3. St. 2. c. 23., and 14 R. 2. c. 3.*]

8. The mayors and constables of the staples shall have jurisdiction and cognizance within the staple towns, [viz. for *Eng., Newcastle on Tyne, York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Winchester, Exeter, and Bristol: for Wales, Caermurthen: for Ireland, Dublin, Waterford, Cork, and Drogheda, 27 E. 3. St. 2. c. 1.*], of the people, and all things touching the staple; and all merchants coming to the staple, their servants and meiny [family] in the staple, shall be ruled by the law merchant of all things touching the staple, and not by common law or usage of cities, boroughs, or other towns, and shall not implead or be impleaded before the justices of those places, in debt, covenant, and trespass, touching the staple; but shall implead all persons of whom they will complain, whether of the staple or not, but being there found, and shall be impleaded only before the mayor and justices of the staple thereto deputed of all pleas, the cognizance whereof belongs to the ministers of the staple, and of all contracts between merchants or others, whereof one party is merchant or minister of the staple, whether contract be made within or without the staple; and of trespass done by or to the latter, the plaintiff shall chuse whether to sue by the law of the staple or at common law, so that in pleas touching any of H. M.'s house, the steward or his lieutenant, and the marshal, shall be with the mayor of the staple, to see that right be done to the parties, but pleas of land and freehold shall be at common law, 27 *E. 3. St. 2. c. 8. s. 1.*

9. In trials before the mayor of the staple, between the merchants and ministers of the same, by inquest taken therein, if both parties be aliens, it shall be tried by them; if both be denizens, then by denizens; or if one party be denizen and the other alien, one half of the jury shall be of denizens and the other half of aliens, *id. s. 2.* [See 28 *E. 3. c. 13. s. 2. JURY, pl. 18.*]

10. The mayors and constables of the staples shall have cognizance only of debts, covenants, and contracts, and of other pleas touching merchandize and surety thereof, betwixt known merchants; and process of felonies and all other pleas, as well within as without staple, shall be at common law, saving that merchants aliens (whether plaintiffs or defendants) may sue their plaints, as well of trespass as other, before the mayor of the staple by the law thereof, or at common law, and H. M. and other lords shall enjoy their franchises so that the mayor of the staple has power to take recognizances of debts [of every person, be he merchant or other, as in 27 *E. 3. St. 2. c. 8., but QU. since 23 H. 8. c. 6.*] 36 *E. 3. c. 7.*

11. Correctors and officers of the staple, except the constables and mayor, who shall be so sworn in chancery, shall be sworn before the mayor of the staple lawfully to execute their office, and all merchants coming to staples for merchandize shall be sworn to, and shall maintain the staple laws, 27 *E. 3. St. 2. c. 23.*

12. The mayors constables, brokers, and all other officers of the staple shall be sworn, first to H. M. and after to the staple, 14 *R. 2. c. 3.*

13. HOUSES IN STAPLE TOWNS LET TO MERCHANTS FOR putting

their wools and merchandizes in, shall be set at reasonable rent, according to the ordinance of the mayor and constables of the staple, and 4 good men of the best of the town where the staple is, who shall be sworn in presence of such mayor and constables to make a lawful rate, 27 E. 3. St. 2. c. 16.

14. A MAYOR AND TWO CONSTABLES SHALL BE CHOSEN TO GOVERN every staple town, 27 E. 3. St. 2. c. 21.

15. In every staple town a mayor, having knowledge of the law merchant, shall be established to govern the staple, and do right to all, after the laws thereof, without favour; as well as 2 constables first appointed by H. M., and afterwards, on vacancy, by the commonalty of merchants there; no such mayor shall hold the office over one year, unless chosen anew by commonalty of merchants, as well aliens as denizens; such mayor and constables shall keep the peace, and arrest offenders in the staples for trespass, debt, or other contract, and imprison and punish them according to the staple, and a prison shall be ordained for safe keeping of those imprisoned, and the mayors, sheriffs, and bailiffs of staple towns, or adjoining thereto, shall be attending on the staple ministers to execute their commands when required, under grievous forfeiture; and one lord or other sufficient person in the county where the staple is, shall be assigned to be aidant to the mayor and ministers of the staple, to try disobedient persons who cannot be tried by the latter, and to council them for their good governance, and to redress every man's complaint which is mistaken by them; if any merchant will complain of the mayor or constables that they have failed of right, or favoured any party against reason, it shall be speedily redressed by the chancellor and others of our council, without delay; and such mayor and constables shall not act contrary hereto, or make interpretation therein other than the words purport, but any thing doubtful shall be shewn to our council, and there declared by good advice, *id. ibid.*

16. IN ALL STAPLE TOWNS THERE SHALL BE A CERTAIN NUMBER of correctors, as well strangers as natives, good men, sufficient, and having knowledge of the several trades, to make and record the bargains between buyers and sellers; they shall find sufficient main-pennors before the mayor and constables of the staple to perform their office, and if found in default shall pay the amount of damage, but shall not meddle with merchandize while in office; no man shall be obliged to have a corrector, or pay him any thing, except he meddle of his bargain at his request, 27 E. 3. St. 2. c. 22.

17. ALIEN MERCHANTS SHALL CHOOSE TWO ALIEN MERCHANTS, of whom one for the north and one for the south, shall be assigned to sit with the mayors and constables of the staples, where any are so chosen shall come, to hear the complaints concerning merchants, aliens, moved before the latter, and to see full right done; but such process shall not discontinue in case such persons do not come thither; and if debate arise on discussing any plea or complaint, the tenor thereof shall be sent before the chancellor and council for determination, and 6 persons shall be chosen, 2 Germans, 2 Lombards, and 2 English, good men, who will swear duly to execute their office, who, or 4 of whom, may by their oath determine any debate among merchants of unreasonable wool or undue packing, according to the contract made, 27 E. 3. St. 2. c. 24.

18. CONSPIRACY BY ANY MERCHANT OR OTHER, TO THE disturbance or decay of the staple, shall be felony, on attain before mayor and minister of the staple, 27 E. 3. St. 2. c. 25. [See c. 3.]

19. GENERAL CONFIRMATION OF THE LIBERTIES OF THE STAPLE, notwithstanding any franchise, 27 E. 3. St. 2. c. 28.

20. The liberties of staple shall be firmly kept, notwithstanding any franchise, custom, &c. made to cities, boroughs, &c., saving to the prelates, earls, &c., their fairs, markets, and hundreds, wapentakes, &c. *id. ibid.*

21. THE ORDINANCE OF THE SEVERAL FEES OF THE MAYORS and constables of the staple, in staple cities and towns, and by what means it shall be levied, 27 E. 3. Stat. at Lar. 8vo. ed. 640.

22. Only 4d. per sack of wool shall be paid in any staple, to be put in a box, and sealed with the seals of the mayor and constables, that the latter may be thereof paid their fees, and any surplus found in the box at the year's end shall be safely kept for the above fees, in other staples where the 4d. does not suffice; and any further surplus shall be saved to the common profit of the merchants of the staple for the year to come, to pay for the new weights or other necessary things touching the staple, 27 E. 3. s. 1.

23. The above fees shall be thus limited. The mayor of the staple at Westminster shall take 100l., and each constable there 20 marks; the mayor of Lincoln 40, and every constable 10 marks; the mayors of York, Kingston on Hull, Norwich, and Winchester, 20l. each, and every constable there 100 shillings; the mayors of Newcastle, Chichester, and Exeter 40l., and every constable there 5 marks; if any mayor or constable elected by the merchants refuses his office, he shall pay to the company the amount of his fee for a year, *id. s. 2.*

24. THE ORDINANCES OF THE STAPLE 27 E. 3. St. 2. are confirmed with these alterations; the warranty of packing wools in c. 3. s. 2. is re-

pealed, [and see 1 H. 4. c. 16.] and none other than merchants shall be bound by the laws of the staple till they are declared in parliament, 28 E. 3. c. 13., and 38 E. 3. St. 1. c. 7.

STAR CHAMBER.

(STATUTE repealed.)

1. FOR GIVING THE COURT OF STAR CHAMBER AUTHORITY TO punish divers misdemeanors, 5 H. 7. c. 1. s. 1. [see s. 2. and s. 6. JUSTICE OF PEACE, pl. 17, 18.; s. 3—5. CORONER, pl. 16—18.]

2. The lords chancellor, treasurer, privy seal, and president of the council, with a bishop and temporal lord of H. M.'s honourable council, and the 2 C. J.s, or 2 other justices of K. B. and C. P., were empowered to examine misdoers for riots and felonies, *id. ibid.* [REP. 16 C. 1. c. 10. s. 3.]

(STATUTES in force.)

1. FOR TAKING AWAY THE COURT OF STAR CHAMBER, 16 C. 1. c. 10., and recital in ss. 1, 2. part of s. 9. and s. 10. [See rest of this title and statute, LIBERTIES AND RIGHTS, pl. 38.]

2. All the powers of this court are abolished, 16 C. 1. c. 10. s. 3.; the like jurisdiction is also abolished in the court of the Welch marches, [dissolved, 1 W. & M. S. 1. c. 27. s. 2.] in that of the president and council for northern parts, in the duchy court of Lancaster, and exchequer of county palatine of Chester, before the chamberlain and council thereof, and no such jurisdiction shall ever again be exercised, *id. s. 4.* This act only extends to the court of star chamber, and those named in s. 4., *id. s. 9.* [see rest of this sect. LIBERTIES AND RIGHTS, pl. 45.] Limitation of actions shall be 2 years, *id. s. 10.*

STATUTES.

(STATUTES repealed and expired.)

1. ORDINANCES MADE AT London, 5 E. 2. [REP. 15 E. 2. S. 5., see 8vo. Stat. 324, 325. 355.]

2. THE COMMISSION AND STATUTE MADE 10 R. 2. (for certain prelates, lords, &c. to be of H. M.'s continual council for one year, to remedy certain evils, &c.) declared traitorous and illegal, 21 R. 2. c. 2. [see *quære* REP. 1 H. 4. c. 3. ?]

3. WHAT ACTS DONE BY OR DURING THE REIGNS OF H. 4. H. 5. and H. 6. shall continue valid, 1 E. 4. c. 1. [EXP.]

4. TO CONTINUE TILL 25 June 1820, SUCH LAWS AS MAY EXPIRE within a limited period, 60 G. 3. c. 12. [EXP.]

(STATUTES in force.)

1. HOW THE STATUTE OF WINCHESTER SHALL BE PROCLAIMED and observed, 28 E. 1. c. 17. [virtually ENF. 7 R. 2. c. 6.]

2. Every sheriff shall be bound in proper person to make proclamation of that statute 4 times in the year, [as well as the 2 great charters, viz. *Magna Carta*, and *Carta de Foresta*, 28 E. 1. c. 17.] in every hundred of his bailiwick, and by his bailiffs in every market town, as well within liberties as without, 7 R. 2. c. 6.; [and the 3 knights assigned in the shires to redress things done against the great charters shall be charged for maintenance thereof, 28 E. 1. c. 17. only.]

3. THE PARLIAMENT HOLDEN 21 R. 2., AND ALL PROCEEDINGS thereon, repealed, 1 H. 4. c. 3.

4. THE PARLIAMENT HOLDEN 11 R. 2., AND ITS PROCEEDINGS, confirmed, 1 H. 4. c. 4.

5. THE PARLIAMENT HELD AT COVENTRY, AND THE STATUTES there passed in 38 H. 6. are repealed, 39 H. 6. c. 1.

6. THE PARLIAMENT AND STATUTES PASSED IN 9 E. 4. (*alias* 10 E. 4. or 49 H. 6., see 2 Stat. at Lar. 8vo. ed. 632.) are repealed, 17 E. 4. c. 6.

7. IN ALL CASES WHERE THE KINGDOM OF Eng., OR THAT PART OF G. B. called Eng., hath been or shall be mentioned in any act of parliament, the same hath been and shall be taken to comprehend the dominion of Wa., and Ber. on Tweed, 20 G. 2. c. 42. s. 3.

8. THE STATUTES OF Eng. AND OF G. B., SINCE THE UNION WITH Scot., and of Ire. prior to the union with G. B., as printed and published by H. M.'s printer, duly authorized to print, &c. the same respectively, shall be received in all courts of justice in G. B. and Ire. respectively, as conclusive evidence of all such statutes passed prior to the union of G. B. and Ire., 41 G. 3. (U. K.) c. 90. s. 9.

9. TO PREVENT ACTS OF PARLIAMENT FROM TAKING EFFECT from a time prior to the passing thereof, viz. the first day of the session in which they are passed, 33 G. 3. c. 13.

10. The clerk of the parliament shall indorse in English on every act, immediately after its title, the day, month, and year when the same shall have passed, and shall have received the royal assent, which endorsement shall be taken to be a part of such act, and to be the date of its

STEAM ENGINE.

commencement where no other commencement is therein provided, 35 G. 3. c. 13.

11. TO REMEDY THE INCONVENIENCE WHICH HAS ARISEN and may arise from the expiration of acts before the passing of acts to continue the same, 48 G. 3. c. 106.

12. When bills for continuing expiring acts, shall not receive the royal assent before they expire, the latter shall be taken to have effect from their expiration, as fully and effectually as if such continuing acts had actually passed before their expiration, (except it be otherwise especially provided); provided, that nothing herein shall affect any persons with any penalty soever, by reason of any thing done, or omitted to be done by them, contrary to the acts so continued, between its expiration and the date at which the continuing act shall receive the royal assent, *id. ibid.*

STEAM ENGINE.

1. FOR GIVING GREATER FACILITY IN THE PROSECUTION and abatement of nuisances arising from furnaces used in the working of steam engines, 1 & 2 G. 4. c. 41. [Took effect 1st Sept. 1821, *id. s. 4.*]

2. The court by which judgment ought to be pronounced in case of conviction on any indictment for abating any such nuisance, may, either before or at the time of pronouncing final judgment, as to them seems fit, award any costs to the prosecutor which may be deemed reasonable, to be paid by the party convicted, *id. s. 1.*

3. If it appears to such court, that the grievance may be remedied by altering the construction of any such furnace, the court, without prosecutor's consent, may make such order in the premises as they think expedient, for preventing the nuisance in future, before passing final sentence on the convicted person, *id. s. 2.*

4. The provisions of this act, as far as they relate to payment of costs, and alteration of furnaces, shall not extend to the owners or occupiers of furnaces of steam engines, erected solely for working mines of different descriptions, or employed solely in smelting ores and minerals, or in manufacturing their produce on or immediately adjoining the premises where they are raised, *id. s. 3.*

STOCK AND STOCK-JOBGING.

(STATUTES repealed and expired.)

1. TO RESTRAIN THE NUMBER AND ILL PRACTICE of brokers and stock jobbers, 8 & 9 W. 3. c. 32., [Con. 11 & 12 W. 3. c. 13. s. 7. for 7 years; but Exp.]

2. FOR REVIVING AND CONTINUING A PROVISION formerly made against requiring special bail in actions or suits on contracts for stock or subscription, 10 G. 1. c. 14. [Exp.]

(STATUTES in force.)

1. TO PREVENT MISCHIEFS BY FORGING POWERS to transfer stocks, or to receive annuities or dividends, or by fraudulently personating the true owners thereof, 8 G. 1. c. 22. s. 1., [Ext. to this act for building a new gaol for Surrey, 31 G. 2. c. 22. s. 77., and see 4 G. 3. c. 25. s. 15. *pl. 14.*]

2. Every person who shall forge or counterfeit, or procure to be forged, &c., or who shall wilfully assist in forging or counterfeiting any letter of attorney, or other authority or instrument, to transfer any share in any capital stock of any body politic or corporate, established by statute, or to receive any dividend attending any share, or any part of any share therein; or to receive any annuity, in respect of which the proprietors have any transferable shares in any capital stock now or hereafter established by statute, or who shall forge, &c. the name of any such proprietor of such share, or person entitled to any such annuity or dividend to any such instrument; or, who shall knowingly or fraudulently demand or endeavour to have such shares or parts thereof transferred, or such annuities or dividends received by virtue of such forged authority, or shall deceitfully personate any real proprietor of the above shares, thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money of such lawful proprietor, shall, on conviction, be deemed guilty of felony, and shall suffer death without clergy, 8 G. 1. c. 22. s. 1.

3. TO PREVENT THE INFAMOUS PRACTICE OF STOCK JOBBING, 7 G. 2. c. 8., [MADE PERP. 10 G. 2. c. 8.]

4. All contracts, on which any premium shall be given for liberty to put upon, or to deliver, accept or refuse, any public or joint-stock or securities soever, and all wagers, puts and refusals, and contracts in the nature of either, relating to the present or future price of stock or securities, shall be void; and all premiums on such contracts or wagers shall be restored to the person who shall pay the same, within 6 months from making such contract, or laying such wager, who may recover the same, with double costs, by action of debt, founded on this act, to be prosecuted in any courts of record, wherein no *essoins*, &c. or more than one imparlance allowed; and it shall be sufficient therein for plaintiff to allege that defendant is indebted to plaintiff, or has received to

STOCK AND STOCK-JOBGING. 1479

plaintiff's use, the money or premium so paid, whereby the plaintiff's action accrued according to the form of this statute, without setting forth the special matter, 7 G. 2. c. 8. s. 1.

5. Persons, who by this act are liable to be sued, shall also be obliged to answer upon oath such bill as shall be preferred in equity, for discovering any such contract or wager, and the premium given, *id. s. 2.*

6. Provided that the plaintiffs, relators or informers in such bill, give security to answer costs, *id. s. 3.*

7. Every person who shall make any such contract, on which any premium shall be given for liberty to put upon, deliver, accept, or refuse any public stock, or securities, or any contract in the nature of puts and refusals, or shall lay any such wager (except those who shall *bonâ fide* sue, and with effect prosecute, for recovery of the premium paid by them; and except those who shall voluntarily before suit commenced repay or tender such premium as they shall have received, and also except such who shall discover such transactions in any court of equity) shall forfeit 500*l.*, and all persons negotiating or writing such contract shall likewise forfeit 500*l.*; which penalties may be recovered by action of debt or information in any of H. M.'s courts of record at Westminster, in which no *essoins*, &c. or more than one imparlance shall be allowed, one moiety to H. M., and the other to him who shall sue, *id. s. 4.*

8. No money or other consideration shall be voluntarily given or received for compounding any difference for not delivering or receiving any public stock or securities; but all such contracts shall be specifically executed; and all persons who shall voluntarily compound such difference shall forfeit 100*l.*, to be sued for as in *s. 1. pl. 3.*, one moiety to H. M., and the other to him who shall sue for the same, *id. s. 5.*

9. No person who shall sell stock to be delivered and paid for on a certain day, and which shall be refused or neglected to be paid for, shall be obliged to transfer the same; but such persons may sell such stock to any other, and receive or recover from the person who first contracted for the same, the damage sustained, *id. s. 6.*

10. Any person who shall buy stock to be accepted and paid for on a future day, and which is refused or neglected to be transferred, may buy the like quantity of such stock of any other person at the current market price, and recover from the person who first contracted to deliver the same the damage sustained, *id. s. 7.*

11. All contracts made for buying or transferring stock, whereof the person, on whose behalf the contract is made to transfer the same, shall not at the time of making such contract be actually possessed in his own right, or in the name of trustees, shall be void; and every person on whose behalf, and with whose consent, any contract is made to sell stock, whereof such person is not actually possessed in his own name, or in that of trustees, shall forfeit 500*l.*, one moiety to H. M., and the other to them who shall sue. And every broker or agent, who shall negotiate any such contract, and shall know that the person, on whose behalf such contract shall be made, is not possessed of stock, shall forfeit 100*l.* one moiety to H. M., and the other to them who shall sue *id. s. 8.*

12. Every person receiving brokerage in the buying or disposing of stocks shall keep a broker's book, in which he shall enter all contracts that he shall make, on the day of the making such contract, with the names of the principal parties; and such broker, who shall not keep such book, or shall wilfully omit to enter any such contract, shall forfeit 50*l.* one moiety to H. M., and the other to them who shall sue, *id. s. 9.*

13. Nothing in this act shall extend to any contracts for the purchase or sale of stock, to be made with the privy of the accountant-general of the court of chancery, in pursuance of any decree or order of the said court, *id. s. 10.*; or shall hinder any person from lending money on stock, so as no premium be paid more than legal interest, *id. s. 11.*

14. FOR MORE EFFECTUALLY PREVENTING THE FORGING POWERS to transfer such stock, or receive such dividends or annuities as are there mentioned, and the fraudulent personating the owners thereof, 4 G. 3. c. 25. s. 15. [PUBLIC clause, *id. s. 16.* See 8 G. 1. c. 22. s. 1. *pl. 1.*]

15. Every person who shall forge or counterfeit, or procure to be forged, &c., or knowingly and wilfully act or assist in the forging, &c. any letter of attorney, or other authority or instrument to transfer, sell, assign, or convey any share, or part of any share in any capital stock of any body, politic or corporate, established by statute, or in any annuities, in respect whereof the proprietors thereof have transferable shares in any capital stock established by statute, or to receive any such annuity, or any dividend attending such shares, or part thereof, or who shall forge, &c. or procure, &c. or knowingly assist in forging, &c. any name of any proprietors of any such share in stock, or of any person entitled to any such annuity or dividend, in or to any such pretended letter of attorney, &c. or who shall knowingly and fraudulently demand, or endeavour to have any such share in stock or annuities, or part thereof, transferred, &c. or such annuity or dividend, or part thereof, to be received by virtue of any such counterfeit or forged letter of

attorney, &c., or who shall falsely and deceitfully personate any real proprietor of such shares in stock, annuities, and dividends, or part thereof, and thereby transferring, or endeavouring to transfer the stock or annuities, or receiving or endeavouring to receive the money of such real proprietor, as if he was the real owner, shall, on conviction, suffer as in cases of felony, without benefit of clergy, 4 G. 3. c. 25. s. 15.

16. FOR BETTER PREVENTING FORGERIES AND FRAUDS IN the transfers of the several funds transferable at the bank of *Eng.*, 33 G. 3. c. 30.

17. Every person who shall wilfully make, or assist in making any transfer of any interest, or share of any stocks, annuities, or funds, transferable at the bank of *Eng.*, in any of the books of the governor and company, in which transfers of stock, &c. are made, in the name of any person not the proprietor thereof, with intent to defraud the bank, or any other body, politic, or corporate, shall be deemed guilty of felony, and shall suffer death as a felon, without clergy, *id.* s. 1.

18. Every person who shall falsely make, forge, or counterfeit, or cause to be made, &c., or shall willingly act or assist in the falsely making, &c. of any transfer of any interest or share in any such stock, &c. now or ever hereafter transferable at the bank, as in last *pl.*, or in bank stock; or shall utter or publish as true, any such forged, &c. transfer, with intent to defraud, shall be punished as in last *pl.*, *id.* s. 2.

19. Every person who shall wilfully make, or assist in making any false entry, or who shall wilfully alter, or assist in altering any word or figure in any entry in the bank books, wherein the several accounts of the proprietors of stock transferable at the bank are entered or kept, or shall in any manner wilfully falsify such accounts in the said books, with intent to defraud, shall be punished as in s. 1. *pl.* 17., *id.* s. 3.

20. "Recital, that to cover forgeries in transfers, dividend warrants have been made out for other sums than those really due;" every clerk, or other person employed by the bank, who shall knowingly make out, or deliver, or cause, &c. to be made out, &c., or willingly act or assist in making out, &c. any dividend warrant, for greater or less amount than the person on whose behalf, real or pretended, such warrant is made out is entitled to, with intent to defraud, shall be transported for 7 years, *id.* s. 4.

21. FOR RELIEF OF PERSONS EQUITABLY AND BENEFICIALLY ENTITLED to or interested in the several stocks and annuities, transferable at the bank of *Eng.*, 36 G. 3. c. 90., [PUBLIC clause, s. 4.]

22. FOR RELIEF OF INFANT SUITORS IN COURTS ENTITLED TO STOCK or annuities transferable at the bank of *Eng.*, 52 G. 3. c. 32., PUBLIC clause, s. 1. [EXT. to all other transferable stocks and funds, 52 G. 3. c. 158. s. 1.; and to matters of charity, and friendly societies, 57 G. 3. c. 39.]

23. Where the person in whose name any part of the stocks or annuities, transferable at the bank of *Eng.*, [or of *South Sea* stock, *East India* stock, and all other stocks soever, transferable, or to be made transferable in the books of the *South Sea* company, *East India* company, or other company or society, created or to be created, and to the dividends payable thereon respectively, 52 G. 3. c. 158. s. 1.] shall be standing as a trustee, or his legal representative if deceased, shall be absent from the jurisdiction, or not amenable to the process of chancery or exchequer, or is a bankrupt, or lunatic, or refuses to transfer such stocks so legally vested in him, or to receive or pay over the dividends thereof to the person beneficially entitled thereto; or if it is uncertain whether such trustee or his representative are living or dead, the courts of chancery and exchequer may, in any cause pending therein, order the accountant-general of the former court, or the secretary of the bank of *Eng.*, to transfer in the company's books, the stocks in both acts mentioned, either into the name of the accountant-general, or of the deputy-remembrancer of exchequer in trust to, and into the name of the person beneficially interested, or make other order at discretion; and may also order that such accountant-general and secretary of the bank, shall receive and pay over the dividends as they shall direct, 5 G. 3. c. 90. s. 1., 52 G. 3. c. 158. ss. 1, 2.

24. Where one or more only, and not all or both such trustees, or their representatives are absent, not amenable to process or disabled by incapacity, &c. the above courts may direct that the forthcoming and qualified trustees and representatives do transfer such respective stocks as in last *pl.* into the names of such persons as aforesaid, 36 G. 3. c. 90. s. 1.

25. Acts of the *South Sea* and *East India* companies, and all other companies, and their officers and servants, done under this act, shall not be impeached to their prejudice, 52 G. 3. c. 158. s. 3.

26. The courts of chancery or exchequer, in any cause depending in those courts respectively, may order any dividends due, or hereafter to become due, to any infant being party to any such cause, on any of the public stocks, funds or annuities soever, transferable in the books of the bank of *Eng.* [seem. all stocks soever since 52 G. 3. c. 158. s. 1. ante, *pl.* 23.], standing in the name of such infant, or to which he is beneficially entitled, to be paid to his guardian or to any other person, at discretion of the court, for the maintenance and education, or for other the use and benefit of the infant; such guardian,

&c. being named in the order of payment, and his receipts being as effectual as if actually signed by such infant after coming of age, &c. and the bank, and their officers are fully indemnified for all acts by them done in pursuance hereof, 52 G. 3. c. 32.

27. When bankrupts have any stocks or annuities transferable at the bank of *Eng.* [seem. any other stocks, see 52 G. 3. c. 158. s. 1. *pl.* 23.], standing in their own names in their own right, the lord chancellor, on petition of the assignees under the commission, may order the accountant-general or secretary, &c. of the bank, to transfer same into the assignees names, and also to receive and pay over the dividends thereof as the chancellor, keeper or commissioner for custody of great seal in G. B. shall direct, all which transfers shall be valid, 36 G. 3. c. 90. s. 2.

28. Where any stocks or annuities transferable at the bank of *Eng.* [seem. all other stocks, see 52 G. 3. c. 158. s. 1. *pl.* 23.] are standing in the name of any lunatic in his own right, or in the name of his committee in trust for him, or as part of his property, the chancellor may order the same persons to transfer such stock, &c. into the name of any new committee, or otherwise, and to pay over the dividends as the chancellor shall direct, all which transfers and payments shall be valid, *id.* s. 3.

29. The bank, and their officers, shall be fully indemnified for all acts by them done in pursuance hereof, and the latter shall not be impeached to their prejudice, *id.* s. 4.

30. The provisions of 36 G. 3. c. 90. and 52 G. 3. c. 158. shall extend to cases of petitions on which the court of chancery, or the chancellor, or the master of the rolls, or the vice-chancellor or the court of exchequer [see 52 G. 3. c. 102. s. 5., 59 G. 3. c. 91. s. 1. ante, CHARITIES, *pl.* 62.] are by law empowered to grant relief, and make summary orders without suit, either in matters of charity, or relative to the better security or application, &c. or transfer of charitable funds, or in matters relating to benefit or friendly societies, or to the better security, application, receipt, payment or transfer of any of their funds, 57 G. 3. c. 39. s. 1.

31. TO ENABLE COURTS OF EQUITY TO COMPEL a transfer of stock in suits without making the bank of *Eng.*, or *East India* company, or *South Sea* company parties thereto, 39 & 40 G. 3. c. 36.

32. Any court of equity, before or on hearing any cause pending therein, may order the bank to suffer a transfer of stock standing in their books to be made, or to pay any accrued or accruing dividends thereon belonging to or standing in the names of any party to a suit, as they may deem just, or may issue an injunction to restrain them from suffering any transfer of such stock, or from paying any dividends or interest thereon, though the bank are not parties to the suit in which such decree or order is made; such courts being satisfied by the certificate of the accountant of the bank, duly signed by him as in s. 2., that the stock required to be transferred is standing in their books in the name of the persons required to transfer the same, or of the persons to whom he is legal representative, and that after due service of a short order on the bank, or their proper officer, containing no other matter than the title of the cause, and the ordering part of such decree or order which respects the bank, and for which 18s. only shall be paid, like process shall issue to enforce such order or decree as against any party to a suit pending in such court, *id.* s. 1.

33. On request in writing signed by the clerk in court or other officer answering thereto, and the solicitor for the applicant, which shall state the cause, and for what parties they are concerned, the bank shall deliver to such clerk in court, or other officer and solicitor, or one of them, a certificate signed by their accountant, stating the amount of such stock or dividends, and in whose name such stock is standing in their books; and, if particularly required, but not otherwise, when and by whom any part was transferred; for signing which request 6s. 8d. only shall be paid to such clerk in court or other officer; 13s. 4d. to such solicitor for drawing, copying and delivering at the bank; and 2s. 6d. to the officer making out and delivering such certificate; but nothing herein shall extend to any case where any further discovery is wanted than is hereinbefore expressly mentioned, nor to any case where the bank claim any interest in or lien on the said fund, in which cases they must be parties to the suit; and if any special matter shall arise which, in their opinion, affects their interest, or which might be objected against, suffering such transfer or payment of dividends, they may state such matter by motion or petition in such suit, and execution of process to compel such transfer shall be suspended till final order is made thereon, *id.* s. 2.

34. All the above regulations and provisions shall extend *mutatis mutandis* to every case where the *East India* company or *South Sea* company have any stock standing in the books of their corporations which may become the subject of any suit in equity, saving them the like right of being made a party, or applying by motion or petition, in such suits as in s. 2. reserved, to the bank of *Eng.*, *id.* s. 4.

35. TO AUTHORIZE TRANSFERRING STOCK on which dividends remain unclaimed for the space of at least 10 years at the bank of *Eng.*, and also all lottery prizes or benefits, and balances of sums issued for

paying the principals of stocks and annuities which shall not have been demanded for the same period, to the Commissioners for the reduction of the National Debt, 55 G. 3. c. 80.

36. After 5th July, 1816, all capital stock, in respect of which any annuities constituting a part of the national debt are payable at the bank of Eng., the annuities for years, called *long annuities*, and other terminable annuities on which no dividends have been demanded for 10 years, or more, preceding the last day on which any dividend thereon has become due (except where payment of any such dividends is restrained by the order or injunction of a court of equity), shall be transferred as hereinafter mentioned in the bank books to a new and separate account, to be raised in the name of the above commissioners, after which transfer the name in which such stock stood immediately previous, with the residence and description of the parties, the amount transferred, and the dates of such transfers shall be entered on a list to be kept at the bank, which shall be open for inspection at the usual hours of transfer, *id.* s. 1.

37. All transfers in pursuance of this act shall be made and signed by the accountant-general, or secretary of the bank, and shall be as valid as if signed by the parties, and the bank, accountant-general and secretary shall be indemnified, and not responsible to the persons interested therein, *id.* s. 2.

38. A duplicate register of the list so kept at the bank of all such transfers, shall be kept in the office of the commissioners for reduction of national debt, *id.* s. 3.

39. All the dividends on the stock so transferred shall, from the times of transfer, and all lottery prizes which have remained unclaimed 10 years, and all balances issued for paying the principals of stocks which shall not have been demanded for the same period, shall be paid to the account of the commissioners, and invested in purchase of like capital stock, to be placed to a separate account, called 'the account of unclaimed dividends,' and so from time to time as they become due: and all such dividends, and the capital stock arising from the investment, shall be held by the commissioners for the public, subject to any claims thereafter made by the parties entitled, *id.* s. 4.

40. The bank of Eng. shall direct the accountant-general or secretary to re-transfer any such stock to any persons who shall shew their right thereto, and to pay the dividends; and also any such lottery prizes and principals of stock and annuities, as if they had not been transferred to the above commissioners, but if not satisfied of the justice or legality of any claim, then the claimants shall, by petition in a summary way, state and verify their claim to chancery or exchequer, and a copy of such petition shall be served on the attorney-general, and on the said commissioners, and the court shall make such order thereon, and as to the costs of application, as appears just; and all costs incurred by the attorney-general or the said commissioners on such petition (if not ordered by the court to be paid out of the stock claimed), shall be paid by the said commissioners out of the dividends to be received by them under this act, and which shall not be claimed; and where any transfer or payment is made to any such claimant, either with or without authority of those courts, the bank shall cause notice to be given to the commissioners at their office, of every such transfer or payment, within three days, *id.* s. 5.

41. The governor, deputy-governor and secretary of the bank, and the accountant-general, shall be indemnified in respect of any transfer made from the account of the said commissioners to any persons claiming; and in case any such stock shall, after transfer or payment, be claimed by any other persons, the said governor and company, secretary or accountant-general, shall not be responsible to any such new claimants, but the latter shall have recourse against the persons to whom such transfers were made, and dividends, lottery prizes and principals of stock, &c. paid, *id.* s. 6.

42. But where such new claimant has established his title to any stock, &c. so transferred, but is unable to obtain transfer and payment thereof from such first claimant, the courts in s. 40. *pl.* 40. (on application by petition verified as by them directed) may order the said commissioners to transfer to such new claimant such sum in stock, and to pay him such sums in money for the dividends, as to such court seems just, which transfers shall be made from stock transferred into the names of the commissioners under this act, and payment of such dividends, &c. or stock shall be made from dividends received by them on stock transferred into their names as above, or from accumulations thereof, or from sale of stock purchased with either, or from any other monies at the commissioners' disposal, *id.* s. 7.

STORES (PUBLIC).

(STATUTES repealed.)

1. FOR AVOIDING DECEIT USED IN MAKING and selling of twice

laid cordage, and for better preserving the navy of this realm, 55 El. c. 8. [Rer. 25 G. 3. c. 36. s. 1.]

2. TO PROHIBIT THE EXPORTATION OF FIG AND BAR IRON, and certain naval stores, unless the pre-emption thereof be offered to the commissioners of H. M.'s navy, 9 G. 3. c. 35. s. 3. [Rer. during the continuance of peace, 57 G. 3. c. 17.]

3. TO EXTEND THE PROVISIONS of 9 & 10 W. 3. c. 41. for preventing the embezzlement of stores of war, to all public stores, 55 G. 3. c. 126. [Rer. by 55 G. 3. c. 127. s. 1. but a more comprehensive provision to the same effect will be found, *id.* s. 2.]

(STATUTES in force.)

1. AGAINST EMBEZZLING H. M.'s ARMOUR, HABILIMENTS OF WAR, and victual, 31 El. c. 4. [Enforced, 22 C. 2. c. 5. CONF. 1 G. 1. S. 2. c. 25. s. 11.]

2. Every person having charge or custody of any armour, ordnance, munition, shot, powder or habiliments of war of H. M., her heirs or successors, or of any victuals provided for victualling any soldiers, gunners, mariners or pioneers, who shall for gain, wittingly and of purpose, to hinder or impeach H. M.'s service, embezzle, purloin or convey away any such armour, &c. to 20s. value, at one or several times, is guilty of felony [without clergy, 22 C. 2. c. 5. s. 3. *infra*, *pl.* 4.], and shall be tried and suffer as for that crime, 31 El. c. 4. s. 1.

3. None shall be impeached for any offence against this statute, unless the impeachment be prosecuted within the year after the offence, and nothing herein shall make the offender forfeit any lands or hereditaments any longer than during life, or work corruption of blood, or loss of dower; and persons impeached for any offence made felony by this statute, may make lawful proof by witness, or otherwise, for their defence, *id.* s. 2.

4. NO PERSONS INDICTED FOR ANY OFFENCE against 31 El. c. 4. s. 2. *last pl.* or who shall feloniously steal or embezzle H. M.'s sails, cordage or other naval stores to the value of 20s., and are thereupon found guilty by verdict, or shall confess the same, or will not answer, or shall stand obstinately mute [and see 12 G. 3. c. 20.], or challenge peremptorily above 20 [10 & 11 W. 3. c. 23. s. 1. which gives a right of challenging 23, seems only to apply to the offence in the other part of this section, which see, WOOLLEN MANUFACTURES], or shall be outlawed, shall have his benefit of clergy, 22 C. 2. c. 5. s. 3. [RECITED 39 & 40 G. 3. c. 89. s. 1. and see *id.* s. 7. *infra*, *pl.* 54. as to mitigation hereof, but *semb.* that section only applies to the offences subjected to transportation by s. 1. 4, 5. of that act.]

5. The judges before whom such offender shall be condemned may grant a reprieve, and cause him to be transported to H. M.'s plantations for 7 years from his time of transportation, and there to be kept to hard labour; and if such offender refuses to be transported, or shall return into Eng., Wa., or Ber., such person shall be put to execution on the judgment, *id.* s. 4.

6. FOR BETTER PREVENTING THE EMBEZZLEMENT OF H. M.'s stores of war, 9 & 10 W. 3. c. 41. ss. 1, 2, 4, 5. and 8. [declared a PUBLIC act, 1 G. 1. S. 2. c. 25. s. 14. MADE PERP. 9 G. 1. c. 8. s. 3. AMD. 1 G. 1. S. 2. c. 25. ss. 3—10. 12—16. See ss. 1, 2. *tit.* SEAMEN, *pl.* 20—23., 17 G. 2. c. 40. s. 10., 39 & 40 G. 3. c. 89., 55 G. 3. c. 127.]

7. All the acts recited in last *pl.*, so far as they severally relate to H. M.'s naval ordnance and victualling stores therein respectively mentioned, shall extend to all public stores under the care or control of any officer in H. M.'s service, or employed in any public department or office, either marked with the marks or with any of them in those acts, or any of them specified, or with the broad arrow and letters B. O., or with a crown and the broad arrow, or with H. M.'s arms, or with the letters G. R. to denote the property of H. M. his heirs or successors therein, and to every person not authorized by the proper officer in H. M.'s service in that behalf so to do, using any such marks, or making any goods marked with such marks, or any of them, and to every person in whose custody any such public stores so marked shall be found, of who shall knowingly receive, or have in his custody, or conceal any such public stores so marked, unless such person shall, on his trial, produce a certificate under the hand of the proper officer in H. M.'s service authorized to grant the same, of the like nature as the certificate in 9 & 10 W. 3. c. 41. s. 2. *infra*, *pl.* 9., and 39 & 40 G. 3. c. 89. s. 25. *infra*, *pl.* 72. [and see *pl.* 14.] and to every person who shall wilfully and fraudulently destroy, beat, take or cut out, deface, obliterate or erase, wholly or in part, any of the said marks, or cause, procure, employ or direct any other person so to do for the purpose of concealing the property of H. M., his heirs, &c. therein, 55 G. 3. c. 127. s. 2.

8. No person other than those authorized by contracting with H. M.'s principal officers or commissioners of the navy, victualling or ordnance office for H. M.'s use, may make any stores of war, or naval stores, with the marks used on H. M.'s stores, *viz.* cordage of 3 inches and upwards, 9 C

wrought with a white thread laid the contrary way, or smaller cordage from 3 inches downwards, with a twine in lieu of a white thread laid the contrary way, or any wrought or unwrought canvas with a blue streak in the middle, or any other stores with the broad arrow, on pain that every such person shall forfeit such goods, and 200*l.* with costs, one moiety to H. M. and the other to the informer, to be recovered in any of H. M.'s courts at Westminster, by action of debt or information in any court at Westminster, without essoin, or more than one imparlance allowed, 9 & 10 W. 3. c. 41. s. 1. [And see the further punishment, 39 & 40 G. 3. c. 89. *infra*, pl. 47. &c.]

9. Such person in whose custody such stores so marked are found, or who shall conceal such stores, on indictment and conviction of either offence shall forfeit such goods, and 200*l.* with costs in moieties to H. M. and the informer, and shall be imprisoned till payment of the forfeiture, unless he shall, on the trial, produce a certificate of 3 principal officers or commissioners of navy, ordnance or victuallers, expressing the numbers, quantities and weights of such goods, and the reason of their coming into his hands, 9 & 10 W. 3. c. 41. s. 2. [And see 39 & 40 G. 3. c. 89. s. 25. *pl.* 79.]

10. Every person lawfully convicted of having in his custody any timber, thick stuff, or plank marked with the broad arrow, or of concealing timber, &c. so marked, shall suffer as for concealing other stores contrary to 9 & 10 W. 3. c. 41., 9 G. 1. c. 8. s. 3.

11. The convicting judge, justice or justices, may mitigate the penalties in 9 & 10 W. 3. c. 41. s. 2. *pl.* 9., and 1 G. 1. St. 2. c. 25., and in this act, s. 3. last *pl.*, and commit the offender to gaol till payment, or may punish him corporally by public whipping or hard labour in some public work-house for 6 months or less, in their discretion, 9 G. 1. c. 8. s. 4. [And see further clauses of mitigation, 17 G. 2. c. 40. s. 10. *pl.* 13., 39 & 40 G. 3. c. 89. ss. 2. 7. *pl.* 49. & 54.]

12. Disputes between informers as to their rights to the penalties of the acts mentioned in last *pl.* shall be settled by the convicting justice, &c. 9 G. 1. c. 8. s. 5.

13. Any judge at the assizes, or justices of peace in quarter sessions of any county, city, borough or town corporate, may hear and determine the offences relating to stores mentioned in 9 & 10 W. 3. c. 41. [and *com. semb.* 9 G. 1. c. 8. ss. 2—5.] by indictment or otherwise, and on conviction may impose a fine, not exceeding 200*l.* on such offender, in moieties to H. M. and the informer, and may mitigate the penalties inflicted by either of the above acts, and may commit him to gaol till payment is made of the whole, or the mitigated penalties imposed by this or the recited acts, or in lieu thereof may punish him by whipping and hard labour in some house of correction, or public work-house, for 3 months or less, at their discretion, 17 G. 2. c. 40. s. 10. [And see 39 & 40 G. 3. c. 89. s. 1. *infra*, *pl.* 48.]

14. The principal officers or commissioners of the navy, ordnance or victualling office, may sell any stores marked as in s. 1. *pl.* 8. and purchasers may freely keep the same without incurring a penalty, on producing a certificate under hand and seal of 3 or more such commissioners, (who shall give it to buyers in 30 days after such sale and delivery) that they bought the same from them, or from the person who bought the same from the commissioners, at any time before such stores were found in their custody; and such certificate shall express the quantities of such stores, and the time when and where bought of the commissioners, 9 & 10 W. 3. c. 41. s. 4.

15. Persons sued or prosecuted for seizures under these acts, may plead the general issue, giving the same and the special matter in evidence; and if on trial of the issue, defendant proves that the goods or stores seized were marked as in 9 & 10 W. 3. c. 41. s. 1. *pl.* 8. but plaintiff does not prove his employment by contract to make them as in that *pl.* mentioned, or his certificate (as in s. 4. last *pl.*) had before seizure, and that he shewed the latter to such defendant before such action brought, defendant shall be acquitted thereon, unless he on sight of such certificate did not re-deliver the same to plaintiff in as good condition as they were at the time of such certificate shewn; and if plaintiff discontinues or is nonsuit, or if defendant is acquitted, or judgment is afterwards passed for him, he shall have [treble, 9 & 10 W. 3. c. 41. s. 5., or double, 1 G. 1. St. 2. c. 25. s. 16.] costs, *same acts*.

16. Nothing herein shall hinder any of the principal officers, or commissioners of the navy, or chief commander of any H. M.'s ships at sea, to lend H. M.'s stores to any merchant ship in distress, provided same be restored with all possible convenience, and provided the borrowers have the certificate mentioned in s. 4. *pl.* 14., which shall be given them by the said principal officers, &c., 9 & 10 W. 3. c. 41. s. 8.

17. Any one or more of the commissioners of admiralty, (s. 12.) or of the treasurer, comptroller, surveyor, clerk of the acts, or commissioners of the navy, as in s. 1. SEAMEN, *pl.* 21., may issue search warrants as in cases of felony for stores so embezzled, but not exceeding 20*s.* value, and may punish the offender by fine and imprisonment as above, and cause the goods to be brought in again; and if the offence requires higher or severer punishment, he shall be committed to the next gaol, or to custody

of the navy messenger, till the offender enter into recognizance to appear and answer to process in the court of exchequer, or other court, where H. M. shall question him for the same, within one year following on process duly served, 1 G. 1. St. 2. c. 25. s. 3. & 12. [PUBLIC act, s. 14. MADE PERP. 9 G. 1. c. 8. s. 5.]

18. Any one or more of the officers mentioned in last *pl.*, where the value of goods embezzled from H. M.'s yards, wharfs, storehouses, or other places is under 20*s.* shall have power on oath of one or more witnesses, administered by the officer, or on confession of the offender, to convict the party, and impose a fine at discretion, so that it does not exceed the value of the stores embezzled, which fines shall be levied by distress and sale of goods, by warrant of such officer or officers; and for want of distress, the party shall be committed to the next gaol, for any time not exceeding 3 months, 1 G. 1. St. 2. c. 25. s. 4.

19. Such officers or officer as in *pl.* 17., on oath of one witness, that H. M.'s stores are conveyed into any ship being at anchor, and not ready to sail at that tide, within any of the roads, harbours, &c. in any of H. M.'s dominions, may authorize any person by warrant (in which the quantity and quality of such goods shall be specified) in the day time, to go on board such ship; and in case of resistance or refusal on demand, may break open the hatches, &c. thereof, and search for such goods, &c. seizing them for H. M.'s use, unless, on hearing the matter, they find them to have been unduly seized, and thereupon they may restore them to the claimant, *id.* s. 5.

20. Every person counterfeiting the hand, or any one or more of the officers mentioned in *pl.* 17., or of the signing or vouching officers of H. M.'s navy, ships, or yards, to any bill, ticket, or other papers, by means of which the naval treasure is paid, or who shall knowingly produce such counterfeit, shall be committed to prison by any one or more of these officers, till he finds surety to appear at next assizes or quarter sessions for the county or place where such offender is imprisoned, to be there proceeded against according to law, *id.* s. 6.

21. The penalties inflicted by 9 & 10 W. 3. c. 41. may be mitigated by the convicting judge, justice or justices, or commuted for corporal punishment by public whipping, and hard labour in workhouse for 3 months or less, at discretion of latter, *id.* s. 8. [And see further clauses of mitigation of the penalties of this act, in 9 G. 1. c. 8. s. 4. *pl.* 11., 17 G. 2. c. 40. s. 10. *pl.* 13., and 39 & 40 G. 3. c. 89. s. 2. *pl.* 49. s. 7. *pl.* 54.]

22. Any one or more of the commissioners of the admiralty, or their secretaries, or of the officers enumerated in *pl.* 17., may administer on oath, in any case relating to the receiving, keeping, issuing, and accounting for any part of H. M.'s treasure, victuals, or naval stores, or for preservation of due order therein, or in any other matter relating to H. M.'s navy, or its affairs, *id.* s. 9.

23. Any one or more of the officers named in *pl.* 17., may execute all the powers by this or any other law given them, or any of them, on all the above offenders in all places, as well within as without liberties, *id.* s. 10.

24. All powers hereby given to any officer or commissioner of navy, are participated by the admiralty, *id.* s. 12.

25. No person punished under this act, shall suffer for the same offence by any other law, *id.* s. 13.; but convictions under it are final, and not subject to appeal or *certiorari*, or to removal or suspension thereby, *id.* s. 15.

26. FOR BETTER SECURING AND PRESERVING H. M.'s DOCK YARDS, magazines, shops, ammunition and stores, 12 G. 3. c. 24.

27. If any person either within this realm, or in any islands, countries, forts, or places belonging thereto, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, &c. or aid, procure, abet or assist in setting on fire any H. M.'s ships of war, whether afloat or building, or begun to be built in any of H. M.'s dock yards, or building or repairing by contract in any private yards, for use of H. M., or any of his arsenals, magazines, docks, or rope yards, victualling offices, or any of the buildings erected thereon, or belonging thereto, or any timber or materials placed there for building, repairing or fitting out ships or vessels, or any of H. M.'s military, naval, or victualling stores, or other ammunition of war, or any place where any such stores or ammunition are placed or deposited, then persons guilty of any such offence, shall, on conviction, be adjudged guilty of felony, and shall suffer death without benefit of clergy, *id.* s. 1.

28. Persons so offending in any place out of this realm may be indicted and tried for the same in any county within this realm, as if such offence had taken place there, or in such place where the offence was actually committed, as H. M. shall deem fit, *id.* s. 2.

29. FOR MORE EFFECTUALLY PREVENTING FRAUDS IN manufacturing cordage for shipping, and to prevent illicit importation of foreign cordage, 25 G. 3. c. 56. [PUBLIC act, s. 14.]

30. [The 35 *El.* c. 8. is REP. by s. 1.] No person shall use or cause to be used in manufacturing cables, hawsers, or other ropes, for the use of shipping, or shall knowingly sell any cables, hawsers, or other ropes for that use, in the manufacturing whereof shall be used any hemp,

usually known by the names of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at public or other sales, or any hemp soever, from which the staple part has been taken away by the manufacturer, on pain that every such manufacturer of such cable, &c. shall forfeit the same, and also treble the value thereof; and every person who shall knowingly sell such cable, &c. not being the manufacturer thereof, shall forfeit treble its value, 25 G. 3. c. 56. s. 2.

31. Whenever any cable, hawser or rope as aforesaid, shall be manufactured in all or in part, of any hemp, the use whereof is not prohibited by this act, and the staple and quality whereof is inferior to clean *Petersburgh* hemp, such cable, &c. shall be deemed inferior cordage, and the manufacturer shall distinguish such cable, &c. by running into the same, from end to end thereof, 3 tarred-mark yarns spun with turn contrary to that of rope yarn, and also one like tarred yarn in every other rope, for the use of shipping, and by marking or writing on the tally thereof the word "staple" or "inferior," as the case shall be; and every manufacturer making default herein shall forfeit 10s. for every *cwt.* of such cable, &c. *id.* s. 3.

32. Whenever any new cable, hawser, or other rope for use of shipping is sold by the manufacturer, there shall be affixed thereon a tally, containing his name, with that of the place where it has been manufactured; and if he or any other person soever, shall sell any such cable, &c. without such tally thereon, he shall forfeit 10s. for every *cwt.* thereof, *id.* s. 4.

33. If any rope-maker shall put, or wilfully permit to be put, his name on the tally of any cable, &c. for the use of shipping, not being his own proper manufacturing; or if the vendor or proprietor of such cable, &c. or other person soever, shall wilfully put upon the tally the name of any person, not being the manufacturer thereof, every such offender shall forfeit 20l., *id.* s. 5.

34. If any person shall make any cables of any old or worn stuff, which shall contain above 7 inches in compass, he shall forfeit four times the value of every cable so made, *id.* s. 6.

35. All pecuniary penalties by this act imposed, which exceed 5l., shall be recovered by action, &c. or information in any courts of record at *Westminster*, and all which shall not exceed 5l., shall be levied and recovered by distress and sale of the goods of the offender, by warrant under hand and seal of a justice, which warrant he is to grant, on information or testimony of 2 witnesses on oath; and the overplus of such distress and sale, shall be rendered on demand to the owner, after deducting the expences thereof, and in case sufficient goods cannot be found, and such penalty is not forthwith paid, such justice shall cause such offender to be committed to the common gaol or house of correction, for not exceeding 3 months, nor less than 7 days, or until such penalty and all costs be paid; all which penalties, and all cordage forfeited, shall be paid and delivered to the person who shall sue; who may sell such cordage (after being cut into lengths, not exceeding 12 feet) for his own use, *id.* s. 7.

36. Whenever any vessel belonging to any subjects resident in *G. B.* or any *British* colony, having on board any foreign-made cordage, shall be navigated into any port within this kingdom, the master of such vessel shall, at making entry or report of such vessel at the custom-house, also make an entry or report, on oath, of all the foreign-made cordage on board of such vessel, for which the duties shall not have been before paid (standing and running rigging in use excepted); and shall, before such vessel is cleared by the officers of customs inwards, where any discharge shall be made of her lading, pay the like duties for such foreign-made cordage as are specified in the entry; and if the master make default herein, such foreign-made cordage as shall be on board such vessel shall be forfeited to H. M., and such master shall also forfeit 20s. for every *cwt.* thereof, *id.* s. 8.

37. Nothing herein shall charge any captain or master of any vessel coming from *E. Indies*, with any duty for having any foreign-made cordage on board, such cordage having been actually brought from the *E. Indies*, *id.* s. 9. or shall extend to the materials at present in the use of any vessels built abroad before this act, the property of subjects of *G. B.*, *id.* s. 10.

38. Any person aggrieved by any thing done in pursuance of this act, and for which no particular relief is appointed, may, within 4 months, appeal to the quarter sessions, first giving 14 days' notice in writing of his intention to appeal, and of the matter thereof, to the respondent, and, within 4 days after giving notice, entering into a recognizance before some justice, with two sureties, conditioned to try such appeal at, abide by the order of, and pay such costs as shall be awarded by, the sessions; which sessions, on proof of such notice, and entering into such recognizance, shall finally determine the appeal in a summary way, and award costs to the party appealing or appealed against, as they think proper; and such determination shall be conclusive, *id.* s. 11.

39. No order or other proceeding shall be quashed for want of form only, or removed by *certiorari* into any court of record at *Westminster*: and the distress itself shall not be deemed unlawful, nor the distrainer a

trespasser, on account of any defect of form in the summons, conviction, warrant of distress, or other proceeding relating thereto; nor shall distrainer be deemed a trespasser *ab initio*, on account of any irregularity afterwards done by him; but the person aggrieved may recover satisfaction in an action on the case; but no plaintiff shall recover for such irregularity, if sufficient tender of amends is made to him before such action is brought, 25 G. 3. c. 56. s. 12.

40. Actions for any thing done in pursuance of this act, shall be commenced within 3 months, and laid and tried in the county or place where the same shall arise, and defendant may plead the general issue; if the plaintiff is nonsuited, or discontinues after appearance, or has judgment against him on demurrer, defendant shall have treble costs, *id.* s. 13.

41. TO RESTRAIN THE EXPORTATION OF NAVAL STORES, 33 G. 3. c. 2. s. 1, 2. and s. 5.

42. H. M. may, by proclamation or order in council, prohibit the export of pig and bar iron, hemp, pitch, tar, rosin, turpentine, anchors, cables, cordage, masts, yards, bowsprits, oars, oakum, ochre, sheet copper, and other naval stores, 33 G. 3. c. 2. s. 1. [Like power of prohibition to export copper to any part within *Europe* given by 41 G. 3. (*U. K.*) c. 68. s. 2. is *Exp.*]

43. All such articles so exported, carried, or laid on board ship for that purpose, contrary to such proclamation, &c. shall be forfeited, with treble value thereof, as well as the ship, guns, tackle, &c. which may be seized by the officers of customs, *id.* s. 2.

43. (a) All saltpetre, gunpowder, arms or ammunition prohibited by proclamation or order in council to be carried coastwise, which shall be shipped or laden on board any vessel or boat in order to be carried coastwise, shall be forfeited, and may be seized, &c. as in s. 2., *id.* s. 3.

43. (b) Every vessel or boat in or on board which any saltpetre, gunpowder, arms or ammunition shall be exported or conveyed out of this kingdom, or carried coastwise, or on board which such articles shall respectively be laden, or laid for any of the above purposes when prohibited as above to be so exported or carried coastwise, shall be forfeited with all her guns, furniture, ammunition, tackle, and apparel, and may be seized as in s. 2., *id.* s. 4.

44. Nothing herein shall prevent any vessel from taking on board naval stores necessary for use in the course of her voyage, *id.* s. 5.

45. THE LORD-LIEUTENANT AND COUNCIL OF *Ire.* may by proclamation or order prohibit the export from *Ire.*, carrying coastwise, or attempting to export or carry coastwise, any gunpowder, salt-petre, arms, or ammunition, pig or bar iron, &c. and other naval stores as in 12 C. 2. c. 4. s. 12. (*GUNPOWDER*, *pl.* 6.) 29 G. 2. c. 16. and 33 G. 3. c. 2. s. 1. *ante*, *pl.* 43., 49 G. 3. c. 76. s. 1.

46. All the regulations, penalties, &c. imposed by those acts respectively, in case of prohibition to export from *G. B.* or carry coastwise those articles, shall extend to any proclamation, &c. made by such lord-lieut., &c. under this act, 49 G. 3. c. 76. s. 2.

47. FOR BETTER PREVENTING EMBEZZLEMENT OF H. M.'s naval, ordnance, and victualling stores, 39 & 40 G. 3. c. 89. [Ext. to *Scot.* s. 29. to *Ire.* 52 G. 3. c. 12. s. 1. *pl.* 84.]

48. [Recital of 22 C. 2. c. 5. s. 3. *pl.* 4., 9 & 10 W. 3. c. 41. s. 2. *pl.* 9., 9 G. 1. c. 8. ss. 3, 4. *pl.* 10—11., 17 G. 2. c. 40. s. 10. *pl.* 13., and that the embezzlement of warlike stores has increased.] Every person (not being a contractor or employed as in 9 & 10 W. 3. c. 41. s. 1. *pl.* 8.) knowingly or willingly selling, or causing to be sold, or knowingly, &c. receiving or having in his custody, possession, or keeping, any stores of war, or naval, ordnance, or victualling stores, or any goods whatever marked as in the recited acts, or any canvas marked either with a blue streak in the middle, or with a blue streak in a serpentine form, or any bawper or buntin wrought with one or more streaks of raised tape, the said stores, &c. being in a raw state, or new, or not more than 1-3d worn; and persons concealing stores, &c. so marked, shall be deemed receivers of stolen goods, knowing them to be stolen, and shall, on conviction, be transported for 14 years, unless a certificate of the navy, ordnance, or victualling commissioners and principal officers be produced on the trial, expressing the numbers, quantities, or weights of such stores, &c. as are laid in the indictment, and the reason of defendant's possession thereof, 39 & 40 G. 3. c. 89. s. 1.

49. Every person not being a contractor, or employed as in s. 1. last *pl.*, in whose custody any stores called canvas marked with a blue streak in a serpentine form, or bawper otherwise called *buntin* (wrought as in s. 1., not being charged to be new or not more than 1-3d worn), and all persons convicted under 9 & 10 W. 3. c. 41. ss. 1, 2. *pl.* 8—9. of making, having in possession, or concealing any warlike, &c. stores marked as in that act specified, shall, besides forfeiture thereof, and of 200l. with costs, be corporally punished by [pillory, *QU. F. sec.* 56 G. 3. c. 138.] whipping, and imprisonment, or either of them, in such manner, and for so long as to the convicting judge or justices shall seem fit, notwithstanding 9 G. 1. c. 8. ss. 3, 4. *pl.* 10—11., and 17 G. 2. c. 40. s. 10. *pl.* 13.; but the court may, if they see fit, mitigate the penalty of 200l., *id.* s. 2.

50. No contractor or person employed as in 9 & 10 W. 3. c. 41. contained, is exempted from operation of either this or that act, except only so far as concerns stores so marked, which shall be *bond fide* provided, made up, or manufactured by such persons, or by their order, and has not been before delivered to H. M.'s store, unless having been so delivered they have been sold or returned to them by the commissioners of navy, ordnance, or victualling, 39 & 40 G. 3. c. 89. s. 3.

51. Defacing, &c. or causing to be defaced, wholly or in part, any of the marks in 9 & 10 W. 3. c. 41. s. 1. *pl. 8.*, or s. 1. of this act, *pl. 48.* mentioned, or any other mark denoting H. M.'s property in any warlike or naval, ordnance or victualling stores, for the purpose of concealment, is felony, and offenders shall, on conviction, be transported for 14 years, *id. s. 4.*

52. Persons once convicted under this act, but not transported, or under 9 & 10 W. 3. c. 41., and being guilty of a second offence, contrary to either act, which would not otherwise as a first offence, subject them to transportation, shall, on conviction, be transported for 14 years, by judgment of the court wherein they are convicted, *id. s. 5.*

53. Persons returning from transportation in pursuance hereof before their term expired, shall suffer death without clergy, as attainted of felony, *id. s. 6.*

54. The court wherein the offender is convicted of the offences herein before mentioned to be punishable with transportation may, at discretion, mitigate the punishment by sentencing to pillory, public whipping, fine, or imprisonment, or either of them; which fine, if imposed, shall go half to H. M. and half to the informer, with imprisonment till paid, *id. s. 7.*

55. Every person who shall discover to such principal officers of navy, ordnance, or victualling, or apprehend, or first inform against any offender guilty of stealing or embezzling H. M.'s stores of war, &c. naval, ordnance, or victualling stores, or of any offences mentioned in 9 & 10 W. 3. c. 41. or this act, and not prosecuted summarily as in ss. 12, 13, &c. hereof, so as to obtain conviction, shall receive for such discovery, or for so apprehending or first informing, the sum of 20*l.* for every such offence so discovered, besides his share of fines as informer: so as such share do not exceed 20*l.*, or if exceeding that sum shall fail to be paid in 3 months after conviction: or after expiration of sentence of imprisonment, if the offender is detained in pursuance of any such sentence, *id. s. 8.*

56. Disputes respecting such rewards shall be finally determined by some commissioner of navy, ordnance, or victualling, as the offence may have related to their respective departments, on the oaths of the claimants, to be taken in writing either before such commissioner or a justice of peace, whose decision shall be final, *id. s. 9.*

57. The principal officers, &c. as in s. 8. *pl. 55.* shall cause the reward of 20*l.* to be paid by their respective treasurers of navy or ordnance, out of public money in their hands, on producing a certificate under hand of clerk of assize or his deputy, or other proper officer of the court before which the offender is tried, certifying the conviction, and the informer's share of the fine does not amount to more than 20*l.*, or if to more, hath failed to be paid by offender for 3 months next after conviction, or if he is then detained in pursuance of any sentence of imprisonment, then for 3 months after expiration of such sentence; which certificate the clerk of assize, or other proper officer, is hereby required to give, for which 5*s.*, and no more, shall be charged; and the money paid by such treasurer on account of such rewards shall be allowed in his accounts, *id. s. 10.*

58. Any commissioner of navy, ordnance, or victualling, who may act for the purposes hereinafter mentioned as a justice for the county, city, or other place in which he is resident, or into which his warrant issues, or any justice of peace may, on oath of one or more credible persons that there is cause to suspect the concealment of any of H. M.'s navy, &c. stores in any dwelling-house, &c. or place, &c. or on board any vessel, &c. by warrant under his hand and seal, cause every such dwelling-house, place, or vessel, in any county or place soever, to be searched in the day-time by any peace or police officer soever of the county or place where the premises or vessel are, or in which the commissioner granting such warrant (if granted by a commissioner) then resides; and if stores marked as in 9 & 10 W. 3. c. 41. s. 1. *pl. 8.* or s. 1. of this act, *pl. 48.* shall on such search be found, shall cause the same and the offenders to be brought before such commissioner or justice of peace, who shall bind over or otherwise deal with them according to law: and if on any such search, or on any seizure soever of stores or goods so marked, any naval, ordnance, or victualling stores not so marked as aforesaid shall be found, which may reasonably be suspected to belong to H. M., the party in whose possession they are found shall be required to give an account to the satisfaction of such commissioner or justice that the same were not embezzled or stolen from any H. M.'s ships, yards, storehouses, or other places, or that if the same were embezzled or stolen, that the parties came by them honestly, and without suspicion that the same has been embezzled, in failure whereof, by a reasonable

time, to be fixed by such justice or commissioner, the said stores shall thereupon be forfeited, and such parties shall be guilty of misdemeanor, 39 & 40 G. 3. c. 89. s. 11.

59. All persons deputed by any 3 or more of the principal officers or commissioners of navy, ordnance, or victualling, may stop, search, and detain in some place of safety, any barge or other craft which is suspected to contain any naval, ordnance, or victualling stores, ropes, tackle, arms, ammunition, materials, and things embezzled from H. M.'s ships, yards, storehouses, or other places, and may apprehend persons reasonably suspected of conveying them therein; and such person so apprehended shall be conveyed before any such commissioner, or one or more justices for the county or place, with the stores, &c. found in such craft, and may be committed or bound over or otherwise dealt with as to such stores if marked; or if stores suspected to belong to H. M. are found unmarked, shall give account thereof as in s. 11., on failure whereof, as in s. 11., the same shall be forfeited, and the person so apprehended shall be deemed guilty of misdemeanor; and if such persons are convicted of stealing, embezzling, or having unlawfully in possession, any of the said stores so marked, or are adjudged guilty of misdemeanor in not satisfactorily accounting for unmarked stores, such barge or craft in which any such stores are found, with all its tackle, &c. shall, on such conviction by such commissioner or justice, be adjudged forfeited, and shall be applied as in s. 15., *id. s. 12.*

60. Any person so appointed as in last *pl.*, or any police or peace officer, beadle or watchman on duty, may apprehend all persons reasonably suspected of conveying any naval, ordnance, or victualling stores, unlawfully procured from H. M.'s ships, yards, storehouses, or other places, and may seize and detain the same in some place of safety; and shall convey the offender before any such commissioner, or before any one or more justice or justices of the county or place in or near the place of seizure, together with the said stores and other things; and like proceedings shall be had thereon as in ss. 11, 12, &c., *id. s. 13.*

61. All stores hereinbefore declared to be forfeited on the party not giving to the commissioner or justice a satisfactory account that they were not embezzled or stolen as above, shall be forthwith returned into H. M.'s store, and applied for use of H. M. unless proof is made within 3 calendar months next following such seizure, to satisfaction of such commissioner or justice that the same are the property of any other person, in which case the same shall be forthwith delivered up to such person on his giving a proper receipt for the same, and paying the reasonable costs, to be set by such commissioner, &c., attending their conveyance to and from H. M.'s store, and their warehousing or safe custody from the time of seizure, *id. s. 14.*

62. Where such commissioner or justice adjudge any boat or craft to be forfeited under s. 12. *pl. 59.* they shall issue warrant to collector or other chief officer of customs at the port at or nearest to the place where the seizure was made, for sale thereof; and he shall within one month then next cause such craft to be publicly sold to the best bidder, notice being given in some public paper of the place where the sale is made, the proceeds whereof (expences of sale and securing such craft from the time of seizure being deducted) shall be paid to such commissioner, &c. who shall pay it within one calendar month in moieties to the seizers of the craft or their representatives, if dead, and to the navy treasurer if the stores seized are navy or victualling stores, for application by them as if from sale of "old stores;" or to the ordnance treasurer if ordnance stores, for disposal of the master-general, *id. s. 15.*

63. Persons adjudged guilty of misdemeanors (under ss. 11, 12.) shall forfeit 40*s.* for the 1st, 5*l.* for 2d, and 10*l.* for 3d and subsequent offence, to be levied by distress and sale under warrant of convicting commissioner or justice directed to any peace officer of the county or place; and to be disposed of in moieties to the persons apprehending or informing against the offenders, and to treasurers of navy or ordnance, as case may be, for application as in s. 15.; and if return is made by the constable, &c. of *nulla bona* in his county, &c. (which shall be made in reasonable time fixed by such commissioner, and during which offenders shall be imprisoned) they shall be committed to gaol for 3 months unless sooner paid, *id. s. 16.*

64. Every adjudication in any such misdemeanors shall be certified by the commissioner or justice making the same to the next general or quarter sessions of the county or place in which such seizures were made, to be recorded there; and convictions shall not be set aside for want of form, or removed into other courts by *certiorari*, advocacy, or suspension, but shall be final, *id. s. 17.*

65. Any principal officer or commissioner of navy, ordnance, or victualling, and any justice of peace out of sessions, may hear and determine any complaint against persons (other than contractors or persons employed under 9 & 10 W. 3. c. 41. s. 1. *pl. 8.*) for unlawfully selling or delivering, or causing to be sold, &c., or for receiving or having in possession, or for concealing any stores soever so marked as in s. 1. *pl. 48.* the whole not exceeding 20*s.* value; and at any time within 3 months next after such offence committed, shall cause the accused to

be apprehended and brought before him, or if they have absconded or cannot be found, then to be summoned to appear before him by summons left at their last or usual abode: and shall summon witnesses on either side, and give judgment accordingly on due proof by oath of one or more such witnesses administered by such commissioner, or by confession; and if the offender is convicted, shall inflict 10*l.* penalty, to be divided one moiety to the informer, and the other (deducting charges of recovery) to the treasurer of navy or ordnance, as the case is, and applied as in *s. 15. pl. 62.* and may issue distress warrant for such penalty, and levy same, with costs of distress, by sale of goods seized, if not redeemed in 6 days, or in default of distress, shall commit to gaol for 3 calendar months, unless sooner paid; or in lieu of such fine, may, at discretion, imprison the offender, with hard labour, in house of correction for 3 calendar months, as he thinks fit; and shall cause the moieties of such fines, as well as those of every sum arising from sale of any boat or craft paid into his hands as in *s. 15.*, to be paid to the treasurers of navy or ordnance in 30 days after expiration of the year in which such fines are received by him, on penalty of 50*l.*, to be recovered, with double costs, by any informer suing for same in debt or by information in any court at *Westminster*, or in exchequer in *Scot.*, without essoin, &c. and but one imparlance allowed; to go in moieties to H. M. and the informer, 39 & 40 *G. 3. c. 89. s. 18.*

66. Such commissioner or justice before whom any person is convicted in a summary way may, if he sees cause, mitigate the 10*l.* fine to not less than 5*l.*, the reasonable costs of the officers and informers, as well in making as prosecuting the discovery, being always allowed above such mitigation, and so as the same do not reduce the fine to less than one moiety of such 10*l.* above the said costs, *id. s. 19.*

67. If in lieu of fine the offender is imprisoned and kept to hard labour as in *s. 18. pl. 65.*, the informer shall have reward of 5*l.* for every offence discovered, to be paid by navy or ordnance treasurer (and allowed in his accounts) on production of certificate by such commissioner or justice of offender's conviction and punishment, to be given by them *gratis*, and the name or names of the person or persons entitled to and in what proportions to such reward; but no such summary proceeding shall be had before any justice under *s. 18.* of this act without consent in writing of the principal officers or commissioners of navy, ordnance, or victualling, and all adjudication without it is void, *id. s. 20.*

68. Every party aggrieved by the judgment of any such commissioner or justice respecting such stores under 20*s.* value shall, on entering into a recognizance to H. M. with one or more sureties to the satisfaction of the former to the amount of treble the value of such fine, appeal to the quarter sessions of the county or place where the offence was committed, whose judgment therein shall be final, and who, in case of affirming such conviction, may give costs of appeal to the defendant thereon, and enforce payment thereof according to course of the court, *id. s. 21.*

69. The conviction of such commissioner or justice shall be written fair on paper, &c. and returned by him to the next quarter sessions to be filed by clerk of peace, and there remain among the records of the county, &c. or place without removal to any other court by *certiorari*, advocacy, or suspension, *id. s. 22.* Form as follows:

Be it remembered that on the — day of — *A. D.* — *A. B.* — in the — of — was convicted before me *C. D.* one of the Commissioners of H. M.'s — [or one of H. M.'s justices of peace for the — of — as the case is] for that the said *A. B.* on the — day of — now last past, at the — of — in the said — of — did [here state the offence against the act] contrary to the statute in such case made and provided. Given under my hand and seal the — day of — *A. D.* —

70. Witness summoned on either side to give evidence before such commissioner, justice or justices, touching matters relative to this act, and neglecting to appear at the appointed time and place without a reasonable excuse allowed by the latter, shall forfeit 10*l.* to be recovered and applied as in *s. 18. pl. 66., id. s. 23.*

71. Parties accused of selling, receiving, or having in possession stores under value of 20*s.* may be punished summarily as in *s. 18. pl. 66.* or prosecuted as receivers of stolen goods, or for unlawfully having them in custody or concealing the same under the acts in *s. 1. pl. 48.* recited in any court of record, *oyer* and *terminer*, or otherwise, as if no such summary jurisdiction had been given; with a saving of all jurisdictions over such offences, as if no such summary authority had been given, so as that no person shall be punished twice for the same offence, *id. s. 24.*

72. The commissioners of navy ordnance, and victualling may sell any stores so marked as in *s. 1. pl. 48.*, and the purchasers shall enjoy the same on producing a certificate under hand and seal of 3 or more such commissioners that they bought such goods of them, or a certificate from the person who appears to have bought the stores from the commissioners, that the stores in their custody were part of the stores so bought, expressing the quantity of stores, the time when used, where bought of the commissioners, who or any 3 of whom are hereby bound to give such certificate to the purchasers of any such stores in 30 days after sale and delivery thereof, *id. s. 25.*

73. Every person who shall make, sign or give, or utter, or publish any false certificate, bill of parcels, or other instrument, purporting the identity, or sale or disposal of any goods or stores as such, so purchased of the said commissioners, shall on conviction forfeit 200*l.* and be further corporally punished as in *s. 2. pl. 49.*; one half of the fine shall go to H. M., and the other to the informer, recoverable as in 9 & 10 *W. 3. c. 41.* and other acts in force, 39 & 40 *G. 3. c. 89. s. 26.*

74. Where any person is sued for seizing any such stores, or any boat or craft in which deposited, and shall prove on trial of the issue, that such stores were so marked as above, or if not so marked might be reasonably suspected to belong to H. M.; or if plaintiff do not at such trial prove his employment, as in 10 & 11 *W. 3. c. 41. s. 1. pl. 8.*, or having such certificate as in *s. 25. pl. 72.*, and that he shewed it to the defendant before action brought, who did not offer to redeliver the goods to plaintiff at his request, and the craft, if any seized, in as good condition as at the time of seizure thereof, defendant shall be acquitted, *id. s. 27.*

75. Every commissioner of navy, ordnance, or victualling acting under this act, and all persons acting under their warrant, shall have the protection given to justices of peace by 7 *J. 1. c. 5.*, 21 *J. 1. c. 12.*, and 24 *G. 2. c. 44.*, *id. s. 28.*

76. Offenders in *Scot.* shall be tried according to the forms of Scotch law in trials for theft, or reset of theft, *id. s. 30.*

77. The summary prosecution in *s. 18. pl. 65.*, shall take place under same circumstances in *Scot.*, before judge ordinary of the bounds, or 2 or more justices of peace out of sessions, and on conviction on oath of one witness at least or by confession, offenders shall be punished as in *Eng.*, *id. s. 31.*

78. Such summary prosecutions in *Scot.* shall proceed either at instance of procurators fiscal, or H. M.'s naval storekeeper at *Leith* with his consent, *id. s. 32.*

79. All fines imposed by virtue hereof in *Scot.* shall be applied as similar fines are in *Eng.*, *id. s. 33.*

80. Where it is necessary or lawful by this act to institute any action, &c. in any court of record at *Westminster*, for offences committed in *Eng.*, the party in all similar cases occurring in *Scot.* may bring his action in Scotch exchequer within the time limited for that purpose in *Eng.*, *id. s. 34.*

81. In all questions arising in *Scot.* on offences against this act, Scotch laws shall be observed, *id. s. 35.*

82. Every person corruptly giving false evidence upon examination on oath or affirmation before any such commissioner respectively, or before any justice in *G. B.* in any matter relating to the execution hereof, or wilfully swearing falsely on any deposition or affirmation taken in writing before him, shall be liable to punishment of wilful perjury, *id. s. 36.*

83. FOR EXTENDING THE LAWS FOR PREVENTING THE embezzlement of H. M.'s naval ordnance and victualling stores to *Ireland*, 52 *G. 3. c. 12.*

84. So much of 22 *C. 2. c. 5.*, 9 & 10 *W. 3. c. 41.* (*ss. 1, 2, 4, 5, 8.*), 9 *G. 1. c. 8.* (*ss. 3, 4.*), 17 *G. 2. c. 40.* (*s. 10.*), and 39 & 40 *G. 3. c. 89.* contained as relates to H. M.'s naval, ordnance, and victualling stores, shall apply to *Ireland*, 52 *G. 3. c. 12. s. 1.*

85. Persons accused in *Ireland* of any offence against 39 & 40 *G. 3. c. 89. s. 29.*, for which, when committed in *Eng.*, a summary mode of trial conviction is, by that act, *s. 18.* established, may be tried in the same summary way before any justice of peace for any county, city or place in *Ireland* in which such offence is committed, but not without consent in writing of H. M.'s naval storekeeper at any port in *Ireland*, *id. s. 2.*

86. FOR BETTER PREVENTING EMBEZZLEMENT of H. M.'s cordage, 54 *G. 3. c. 60.*

87. The provisions of 9 & 10 *W. 3. c. 41.* and 39 & 40 *G. 3. c. 89.* in respect to the making, selling, delivering, receiving, having in possession, and concealing any cordage, wrought either with a white thread or with a twine laid the contrary way, shall extend to the making, &c. any cordage wrought with one or more worsted threads; but this act shall not repeal the former provisions respecting cordage wrought either with a white thread, or with a twine laid the contrary way, but they shall be continued to be used to denote H. M.'s property in such cordage as if this act had not been passed, *id. ibid.*

88. TO EXTEND THE SEVERAL ACTS RELATING TO H. M.'s naval, ordnance, and victualling stores, to all other public stores, 55 *G. 3. c. 127.* [53 *G. 3. c. 126.* is *Repealed*. *s. 1.*]

89. The 9 & 10 *W. 3. c. 41.* (*viz. ss. 1, 2, 4, 5, 8.*), 9 *G. 1. c. 8.* (*viz. ss. 3, 4.*), 17 *G. 3. c. 40.* (*viz. s. 10.*), and 39 & 40 *G. 3. c. 89.* with every thing therein contained relating to H. M.'s stores therein mentioned, shall extend to all public stores soever under the care, superintendence or controul of any officer or person in H. M.'s service, or employed in any public department or office, either marked with the marks or any of them in the said recited acts, or any of them specified, [QU. if this extends to 54 *G. 3. c. 60.* in which the above acts are also recited and extended to cordage marked with a new and different mark from the above ?], or with the broad arrow, and the letter B. O., or with a crown and the broad arrow, or with H. M.'s arms, or the

letters G.R. to denote H. M.'s property therein, and to every person (not authorized by the proper king's officer so to do) using *any such marks*, or making any goods marked *with such marks*, or any of them; and to all persons in whose possession public stores so marked are found, or who shall knowingly receive, or have in possession, or conceal any such public stores so marked as aforesaid, unless such person shall on his trial produce a certificate under the hand of the proper officer as above, of the nature of the certificate in 9 & 10 W.3. c. 41. (s. 2. pl. 9.), and 39 & 40 G.3. c. 89. (s. 25. pl. 72., and see pl. 14.) mentioned and to all persons who shall wilfully destroy, beat, take or cut out, deface, obliterate or erase, wholly or in part, any such marks, or cause or procure any other person so to do, for the purpose of concealing H. M.'s property therein, 55 G.3. c. 127. s. 2.

90 To enable certain officers of the navy resident on foreign stations to grant certificates of H. M.'s naval stores or goods sold by them there, 56 G.3. c. 80.

91 Every principal officer and commissioner of H. M.'s navy resident on any foreign station may grant certificates under his hand for any such stores or goods hereafter sold by him, or by his order, which shall be in all places of the same effect as certificates under the hands of 3 or more such officers in *Eng.* [see 9 & 10 W.3. c. 41. s. 2. ante, pl. 9.] for any such stores sold there by the latter, *id. ibid.*

SWEARING.

(STATUTES repealed.)

1. AGAINST SWEARING AND CURSING, 21 J.1. c. 20., 6 & 7 W & M. c. 11. [BOTH REP. 19 G.2. c. 21. s. 15.]

(STATUTES in force.)

1. MORE EFFECTUALLY TO PREVENT PROFANE CURSING AND SWEARING, 19 G.2. c. 21.

2. Every person who shall profanely curse or swear, and is convicted on oath of one witness before any justice of peace, or before the mayor, justice, bailiff or other chief magistrate of any city or town corporate, or by confession, shall forfeit as herein after mentioned; *viz.* Every day labourer, common soldier, common sailor and common seaman, 1s. Every other person under the degree of a gentleman, 2s. And every person of or above that degree, 5s. And in case any such person after conviction offends a second time, he shall forfeit double; and for every other offence, after a second conviction, treble the sum first forfeited, *id. s. 1.*

3. In case any person profanely swear or curse, in the hearing of any justice of peace, or of any mayor, &c. every such justice, mayor, &c. shall convict every such offender in the manner hereinafter set forth, without other proof, *id. s. 2.*

4. In case any person profanely swear or curse, in the hearing of any constable, petty constable, tythingman or other peace officer, every such peace officer shall, in case the person be unknown, seize and detain him, and carry him before the next justice, or mayor, &c. of the place wherein such offence was committed; who shall, on oath of such peace officer, convict the offender as in s. 4. and in case such offender is known to such peace officer, he shall make information before some justice, mayor or chief magistrate, in order to conviction and punishment, *id. s. 3.*

5. Every such justice, mayor or other chief magistrate, shall, on information on oath of any such peace officer, or other person, cause the offender to appear before him; and on such information hereby proved, shall convict such offender as hereby prescribed; and in case such offender pay not immediately the sum forfeited, or give security to the satisfaction of such justice or magistrate, he may commit him to the house of correction for the county, city, &c. where such offence is committed, to be kept to hard labour for 10 days, *id. s. 4.*

6. In case any common soldier in H. M.'s service, or any common sailor or seaman be convicted of profane cursing or swearing, and pay not immediately the penalty, or give security for the same, and the costs of the information summons and conviction, instead of being committed to the house of correction, he shall be publicly set in the stocks for one hour, for every single offence; and for any number of offences, whereof he is convicted at the same time, two hours, *id. s. 5.*

7. Every justice, mayor, or other chief magistrate of any town cor-

porate, who shall wilfully omit performance of his duty in execution of this act, shall forfeit 5l. one moiety to the use of the informer, and the other to the use of the poor of the parish wherein he resides; to be recovered by action in any court of record at *Westminster*; wherein no essoin, &c. or more than one imparlance shall be allowed, 19 G.2. c. 21. s. 6. *

8. Every constable, petty constable, tythingman, or other peace officer, wilfully omitting the performance of his duty in the execution of this act, and convicted by oath of one witness, before any justice, mayor or other chief magistrate of any town corporate shall forfeit 40s. to be levied by distress and sale of goods, by a warrant of such justice or chief magistrate; and to be disposed of, one moiety to the informer, and the other to the poor of the parish where such offence is committed; and in case such offender have not sufficient goods whereon to levy the penalty, such justice, &c. may commit the offender to the house of correction for the county or place, to hard labour for one month, 19 G.2. c. 21. s. 7.

9. Justices, mayors, or other chief magistrates before whom any persons are convicted of profane swearing or cursing, shall cause the conviction to be drawn up as follows.

'Middlesex } Be it remembered, that on the — day of — in the — year of his
to wit. } Majesty's reign, A. B. was convicted before me one of his
Majesty's justices of the peace for the county, riding, division, or liberty aforesaid; or before me mayor, justice, or bailiff, or other chief magistrate of the city or town of — within the county of —, [as the case shall be] of swearing one or more profane oath or oaths, or of cursing one or more profane curse or curses, [as the case shall be.] Given under my hand and seal, the day and year aforesaid.'

Which form and conviction shall not be removed by *certiorari*, into K. B., but shall be final; and the justice, &c. before whom it is made, shall cause it to be wrote on parchment, and returned to the next general or quarter sessions for the county, to be filed by the clerk of the peace, and be kept amongst the records thereof, *id. s. 8.*

10. All justices, and every mayor or other chief magistrate of any town corporate, shall put this act in execution within their several jurisdictions, although such justice or magistrate is rated, and pays to the relief of the poor of any parish or place where any offence is committed, *id. s. 9.*

11. All penalties inflicted by this act for profane cursing and swearing, shall be disposed of for the benefit of the poor of the parish wherein such offence was committed; and all charges of information and conviction shall be paid by the offender, if able, over and above the penalties, which charges shall be ascertained by the justice, &c. before whom such conviction is made; and in case such party be not able, or shall not immediately pay the said charges or give security for the same, such justice, &c. may commit the offender to the house of correction, to be kept to hard labour for 6 days over and above such time for which he may be committed in default of payment of the penalties; and in such case no charges of information and conviction shall be paid by any person, *id. s. 10.*

12. If any action is commenced against any justice, constable, or other person, for doing any thing in pursuance of this act concerning the said offences, defendant may plead the general issue; and if a verdict be given for defendant, or if plaintiff discontinues or is nonsuit, &c. defendant shall have treble costs, *id. s. 11.*

13. No person shall be prosecuted or troubled for any offence against this statute, unless it is proved or prosecuted within 8 days after the offence committed, *id. s. 12.*

14. This act shall be publicly read 4 times in the year, in all parish churches and public chapels, by the parson, vicar, or curate, immediately after morning or evening prayer, on 4 *Sundays*, *viz.* the *Sunday* next after 25th *Mar.*, 24th *June*, 29th *Sept.*, and 25th *Dec.*; or in case divine service be not performed in any such church or chapel on any of the *Sundays* before-mentioned, then on the first *Sunday* after any of the said quarterly days on which divine service is performed, on pain of forfeiting 5l. for every neglect, to be levied by distress and sale of the offender's goods, by warrant under hand and seal of any one justice or other chief magistrate, *id. s. 13.*

15. The clerk of the justice, mayor, bailiff, or other chief officer, before whom proceedings upon this act shall be had, may take for the information, summons, and conviction of every offender, 1s. and no more, *id. s. 14.*

TAXES (ASSESSED) — GREAT BRITAIN.

(STATUTES repealed and expired.)

1. FOR REPEALING THE SEVERAL DUTIES ON HOUSES, WINDOWS, and lights, for granting new duties thereon, and for raising 4,400,000l.

by annuities to be charged thereon, 20 G.2. c. 3. [ENFORCED, *id. c. 42.*, 21 G.2. c. 10., additional duties on houses, 37 G.3. c. 105., REP. 38 G.3. c. 40. s. 1. ALL REP. 43 G.3. c. 161. s. 84.]

2. FOR MORE EFFECTUAL LEVYING OF THE DUTIES ON WINDOWS or lights in *Scot.*, 26 G.2. c. 17. [REP. 43 G.3. c. 161. s. 84.]

3. FOR GRANTING TO H.M. SEVERAL DUTIES ON WINDOWS or lights, 2 G.3. c.8. [REP. 43 G.3. c.161. s.84.]

4. FOR REPEALING THE ABOVE DUTIES AND GRANTING FRESH duties on houses, windows, and lights, 6 G.3. c.38. [ENFORCED 7 G.3. c.33. REP. 32 G.3. c.2., 38 G.3. c.40. s.1., and all of them by 43 G.3. c.161. s.84.]

5. FOR IMPOSING A DUTY ON SERVANTS RETAINED in certain capacities, 17 G.3. c.39. ss.1—22. [AMD. 19 G.3. c.59., 21 G.3. c.31. Additional duties, 37 G.3. c.107. ALL REP. 43 G.3. c.161. s.84.]

6. FOR GRANTING TO H.M. CERTAIN DUTIES ON ALL INHABITED houses within G.B., 18 G.3. c.26. [REP. and other duties imposed, 19 G.3. c.59. REP. 38 G.3. c.40. s.1., other duties imposed, 24 G.3. S.2. c.38. ss.10—47. ALL REP. 43 G.3. c.161. s.84.]

7. FOR GRANTING TO H.M. SEVERAL RATES AND DUTIES ON WAGGONS, wains, carts, and other such carriages, not charged with any duty under management of the commissioners of excise, 23 G.3. c.66. [REP. virtually, 25 G.3. c.47. s.1., 32 G.3. c.4., 43 G.3. c.161. s.84.]

8. FOR GRANTING TO H.M. CERTAIN DUTIES ON RIDING and carriage horses, 24 G.3. S.2. c.51. [Additional duties granted, 36 G.3. c.16. additional duties, 37 G.3. c.134. ALL REP. 43 G.3. c.161. s.84.]

9. FOR GRANTING TO H.M. CERTAIN DUTIES ON SHOPS within G.B., 25 G.3. c.30. [AMD. 26 G.3. c.9. BOTH REP. 29 G.3. c.9.]

10. TO REPEAL THE DUTIES ON MALE SERVANTS, AND FOR granting new duties on male and female servants, 25 G.3. c.43. [AMD. 25 G.3. c.70. REP. as to female servants, 32 G.3. c.3., and as to the rest by 43 G.3. c.161. s.84.]

11. FOR TRANSFERRING THE RECEIPT AND MANAGEMENT of certain duties [on carriages] from the commissioners of excise and stamps respectively to the commissioners for affairs of taxes, and for making further provisions in respect to the duties so transferred, 25 G.3. c.47. [AMD. 26 G.3. c.79., 29 G.3. c.49., which also granted additional duties on 4-wheel carriages. ALL REP. 43 G.3. c.161. s.84.]

12. FOR GRANTING TO H.M. CERTAIN DUTIES ON LICENCES to be taken out by coachmakers, and on carriages to be built for sale, 25 G.3. c.49. [REP. 43 G.3. c.161. s.2.]

13. FOR GRANTING TO H.M. ADDITIONAL DUTIES ON THE amount of certain duties under management of the commissioners for the affairs of taxes, 31 G.3. c.5., 36 G.3. c.14., further duties granted, 37 G.3. c.69. [semb. REP. virtually by 43 G.3. c.161. s.84., and 48 G.3. c.55. s.1.]

14. FOR REPEALING 29 G.3. c.49. AS TO THE ADDITIONAL DUTIES on coaches with 4 wheels used as stage-coaches, and for reducing the duties on carriages with less than 4 wheels, mostly used in the affairs of husbandry, or for the purposes of trade, 35 G.3. c.109. [REP. comm. semb. virtually by 43 G.3. c.161. s.84., and see *id. Sch. D. No. 4.*]

15. FOR GRANTING TO H.M. NEW DUTIES ON CERTAIN HORSES not before charged with duty, and on mules, 36 G.3. c.15. [Additional duties by 37 G.3. c.186. ALL REP. 43 G.3. c.161. s.84.]

16. FOR REPEALING THE DUTIES ON LICENCES TO HORSE DEALERS and granting new duties in lieu thereof, 36 G.3. c.17. [Duties transferred from stamp to tax-office commissioners, and AMD. 41 G.3. (U.K.) c.71. BOTH REP. by 43 G.3. c.161. s.84.]

17. TO EXEMPT DAIRIES AND ROOMS USED SOLELY FOR MAKING, keeping, and drying cheese and butter from window-tax, 36 G.3. c.117.

18. FOR GRANTING TO H.M. CERTAIN DUTIES ON DOGS, 36 G.3. c.124. [REP. 43 G.3. c.161. s.84.]

19. FOR GRANTING TO H.M. CERTAIN DUTIES ON CLOCKS AND watches, 37 G.3. c.108. [REP. 38 G.3. c.40. s.1.]

20. FOR REPEALING THE DUTIES ON HOUSES, WINDOWS and lights, on inhabited houses, and on clocks and watches; and for granting other duties on houses, windows, and on inhabited houses in lieu thereof, 38 G.3. c.40. [All except s.1. and s.41., REP. by 43 G.3. c.161. s.84.]

21. FOR REPEALING THE DUTIES ON MALE SERVANTS, CARRIAGES, horses, mules, and dogs, and for granting H.M. other duties in lieu thereof, 38 G.3. c.41. [AMD., *id.* c.80. Additional duties, 42 G.3. c.37. ALL REP. 43 G.3. c.161. s.84.]

22. FOR GRANTING TO H.M. A DUTY ON CERTIFICATES ISSUED with respect to armorial bearings and ensigns, 38 G.3. c.53. [REP., 41 G.3. (U.K.) c.69. s.2.]

23. FOR ASCERTAINING THE DUTY PAYABLE ON TAXED CARTS, 38 G.3. c.93. [REP., 43 G.3. c.161. s.84.]

24. FOR GRANTING TO H.M. CERTAIN ADDITIONAL DUTIES ON horses in G.B., and for exempting from duty horses kept for husbandry by persons holding farms under a certain value, 41 G.3. (U.K.) c.9. [REP. 43 G.3. c.161. s.84.]

25. TO PERMIT PERSONS IN HOLY ORDERS TO KEEP ONE RIDING horse only free from duty, 41 G.3. (U.K.) c.40. [REP. 43 G.3. c.161. s.84.]

26. TO EXEMPT FROM PAYMENT OF CERTAIN DUTIES MEMBERS of both houses of parliament, serving for *Ire.*, and other occasional residents in G.B., 41 G.3. (U.K.) c.62. and 42 G.3. c.37. s.6. [REP., 43 G.3. c.161. s.84., and see now 51 G.3. c.72. and 52 G.3. c.93. *Sched. (M.)*]

27. FOR TRANSFERRING THE RECEIPT AND MANAGEMENT of certain

duties on certificates for wearing hair-powder, or using armorial bearings from the commissioners of stamps to those for the affairs of taxes, and for making further provisions in respect to the duties so transferred, 41 G.3. (U.K.) c.69. [REP. by 43 G.3. c.161. s.84.]

28. FOR GRANTING ADDITIONAL DUTIES ON WINDOWS OR LIGHTS, and on inhabited houses, and for consolidating the same with the present duties thereon, 42 G.3. c.34. [REP., 43 G.3. c.161. s.84.]

29. FOR ENLARGING THE TIME FOR WHICH HORSES MAY BE LET TO hire, without being subject to any annual duty; for amending several acts relating to duties on horses, servants, and carriages, and for authorizing allowances to receivers-general for sums advanced by them under the acts for raising provisional cavalry and not reimbursed to them by assessment, 42 G.3. c.100. [REP., 43 G.3. c.161. s.84.]

30. FOR GRANTING TO H.M. ADDITIONAL DUTIES IN G.B. on horses used in riding, or for drawing certain carriages, and for consolidating them with the duties granted by 43 G.3. c.161., 45 G.3. c.13. [semble ss.1—5. EXP., since the duties in the schedules are REP. by 48 G.3. c.55. s.2., and the schedules and all rules, &c. therein by 52 G.3. c.93. s.3.]

31. FOR GRANTING TO H.M. AN ADDITIONAL DUTY ON THE amount of duties [assessed taxes under 43 G.3. c.161. and 45 G.3. c.13.] under management of the commissioners of taxes, 46 G.3. c.78. [REP., 48 G.3. c.55. s.2.]

32. TO GRANT CERTAIN ALLOWANCES OUT OF THE DUTIES [of assessed taxes] under the management of the commissioners for the affairs of taxes to persons in respect of the number of their children, 46 G.3., c.84. [AMD., &c. 52 G.3. c.147. BOTH REP., 56 G.3. c.66. s.11.]

(STATUTES in force.)

1. THE MANAGEMENT OF THE ASSESSED TAXES is transferred to the commissioners for affairs of taxes, 38 G.3. c.40. s.41.

2. FOR CONSOLIDATING CERTAIN OF THE PROVISIONS contained in any act or acts relating to the duties under the management of the commissioners for the affairs of taxes, and for amending the same, 43 G.3. c.99. (see *Sched. A.*) CONF. 43 G.3. c.161. s.5. AMD. generally by 45 G.3. c.5.: and by 45 G.3. c.71. ss.1—2., and as to s.21. by 48 G.3. c.141. No. IV. Rule 1., as to s.24. by 48 G.3. c.141. No. III. Rule 6. and No. IV. Rule 2., as to s.38. by 59 G.3. c.118. s.1., and as to s.46. by 50 G.3. c.105. s.5., as to s.28. *semb.* REP. 48 G.3. c.141. No. III. Rule 6., and No. IV. Rule 2. [See 43 G.3. c.99. s.24. *post*, pl. 35.]

3. The duties on windows or lights inhabited, houses, servants, carriages, horses, mules, and dogs, and other the duties transferred to the commissioners for the affairs of taxes, except the monies granted to H.M. by land-tax, by 38 G.3. c.5., as far as they relate to *Eng. Wa.* and *Ber.* shall be assessed, raised, levied, and paid under the regulations of this act, 43 G.3. c.99. s.1. [Commencing 5th April, 1804, *id.* s.2., but with respect to any new duties taking effect from the time appointed by the acts granting the same, *id.* s.3.]

4. No person shall act as a commissioner in execution of any act relating to the affairs of taxes, unless he is duly qualified as required by 38 G.3. c.48. *tit.* LAND TAX, but no qualification shall be required for any commissioner acting for the before mentioned duties in any other county in *Wa.* than is required for the commissioners acting in the counties of *Wa.* mentioned in 38 G.3. c.48., and every person acting as commissioner, without having taken the oaths hereby prescribed, in the manner required by this act, or without being qualified as before mentioned, shall forfeit 200*l.*, *id.* s.4.

5. No person shall act as such commissioner before taking the oaths appointed by 1 G.1. c.13., *id.* s.5.

6. Every such commissioner, before executing his office as such, except in administering the oath hereinafter mentioned to any other commissioners, shall take and subscribe the oath in *Sched. A.* which oath any one person so appointed commissioner may administer, though he has not himself previously taken it; and the names of all persons so subscribing, shall be transmitted to the office of commissioners of taxes at *Somerset House*, by the clerks of the commissioners wherever such oaths are administered; but where any one or more commissioners acting for any district who have been qualified to act by taking the oaths mentioned in this act, shall be present at any meeting of such commissioners in the same district, then the oath shall not be administered to any other commissioner in the same district, but by him or them, *id.* s.6.

7. No person shall be capable of acting as such commissioner within the city of *London* and liberty of *St. Martin-le-Grand*, and within the city and liberty of *Westminster*, nor in or for any other parish or place, any part whereof is within the bills of mortality, or the parishes of *St. Mary-le-Bone* or *St. Pancras* in *Middlesex*, unless such commissioner is possessed of lands, tenements, or personal estate, or of both together, to the amount of 5000*l.* at least after payment of all debts, which qualification they shall swear to previous to their acting as above, according to the form following;

‘ I *A. B.* do swear [or, affirm, as the case may require,] that truly and bona

fide I have such an estate, consisting of [specifying the same], of the clear value of 5000*l.*, over and above what will satisfy and discharge all my debts. So help me God.'

Nor unless he is an inhabitant of the district for which he acts as commissioner; and no person shall presume to act as a commissioner in execution of this act, or any of the powers herein contained, within the city of London and liberty of *St. Martin-le-Grand*, or within the city and liberty of *Westminster*, or in or for any parish or place, any part whereof is situate within any other part of the bills of mortality, or in or for the parishes of *St. Mary-le-Bone*, or *St. Pancras*, before taking the oath herein directed, or without being qualified as herein required, or without being an inhabitant in the same district for which he shall act as a commissioner, on pain in each case of forfeiting for every such offence the sum of 20*l.*; which oath shall be subscribed by the party and their names transmitted to the tax office, 43 *G. 3. c. 99. s. 7.*

8. Any commissioner may act as such in any part of the county, riding, division, or place for which he is appointed, and all their warrants and precepts shall be executed by the persons to whom the same are directed in any part of such county, &c. *id. s. 34.*

9. These restrictions as to qualification and residence shall not restrain any benchman of any of the inns of court, from acting as such commissioner for such inn of court, and inns belonging thereto, nor any of the officers who by virtue of their office have heretofore acted under the land-tax act, from acting as such commissioners in the liberties of the palaces of *Whitehall* and *St. James's*, 45 *G. 3. c. 5. s. 1.*

10. Persons residing in either of the parishes of *St. Clement Danes*, *St. Mary le Strand*, or *St. John the Baptist* in the liberty of the *Savoy*, parts thereof being situate in the county of *Middlesex*, and other parts in the city and liberty of *Westminster*, being specially appointed commissioners for *Middlesex* or for *Westminster*, and being fully qualified under 43 *G. 3. c. 99. s. 7. pl. 7.*, may act as such for any or all of the divisions or districts within those parishes or any of them, *id. s. 2.*

11. In case controversy shall arise between such commissioners, in any thing touching the execution of any act in which any commissioner shall be interested or concerned in his own right, or in right of any person for whom he shall act as steward, agent, attorney, or solicitor, such commissioner shall have no voice, but shall withdraw during the debate of such controversy, until determined by the other commissioners; on pain of forfeiting 50*l.*, 45 *G. 3. c. 99. s. 8.*

12. The commissioners duly qualified as above shall, in the respective hundreds, or other districts, cities, and places, in the several counties and divisions, for which they shall be appointed commissioners, meet yearly and every year, at the most usual place of meeting within such districts and places respectively, on or before 10th April, and any 2 or more shall hold such or any other meeting, and may do any thing required to be done by the commissioners, [but see 48 *G. 3. c. 141. No. 1. Rule I. post.*] and as many as shall be present at the first meeting in every year, or the majority of them, having qualified themselves as hereinbefore directed, shall elect one fit person to be their clerk, and one other fit person, if they deem it necessary, to be his assistant, for all the assessments to be made of the several duties with which the commissioners shall be charged within their respective limits, for one year, which person, by virtue of such election, shall be their sole clerk for all the assessments for such year, and shall not be removable from his office during that year, without just cause, and at a meeting of the commissioners for that purpose duly summoned by notice in writing, signed by 2 or more, and by the majority then present, and left at the usual place of abode of every qualified commissioner for such district, city, &c. or place; and such commissioners shall also, at their first meeting, direct their several and joint precepts to such a number of inhabitants of each parish, ward, or place, as they think most convenient, to be presenters and assessors for the same, requiring them to appear before them at a place and time appointed not exceeding 10 days after date of their precepts, at which their appearances the commissioners shall appoint such inhabitants as they think proper to be assessors for such parish, &c. for one year; and at the same time shall openly read unto them the several duties for which they are to be appointed assessors, and openly declare the effect of their charge unto them, and in what manner they ought to make their certificates and assessments; and shall appoint another day, within the time herein after limited for them to appear before the said commissioners, and bring in their certificates of assessments in writing under their hands, which shall be verified on their oaths or solemn affirmations, which said assessors shall charge and assess themselves, and all other persons chargeable with the duties so given to them in charge, and make their assessments according to the laws in force, on pain of forfeiture of not exceeding 20*l.* nor less than 5*l.*, and at the time and place so prefixed for their appearance, such assessors shall return the names of 2 or more able and sufficient persons, within the bounds of their respective parishes or places to the said commissioners, to be by them appointed collectors of the said duties, *id. s. 9.*

13. And in all extra-parochial or privileged places, and not within the constablewicks or precincts of the several assessors, and also in all parishes or other places, where 2 sufficient inhabitants cannot be found, the commissioners may nominate and appoint 2 fit persons residing in or near such respective places to be assessors, and in like manner and cases to appoint one or more collectors, who shall discharge their offices as hereby directed, 43 *G. 3. c. 99. s. 17.*

14. If in consequence of any failure of appointment no assessors or collectors are appointed, 2 justices in any county, or the chief magistrate and justices in any city or place, being a county of itself, shall, on notice of such default from the surveyor, appoint such assessors or collectors; and the appointees refusing to act or take the oath required, shall forfeit 50*l.*, *id. s. 32.*

15. Every such assessor, before taking on him the execution of his employment, shall take the oath of allegiance and supremacy, or, if a quaker, may make and subscribe the declaration of fidelity prescribed by 1 *W. & M. c. 18.* which oaths or affirmations any one or more commissioners duly qualified, by whom such assessors shall be appointed, are required to administer, as also every other oath or affirmation required by this or any other act relating to duties to be assessed under regulations of this act to be taken before such commissioners by any person whatever in any matter touching execution of this or any other such act as above, *id. s. 10.*

16. Every assessor shall take the oath, or if a quaker shall make and subscribe the solemn affirmation in *Sched. B.*, before the commissioners for executing this act, on pain of forfeiting 50*l.* for every offence in acting without taking such oath, &c. *id. s. 11.*

17. The assessors so appointed shall annually make and deliver in writing their certificates of assessments of all the duties, given to them in charge as above, unto any 2 or more commissioners, on or before 5th June yearly, or as soon after as convenient, and the said commissioners shall forthwith sign the same, testifying their allowance thereof, and shall sign and seal 3 duplicates of the assessments, to be prepared by their clerk, and forthwith shall nominate and appoint 2 of the persons named or presented in each assessment to be collectors, or any other 2 such persons as they are hereby authorized to appoint, for the respective divisions and places for which collectors shall be so presented, and shall deliver one of the said duplicates so allowed, together with warrants under the hands and seals of 2 or more of them for collecting the same, unto the respective collectors, and one other duplicate to the surveyor of the district for the time being; and the third duplicate to be kept by such clerk for the use of the commissioners, 45 *G. 3. c. 99. s. 12.* [See rest of section, *post. pl. 26.*]

18. And if any assessments and duplicates are not signed and allowed in due time for want of a sufficient number of commissioners attending at the proper time and place, the commissioners living in any parish or place within the same county or division shall allow and sign such as may be wanting for any such parishes, &c., *id. s. 30.*

19. But if there has not been a meeting of 2 or more commissioners, and any of the powers created hereby, or by the above acts [*viz.* 38 *G. 3. c. 5. & c. 48. pl. 3. 4. comm. semb.*], have not been duly executed at the time or in manner therein prescribed, any 2 or more commissioners for the respective places where such default happens, may and shall forthwith meet and execute the said powers at any other time, so that the duties be duly charged, collected, and paid to H. M., *id. s. 31.*

20. And in case such commissioners shall fail to appoint assessors conformably to this act, or if the latter shall neglect their duty, the surveyors shall perform their services until such assessors are appointed, or act with effect, *id. s. 18.*

21. Every assessor or collector appointed as above, who shall wilfully neglect or refuse to take on him the office, or to perform his duty therein, may be fined by any 2 or more commissioners, not exceeding 20*l.* for each offence; but inhabitants of cities, boroughs, or towns corporate, shall not be compelled to be assessors or collectors out of the limits of such places, *id. s. 16.*

22. The commissioners shall cause 2 duplicates of every assessment to be made out on parchment by their clerk, [within one month after Feb. 10th, yearly; further time given, 50 *G. 3. c. 105. s. 5. see next pl.*] one to be delivered to the respective receivers-general, and the other to H. M.'s remembrancer's office in exchequer, and the proper officer shall give acquittances for them gratis, and the duplicates shall be made for the same hundreds, &c. for which distinct duplicates are directed to be made out by 38 *G. 3. c. 48.* [REPEALED] and shall contain the names and surnames of the several assessors and collectors for every hundred, parish, place, or other division, and the full amount of the sum given in charge to the collectors throughout the year, and every commissioner's clerk who shall not make out such duplicates in the above time (*see next pl.*) and manner, or who shall make any false entry, or omit any sum in the duplicates, shall forfeit 100*l.*, and on conviction be discharged from his office, *id. s. 46.*

23. In respect of assessed taxes, the commissioners shall cause the

duplicates to be made out after the time appointed by 43 G.3. c. 99. s. 46. for making the supplementary assessments of the said duties yearly; and within one month at farthest after all appeals from such supplementary assessments have been heard; so that the same may be delivered to the receiver-general and commissioners for taxes respectively on or before the day appointed for receipt of the last instalment of the said duties next after 5th April yearly; and no commissioner's clerk who shall make out and deliver the respective duplicates within such time, shall be liable to the penalty in that section, 50 G.3. c. 105. s. 5.

24. And in case of failure of assessing the duties in any parish or place, or of returning the duplicates of assessments made for the same, the receiver-general shall certify to the barons of exchequer the particular parish or place, and division in which it happens, and the cause thereof to the best of his knowledge, together with the names of the commissioners, assessors, collectors, and persons charged with such duties who have made such failure, in case an assessment has been made, and they shall be respectively liable to process of *distringas*, from time to time, by order of the barons, on application of the commissioners of taxes, unless the latter shall certify to the court, if during term, or to a baron in vacation, that the persons against whom the writ issued, have complied with this act, in which case such court or baron may respite process till a future day, and so from time to time, or finally discharge the same, 43 G.3. c. 99. s. 47. [see as to allowances to receivers-general, collectors, and clerks, 48 G.3. c. 55. s. 7. pl. 157., partially altering 43 G.3. c. 161. s. 79. pl. 158.]

25. The above-mentioned duplicates shall hereafter be sent by the respective commissioners to and delivered at the tax-office, for previous inspection of the commissioners for taxes, who may cause copies thereof or of any part thereof to be taken, and shall afterwards transmit such duplicates to H. M.'s remembrancer on pain of forfeiture of 50*l.* by the commissioner's clerk who shall wilfully offend herein, 45 G.3. c. 71. s. 2.

26. The commissioners shall appoint 2 of the persons presented in each assessment, or such 2 other persons as they may appoint, to be collectors, and shall demand the several sums contained in the said duplicates from the parties charged, at their last abodes, or on the premises charged with the assessments, as the case may require, within 10 days after the duties shall be respectively payable next after such assessments delivered to them, and on payment thereof shall give acquittances under their hands (*gratis* except stamp duty), in full discharge against H. M. of the persons making such payments, 43 G.3. c. 99. s. 12. [see rest of sect. ante pl. 17.]

27. The collectors so presented to the commissioners shall, if required, give sufficient security to any two or more commissioners, equal to the whole duty assessed and to be collected in each district or place by them respectively, for their duly paying such monies assessed as above, as shall come to their hands, and for duly demanding the sums assessed of the persons from whom they are payable, and in case of non-payment, for their duly enforcing the powers of this act against defaulters; which security any 2 or more commissioners may take, by a joint and several bond, with 2 (2 B. & A. 431.) sureties at least, to and in the names of any 2 or more of them, in the penal sum and with a condition to the aforesaid effect; and on failure of the persons so first appointed such collectors to give security, if required, any 2 or more such commissioners may appoint any other sufficient persons, who can give such security, residing within the limit of the same district or place, to be such collectors; and every bond so given shall be prosecuted by such commissioners on any default of the collector, but shall not be put in suit against any sureties for any deficiency other than what remains unsatisfied after sale of the lands, tenements, goods, and chattels of such collector, in pursuance of the powers hereby given to the respective commissioners, nor shall be subject to stamp duty; but if no persons within the said limits are willing or able to give such security, then the persons first presented, as in s. 9., shall be collectors therein, *id.* s. 13.

28. If any 2 or more inhabitants of the district or place for which a collector may be named as aforesaid, being respectively charged to any of the said duties, or if any 2 churchwardens or overseers, or guardians of the poor of any description, or any of the select vestry, where a select vestry is authorized to act, shall require security to be taken of the collectors to be appointed for the parish or place on behalf of which such application is made, and shall name proper persons to be collectors willing to give such security, collectors shall not be appointed till such security is given; and if the persons returned to be collectors shall not give such security, then they may appoint no other persons than those named to them by the persons respectively before-mentioned, as fit persons to be collectors, and who will give the security required, *id.* s. 14.

29. And within the bills of mortality, the parishes of *Mary-le-Bone* and *Pancras*, the appointment of collectors shall belong wholly to the resident commissioners, if 2 or more be resident, in which case no other commissioner shall interfere; and such resident commissioners

may appoint 2 or more collectors, who have given the above security, whether presented by the assessors, or named by the inhabitants or church-wardens, overseers or guardians of the poor, or 2 or more of them, or by any 7 or more of a select vestry, where the latter is authorized to act, and whom the commissioners think of ability to execute the collector's office; and where 2 are not resident, the commissioners of the adjacent parish or place may appoint or concur with one resident commissioner in the appointment; and every collector appointed under this act shall also, by virtue of such appointment, act as assessor for the same parish or place, 43 G.3. c. 99. s. 15.

30. No commissioner, assessor, or collector executing this act, or other acts herein mentioned, shall be liable, for such execution, to any other penalties than those contained therein, *id.* s. 19.

31. The present inspectors or surveyors shall act in execution of this act, and H. M., or any 3 or more lords of treasury, or lord high treasurer, may from time to time appoint such persons as he or they think proper, to be officers for survey and inspection of the duties under management of the commissioners for affairs of taxes, and for executing all things belonging to their offices, *id.* s. 20.

32. Every surveyor or inspector shall [on or before 15th Dec. in each year of assessment, 48 G.3. c. 141. No. IV. Rule 1. *post.*] certify in writing to 2 or more of the said commissioners all such surcharges as they may lawfully make, and shall give to every person so surcharged, or leave at his last or usual abode in the district where such surcharge is made, notice in writing thereof, and of the amount for which he has been charged by virtue of such certificate, *id.* s. 21.

33. If any surveyor or inspector shall omit to make a surcharge on or before the 1st Aug. in any year, he may make such surcharge on or before 1st Jan. following, for the whole year, *id.* s. 22.

34. If any surveyor or inspector wilfully, through favour, under-rate or omit to charge any person, or is guilty of any corrupt, vexatious, and illegal practices in execution of his office, he shall, for every offence, forfeit 100*l.*, and on conviction be discharged from his employment, *id.* s. 23.

35. Persons overcharged by any assessment or surcharge, may appeal to the commissioners [to be heard and determined by them between 20th Aug. and 10th Sept. as against the first assessments, 48 G.3. c. 141. No. III. Rule 6., and between 20th Jan. and 20th Feb. as against surcharges, *id.* No. IV. Rule 2. *post.*] on giving ten days' notice thereof to the surveyor, inspector, or assessor, which appeals, any 2 or more of the commissioners shall hear and determine, except it appear to them that such notice has not been given, in which case they shall dismiss the appeal, and confirm the assessment or surcharge, *id.* s. 24. (and see pl. 133.)

36. But no assessment delivered to any 2 or more commissioners by any assessor, shall be altered by them, before the time for hearing and determining appeals, and then only on a surcharge not appealed against, and according thereto; nor on the commissioners hearing the matter of appeal particularly relating thereto, on a general appeal day duly appointed, except in such cases only where such commissioners are specially authorized to alter or rectify any such assessment by the act or acts before mentioned; and if any clerk to such commissioners, or any other person, shall alter or procure, or suffer to be altered, any assessment, after allowance by the commissioners, except as aforesaid, or in cases of appeal, and by order of any 2 or more such commissioners, made after such appeal, he shall forfeit 50*l.*, *id.* s. 25.

37. None of the commissioners shall on hearing any appeal, make abatement in the charge made by assessment, or by surcharge of any assessor, surveyor, or inspector, but the same charge shall remain part of the annual assessment, unless on hearing such appeal it appear to the majority of the commissioners then present, by examination of the appellant on oath or affirmation, or by other lawful evidence produced by him, that he is over-rated by any such assessment or surcharge, and unless he produce before them a true and complete list, account, declaration, or return, as required by the acts before mentioned, and verify the same on oath or affirmation, and such surveyor, &c. may attend to give his reasons in support of the assessment or surcharge, and produce any lawful evidence in support thereof, and may be present during all the time of hearing such respective appeals, and of the said commissioners determining the same; but if on such appeal it appear that the persons so assessed or surcharged, ought to be charged to any amount beyond that contained in such assessment, &c. they may charge such person to the amount of the sum omitted, in like manner and at like rate as if a true and perfect assessment had been made in the first instance; and no barrister, attorney, or person practising the law shall be allowed to plead before the commissioners on such appeal, either *vivâ voce* or by writing, *id.* s. 26.

38. Any 2 or more commissioners shall give such collectors notice at what time within the periods herein limited, and at what place the said appeals may be heard and determined; and every collector shall also within 10 days after such notice, cause public notice to be given in every church or chapel of ease belonging to a parish within his district or division, immediately after divine service on the Lord's day,

(if divine service is performed in the parish within that time), or otherwise in the church of the next adjoining parish, of the time and place so by them appointed for hearing and determining such appeals, and shall also cause the like notice to be fixed in writing upon the door of every such parish church or chapel of ease, that all persons aggrieved may know when and where to appeal to the said commissioners, 45 G.3. c. 99. s. 27.

39. The times of hearing such appeals are fixed by 48 G.3. c. 141. No. III. Rule 8., *infra*, pa. 1515. and No. IV. Rule 2., pa. 1516, (and see s. 24. *hereof*, *infra*, pl. 35.) [which seem virtually to repeal 45 G.3. c. 99. s. 28.]

40. The determination of any 2 or more, or of the majority of the commissioners on appeals shall be final, and neither the determination nor assessment made thereon can be altered at any subsequent meeting, except where cases are required for the judges' opinion, according to the provisions of any act concerning the same, 43 G.3. c. 99. s. 29.

41. On payment of the duties being refused, then on demand made by the collector, according to the precept or estreat to him delivered by such commissioners, he may and shall distrain on the lands, tenements, and premises so charged, or may distrain the person so charged by goods and chattels, and of such other goods, &c. as they are hereby authorized to distrain without further authority from the commissioners than the warrant to such collector delivered at the time of his appointment; and the distress so taken shall be kept 4 days, at the costs of the party refusing; when if the duties be not paid, the same is to be appraised by 2 sufficient persons, and there sold, and the overplus, after deducting costs of taking, keeping, and selling distress, shall be restored to the owner, and moreover collectors in the day time may break open houses, having a warrant under hands and seals of 2 or more commissioners for that purpose, and taking a constable with them, where any refusal, neglect, or resistance shall be made, who shall assist them, at his peril if he do contrary; and where any person charged shall refuse to pay within 10 days after demand, and no sufficient distress can be found, any 2 commissioners, by warrant under their hands and seals, may commit him to the common gaol till payment; and in case any difference arises on taking such distress, the same shall be determined by 2 such commissioners, *id.* s. 33.

42. The commissioners, or any of them, may act, and their warrants and precepts may be executed in any part of a county, riding, division, or place, for which they are appointed, *id.* s. 34.

43. When any persons remove to other parishes without paying the duties, the commissioners of the place where the duties are first charged shall certify the same to the commissioners of the parish or place where the party may reside, any 2 or more of whom shall cause the amount thereof to be levied, and to be paid to the collector of the parish from which the parties removed, *id.* s. 35.

44. Where parishes or places are in two counties, the duties charged thereon shall be assessed in the county where the church is situate; and where houses are situate in two parishes, the whole of the duties shall be charged in one; and the party so charged shall be relieved from any second assessment thereon, as in other cases of double assessments, *id.* s. 36.

45. No goods or chattels belonging to any person at the time the said duties became in arrear, shall be liable to be taken by execution or other process, or by any assignment, on any pretence, (except at the suit of the landlord for rent), unless the party at whose suit such seizure is made, or to whom such assignment is made, shall, before sale or removal of such goods, &c. pay or cause to be paid to the collector all arrears of duties due at the time of such seizure thereof, or payable for the year in which it is made, provided the year not claimed for more than one year; and in case they be not claimed for more than one year, the party seizing on paying the collector the duties due for one whole year, may proceed in his seizure as if no duties had been so claimed; but in case of refusal to pay the same, the collectors shall distrain and sell the goods and chattels notwithstanding such seizure or assignment, in order to obtain payment of the duties assessed, together with the costs of distress and sale; and all such collectors so doing are hereby indemnified, *id.* s. 37.

46. All remedies and powers which by any act concerning bankrupts, or concerning recovering rent in arrear are given to creditors or landlords, and all the powers of 27 G.2. c. 20., and of 33 G.3. c. 55., as far as they relate to the execution of justices' distress warrants, shall be used and practised by the respective commissioners, and by any collector, surveyor, or inspector, acting under their authority, for recovering arrears of duties, besides the remedies and powers hereby provided, *id.* s. 38.

47. TO GIVE RELIEF IN CERTAIN CASES OF ASSESSMENT OF TAXES, in G.B., 59 G.3. c. 118.

48. No person becoming, or who has become bankrupt or insolvent, shall be liable to be assessed to the duties of assessed taxes after 5th April next after the time of such bankruptcy or insolvency, in respect of any article kept and used for the purposes of trade at or before the time of such bankruptcy, &c., which article has been seized

or surrendered, and *bond fide* sold under such bankruptcy, &c., and not kept or used by him after such 5th April; but this shall not affect the payment thereof by his assignees, who shall pay the duties assessed on the latter at the time of such bankruptcy, &c. up to 5th April next after it happens, as if this act had not been made, 59 G.3. c. 118. s. 1.

49. The commissioners, or any 2 or more of them within their district, at the end of every quarter appointed for the payment of the sums assessed, or any part thereof, or within one calendar month after, or at such other times as they think fit, being at least twice a year, on or before 1st Nov. and 1st May, and so from time to time as necessary, shall call before them and examine on oath all the collectors as to the sums collected by them, and paid to the receiver-general, and shall make order for payment to him if necessary, and shall assure themselves of the amount of arrears, and the cause thereof, and shall also examine the collectors as to the due payment over of any sum collected in any preceding part of the same year, and make such order thereon as above: and shall exercise the same powers as to the collector of any former year, as long as any arrear of duty charged on any person within such division is in arrears, and the receivers-general, inspectors, and surveyors, when required, shall assist the commissioners in such inquiry in all matters relating to their respective offices, 43 G.3. c. 99. s. 39.

50. Collectors neglecting their duty shall be dismissed by the commissioners, who may from time to time appoint others, either by indorsement on the appointment, or otherwise by precepts in like manner, on the same security being given, and with the same powers as such first collectors were appointed; and the collectors dismissed shall deliver to them, on demand of the commissioners, or in their presence, to the new collector, the certificates of assessments which they were charged to collect, and all accounts of receipts and vouchers of payment as aforesaid, and shall pay to the receiver-general all sums then in hand, on pain of 50*l.*, to be charged in any assessment of such duties for such parish, ward, or place, and recovered as such assessment may be recovered; and shall also remain liable to such other forfeitures and disabilities as may be incurred by this act, for detaining such money in his hands after demand made of the same, *id.* s. 40.

51. Every collector who being duly summoned, shall refuse to attend, or shall not answer all lawful questions demanded of him by such commissioners, touching the execution of his office, or who shall refuse or neglect to produce to them the certificates of assessments, accounts, or vouchers, as in last *pl.*, or shall not obey the order of such commissioners, shall forfeit 50*l.*, to be charged as in s. 40., and recovered as such assessment may be recovered, over and above any forfeiture or disability incurred by this act; and whenever any money is detained in the hands of any collectors, or any penalty imposed on them remains unpaid, and cannot be recovered under the warrant or authority of the respective commissioners, or if such commissioners neglect to issue such warrant, then the part arising from the duties shall be recoverable as a debt on record to H. M., with costs; and such part thereof as arises from any penalty as aforesaid, may be recovered by action or information, like other penalties under this act, with full costs; and the sum so recovered shall be paid to the receiver-general, in aid of the parish or place answerable for the same, *id.* s. 41.

52. The collectors of any parish or place, when required by any 2 or more churchwardens and overseers, or guardians of the poor, or by the select vestry, or any 7 of them, shall, within 14 days after such demand, deliver to them respectively an account in writing of the sums received by them, and of the respective sums in arrear remaining in hand, and paid to the receiver-general, on pain of forfeiting 20*l.* to the poor of the parish, &c. where the collector shall reside, *id.* s. 42.

53. If any collectors do not demand payment of the duties of the parties charged, or do not leave a demand in writing at their last respective abodes or on the premises charged with assessment, within the time herein limited, or in case of default of payment, do not execute the commissioners' warrant or precept for recovering the same, within 2 calendar months after the duties are payable, the names of such persons shall not be inserted in the schedule to be returned by the receiver-general into exchequer, but the parish, ward, or place shall be answerable for the same, *id.* s. 43.

54. No collector shall be allowed to insert in any schedule the name of any person to be returned into exchequer as a defaulter, unless his oath, or if a quaker, on affirmation before 2 commissioners, (who respectively shall certify the same), that the sum is due and wholly unpaid, either to the collector, or to any other person for him, to the best of his knowledge and belief, and that such person became insolvent or bankrupt before the day on which the duties became payable, and had not goods and chattels sufficient whereon to levy the same within the parish or place for which such collector shall have been appointed at any time since such duties became payable, or that such person removed therefrom before the day on which such duties became payable, without leaving therein sufficient goods and chattels whereon such duties then payable could be levied, and that there were not nor are any goods; &c.

of any person liable to the payment of such duties in arrear, or any part thereof, whereby the same could be levied, which oath or affirmation shall be indorsed on such schedule, 43 G.3. c.99. s.44.

55. The collectors shall make a due return, fairly written on paper under their hands to the commissioners, containing the names, surnames, and abodes of every person within their respective collections, from whom they have not been able to collect or receive such duties for any of the above causes, and which have been duly verified on oath of the former, with the particular reason for returning such defaulter, and the sums charged on every such person; and such commissioners, after due examination thereof on such oath or affirmation, shall ascertain the sums which according to the above acts have been discharged from assessment for any cause therein specially allowed, and shall also make out schedules of the sums so discharged, and of those with which the defaulter ought to be charged, and of those which have not been collected by the collector's neglect, and which ought to be re-assessed on the parish, &c. and shall cause the several particulars to be inserted in a schedule fairly written on parchment, under hands and seals of any 2 or more such commissioners, containing the names and surnames of collectors; and the same to be delivered to the receiver-general, to be by him returned into exchequer, that process may issue for recovery thereof; in default of which schedule the receiver-general shall return the parish, &c. *insuper* for all sums not paid to him, and contained in the duplicate of assessment delivered to him, all which sums so returned shall in such case be re-assessed on such parish, &c. and every proper officer therein concerned shall take care from time to time that such process be duly issued and made effectual, so that all sums so in arrear and unpaid may be speedily recovered and paid into exchequer, and any collector who shall not make such return shall forfeit 100*l.*, *id.* s.45.

56. All monies arising from the duties assessed under this act, shall be paid by the particular collectors to the receiver-general or his deputy, appointed under his hand and seal, (whom he is hereby authorized to appoint, and shall be answerable for) at the times appointed for payment thereof, whereof notice is given by the receiver-general to any 2 of the commissioners within their respective districts, within 20 days after their first meeting yearly, and so in like manner after the death or removal of any deputy, and the receipts given by such receiver, (which shall be *gratis*) shall be a discharge to every collector, *id.* s.48.

57. The receivers-general and their deputies may call on and hasten the collectors to make payments of all sums received by them of the duties, and in default thereof, may cause the same to be levied by warrant under hands and seals of any 2 or more of the commissioners on the collectors, by distress and sale of goods for such sum as they ought to have paid, *id.* s.49.

58. But the particular collectors shall not be obliged to travel above 10 miles from their habitations for such payments to the receiver-general, *id.* s.50.

59. A like penalty of 100*l.* is incurred by collectors who gather by a false book, or receive more than is charged in the rate, or who fraudulently alter any rate after the book has been signed or allowed, *id.* s.51.

60. If any collectors refuse to pay the duties received by them, or to deliver their accounts, any 2 or more commissioners in their respective jurisdictions may imprison them, and seize and secure their estate and effects, (whether in their hands, or coming into those of their heirs or executors, &c.) wheresoever found; and the commissioners so levying, &c. shall appoint a meeting of the commissioners, of which they shall give at least 10 days' notice, and in case the collector's accounts are not delivered, or the money detained by him is not paid, the majority of the commissioners present shall sell his estates and effects to satisfy the debt due from him, together with all costs and charges; rendering the overplus, if any, to the person who owned the estate before its sale, *id.* s.52.

61. The receiver-general or his deputy, under his hand, shall deliver a certificate fairly written, to such person as any 2 or more commissioners of the district, or any 3 commissioners for taxes, shall under their hands appoint to attend for that purpose, containing the respective sums paid by the respective collectors for each parish or place in that district; and if such receiver-general or his deputy do not deliver such lists or certificates, he shall forfeit any sum not above 20*l.*, *id.* s.53.

62. The receiver-general shall pay the money so received, as soon after its receipt as convenient, [but see 13 G.3. c.161. s.81. *pl.* 144.] and at such times and in such manner as directed by this act; and if he or his deputy shall pay any part of the monies paid to him by any collector, to any person soever other than into exchequer, and within the times limited by this act, (except the necessary charges of receiving, managing, &c. the same, as hereinafter directed, and except payments made by statute, he shall then for every such offence of himself or deputy forfeit 800*l.*, *id.* s.54.

63. No receiver-general or his representative, (unless his accounts are passed within 2 years) shall return any county or place *insuper* for monies in arrear; but shall be answerable for the same, *id.* s.55. [As to passing Land-tax accounts by receivers-general, see 45 G.3. c.72. s.4.]

64. Every receiver-general who shall return or certify to exchequer any sums of money to be in arrear or unpaid, after the same have been received either by him or his deputies, or who shall cause any person to be set *insuper* in the said court, for any sum of money so received, shall forfeit to every person molested or damaged by such unjust certificate, return, or setting *insuper*, double the damages thereby occasioned, the same to be recovered by action of debt, &c. or information, in which no essoin, &c., nor more than one imparlance shall be allowed, and shall also forfeit to H. M. double the sum so unjustly certified or returned, or set *insuper*, to be recovered as other penalties under this act in s.62., *pl.* 71. 43 G.3. c.99. s.56.

65. Commissioners of taxes shall give notice of the death or removal of any receiver-general to 2 or more acting commissioners of the districts before the time for the next quarterly payment, *id.* s.57.

66. No receiver-general or his agent or servant shall maintain any action against the hundred on account of being robbed on H. M.'s highway of any of the said monies, unless the persons carrying or accompanying the same are 3 at least, to attest the truth of such robbery, *id.* s.58.

67. Every account of the monies of any of the said duties received and paid by any receiver-general, or by his deputy in *Eng.*, which shall be transmitted to the tax-office according to its usage, shall be verified on oath of one of them to the best of his knowledge, which may be administered by any commissioner acting in execution of any of the acts relating to assessed taxes in the district where he shall so act, saving always to the barons and officers of exchequer in *Eng.* and the commissioners of taxes, their power respectively to administer such oaths according to ancient usage, 45 G.3. c.71. s.1.

68. All constables, &c. and other H. M.'s officers, shall respectively assist in execution of this act, and of every act for assessed taxes, and shall obey and execute precepts and warrants to them in that behalf directed by any two or more commissioners, 43 G.3. c.99. s.59.

69. Every person who shall wilfully obstruct any assessor, collector, surveyor or inspector, in due execution of his office or duty, shall for every such offence forfeit 50*l.*, *id.* s.60.

70. The receivers-general, their deputies, surveyors, inspectors, and all other persons employed in executing any acts for granting duties to be assessed under the regulations hereof, shall follow the orders received from any 3 or more commissioners of the treasury, *id.* s.61.

71. One moiety of all pecuniary penalties and forfeitures hereby, or by any of the acts in last *pl.* mentioned, shall, if sued for within 12 calendar months from the time of their being incurred, and in manner herein next mentioned, be to H. M., and the other moiety, with costs, to the informer or person suing within the time aforesaid, except where any penalty shall be directed to be paid to the poor of any parish; and all such penalties may be sued for in the exchequer at Westminster, for offences committed in *Eng.* or *Ber.*, or in the courts of great sessions in *Wa.*, for offences in *Wa.*, by action of debt or information, wherein no essoin, &c., nor more than one imparlance shall be allowed; but the attorney general, in case it appears to his satisfaction that any penalty was incurred without intention of fraud, may stay all further proceedings in such suits, by entering a *non prosequi*, or otherwise, as well with respect to the informer's as H. M.'s shares, *id.* s.62.

72. But any such penalty shall be recoverable in the name of the attorney-general on the part of H. M. by information in exchequer at Westminster; and in default of prosecution within the time limited, no such penalty shall be afterwards recoverable in any other manner; in all which cases, (except where it is directed to be paid to the use of the poor of a parish or place), the whole penalty shall belong to H. M.; and all penalties, and shares of penalties incurred as aforesaid, belonging to H. M., shall be paid into the hands of the proper receiver-general or his deputy, to H. M.'s use, and in all cases where the whole of such pecuniary penalty is recovered for H. M.'s use, the commissioners of taxes may cause such reward as they think fit, not exceeding one moiety, after deducting all charges of recovering the same, to be paid thereout to any informer being entitled thereto, *id.* s.63.

73. Pecuniary penalties not exceeding 20*l.* imposed by any assessed taxes acts, are recoverable before 2 or more commissioners for executing this act; and also the penalties exceeding 20*l.* if directed to be added to the assessments; and such commissioners shall take cognizance of such offences on information or complaint in writing made to them, and on a summons to the accused to appear before them at such time and place as they shall fix, or without such summons, in case the party has been surcharged before them, and has appealed against the same, and shall appear on such appeal before the commissioners, who shall examine into the fact, and determine the same in a summary way, and on proof made thereof, either by confession of the accused, or by oath or affirmation of one or more credible witnesses, or otherwise as the case requires, shall give judgment for the penalty, or for such part thereof to which the same shall be mitigated, it not being in any case less than one moiety, and shall assess the same on the party, and charge it in the

assessment to which the penalty adjudged shall particularly relate, and in addition to the duty, in case the party is charged therewith: and which penalties so adjudged shall be levied in like manner as the said duties, and the informer shall in all such cases, (except where the penalty is to be paid to the poor of any parish or place, in which case the receiver-general shall pay the same either to the churchwardens or overseers, or one of them), be entitled to receive from the receiver-general one moiety of the amount of such penalties, in such shares, where 2 or more of them are concerned, as the commissioners for executing this act shall certify to the commissioners of taxes that they are respectively entitled unto, and the adjudication of the commissioners shall be final, without power of appeal, 43 G. 3. c. 99. s. 64.

74. The proceedings of the commissioners shall not be removeable by any process whatever into any court of law or equity, or be subject to revision, except where a surcharge is made, and a case demanded and stated for the opinion of one of the justices or barons of the superior courts, conformably to any act or acts granting the duties to which such surcharges relate, *id. ibid.*

75. Persons giving false evidence before commissioners, are all liable to the punishments of perjury, *id. s. 65.*

76. Indictments for perjury committed on examination before them, shall be tried in the courts where the deposition shall be exhibited, *id. s. 66.*

77. All duplicates of books of assessments and all other books and papers relative to the duties are declared to be the property of the commissioners of the districts for the time being, and in succession, and shall be deposited in their custody, or that of their clerks, as they at their meetings shall appoint, *id. s. 67.*

78. All persons having in possession any such books or papers relating to the above duties, shall, in one calendar month next after notice in writing, signed by 3 or more commissioners for taxes (a true copy being given to or left at the usual abodes), deliver up all such books and papers, unto such person as the said commissioners shall appoint (whose receipt shall be a good discharge), to be delivered by the latter to the commissioner for executing this act, on penalty of 50*l.* for neglect or refusal to deliver the same to the persons so appointed, *id. s. 68.*

79. Commissioners employed in execution of this or any other assessed tax act, are not liable to the penalties in 25 C. 2. c. 2. by reason of such execution, *id. s. 69.*

80. Every action brought for any thing done in pursuance of any act for granting duties to be assessed under the regulations hereof, shall be commenced within 6 calendar months next after the fact committed, and shall be laid in the county or place where the complaint arose, and no process shall be sued out for commencement of such action, till one calendar month next after notice in writing delivered to, or left at the usual abode of such person, by the attorney or agent for plaintiff; in which notice shall be clearly contained, the cause of action, the name and abode of the plaintiff, and of his attorney, and no evidence shall be given on trial of such action of any cause of action not contained in such notice; and the defendant to whom such notice is delivered, may at any time before expiration of such calendar month, tender amends to the plaintiff or his attorney, and in case they are not accepted, may plead such tender in bar to any action to be brought against him, grounded on such notice, writ, or process; and deft. may plead the general issue, and such tender, and any other plea with leave of the court in bar of such action, giving this act and the special matter in evidence at any trial thereupon; and if the jury shall find for deft. in such action, or if plaintiff is nonsuit, or discontinues after appearance, and if on demurrer judgment is given against him, deft. has treble costs, with like remedy for the same as any deft. hath in any other case to recover costs by law; and every such action brought against any collector appointed under this act, shall be defended by the commissioners acting for the division or place where he is appointed; and the costs attending the same, as also any other action to be brought by or against commissioners or collectors in pursuance hereof, or for any thing done in pursuance of this act, or of any act for granting duties to be assessed hereinafter, shall be defrayed by assessment made on the parish or place for which such collectors have been appointed, in a just proportion to the amount of the duties payable under this act, on the respective persons charged to the same in the assessment to be made next after the time when the said costs shall have been incurred, *id. s. 70.* [in Schedule (A.) is given the form of oath required to be taken by commissioners before acting in their office; in Schedule (B.) that of assessors: they seem unnecessary here.]

81. FOR REPEALING THE SEVERAL DUTIES UNDER THE MANAGEMENT OF THE COMMISSIONERS FOR THE AFFAIRS OF TAXES, 43 G. 3. c. 161. [commencing 5th April 1804, *id. s. 87.* AMD. 48 G. 3. c. 55. CONF. *id. s. 3.* BOTH acts AMD. as to Scot., 52 G. 3. c. 95. See the title.] [ss. 18—22. of 43 G. 3. c. 161. are placed at the end of 48 G. 3. c. 55. Sch. (A.) after 57 G. 3. c. 25. s. 5. as adopted thereby, and ss. 10—15. and s. 17. are for the like reason placed at the end of Sch. (B.) after 57 G. 3. c. 25. s. 4.; that part of s. 79. which is in force is placed with 48 G. 3. c. 55. s. 7.]

The duties in the schedules hereof are REP., 48 G. 3. c. 55. s. 2. and the Schedules with the rules and exemptions therein by 48 G. 3. c. 55. s. 5., 52 G. 3. c. 95. s. 3.]

82. The duties by this act granted in Eng., Wa., and Ber., shall be assessed and collected under the regulations of 43 G. 3. c. 99. and those so granted in Scot. under those of 43 G. 3. c. 150. and every thing in those acts shall be duly observed and put in execution throughout the respective parts of G. B. and Scot. as effectually as if herein repeated, and shall be consolidated herewith, 43 G. 3. c. 161. s. 5.

83. For better execution of this act, and for ordering, levying, and paying the several sums thereby made payable, all the commissioners for executing the land-tax act, 38 G. 3. c. 5. who are respectively qualified to act, and have taken the oaths as directed by 43 G. 3. c. 99. shall be commissioners for this act, in all places soever within Eng., Wa., and Ber. and in all the shires, stewartries, cities, and boroughs in Scot., and the several sums so levied shall be under management of the commissioners for taxes, *id. s. 6.*

84. The sheriffs depute and substitute in Scot. shall by virtue of their offices without other qualification, execute this act, and 43 G. 3. c. 99. as commissioners in their respective shires or stewartries, *id. s. 7.*

85. The assessors and collectors appointed by such commissioners for any parish or place, in pursuance of 43 G. 3. c. 99. shall be the assessors and collectors of the several duties hereby granted, and the latter shall cause notice of their appointments to be given to such persons; and the several commissioners, inspectors, surveyors, assessors, and collectors, are hereby empowered to do all things in relation to the duties hereby granted, which they may respectively do and execute in relation to the duties mentioned in 43 G. 3. c. 99. and shall severally be liable to like penalties for neglect or omission, fraud, or abuse in executing the same, as are thereby inflicted on such officers for the like offences, *id. s. 8.*

86. The inspectors or surveyors authorized to execute 43 G. 3. c. 99. shall respectively have survey and inspection of the duties hereby payable within G. B. as aforesaid, and shall take accounts of the several dwelling houses therein, and of the servants, carriages, horses, mules, and dogs, kept by any person whatever, and of the several persons liable to the other duties in this act, and of the duties chargeable in respect thereof, and shall examine the assessments or certificates thereof made, and execute all things belonging thereto, according to 43 G. 3. c. 99. but no inspector or surveyor shall act as commissioner under this act, *id. s. 9.*

87. Any two or more such commissioners, and any one or more of such surveyors, inspectors, and assessors, or any person authorized by them, or any of them, shall have liberty at all reasonable times to inspect and take copies or extracts from any books of poor rates kept by any parish officers, or of any other public taxes, assessments or contributions under management of the kirk sessions in the respective parts of G. B. in any place within their respective limits; and every person who shall refuse or neglect to permit such inspection or copies to be made or taken, shall forfeit not exceeding 10*l.*, *id. s. 16.*

88. Every assessment of the said duties made in Eng., Wa., and Ber., shall be in force for one whole year, commencing from 5th April, in the year in which it is made, and ending on 5th April then next, and the said duties shall be paid by quarterly instalments on 20th June for the quarter commencing from the 5th April, and ending 5th July; on the 20th Sept. for the quarter commencing from the 5th July, and ending 10th Oct.; and on the 20th Dec., for the quarter commencing from the 10th Oct. and ending on the 10th Jan.; and on the 20th March, for the quarter commencing 5th Jan. and ending 5th April in every year, the first payment thereof to be made on the 20th June 1804; and 2 or more commissioners shall as soon as the assessment is made issue out and deliver to the respective collectors their warrants for levying and collecting the said duties, as they shall become payable, by quarterly instalments as aforesaid; and such part as cannot be so levied and collected may be recoverable as a debt upon record to H. M. with full costs of suit, and all charges, and when so recovered shall be paid to the receiver-general in aid of the parish or place answerable for the same, *id. s. 23.*

89. Every assessment of the said duties in Scot. shall be in force for one whole year, commencing from 24th May in the year in which it is made, and ending on the 24th May next following; and the said duties shall be paid by half-yearly instalments on the days hereinafter mentioned, on or before the 29th Sept. and 25th March in every year; the first payment thereof to be made on or before 29th Sept. 1804; and such payments shall be made by the person charged with duty, his executors or administrators, to the collector of the duties personally, or at his office, who shall, on payment give acquittances, (without taking any thing for such receipt, the stamp duty for the same excepted) [QU. if in force?] unto the several payers, which shall be a full discharge to them against H. M. his heirs and successors; and every person so charged shall, in case of not paying the same on the day on which they are hereby appointed to pay the same, or within 5 days thereafter, forfeit treble the value and extent of the duty with which

they stand charged, to be recovered as such duties may be recovered by 43 G. 3. c. 99., 43 G. 3. c. 161. s. 24.

90. The assessors for every year, within 21 days after the commencement of the respective duties for each year, shall cause general notices to be affixed on the doors of the church or chapel, or market house or cross (if any) of the city, parish, or place for which they shall act; and if there be none, then on the nearest church or chapel door of any adjoining parish, requiring all residents in the said city, &c. who are hereby required so to do, to make out and deliver to their assessors, within 14 days after the date of such notice, such lists or declarations as are herein required; and such general notice so affixed, shall be sufficient notice of the time within which such returns shall be required to be made in each year, to all such residents, &c. and such affixing shall be deemed good service of such notice to all persons within the limits of such city, &c. and the assessors shall replace the notices from time to time (if necessary) during 14 days previous to the time required for delivery of such lists or declarations; and every person wilfully tearing or defacing any such notice so affixed, shall forfeit for every offence not exceeding 50*l.* nor less than 5*l.* *id.* s. 25.

91. Besides such general notices, the respective assessors shall within the periods before mentioned, in every year, give or leave at every dwelling house, where any person liable or supposed to be liable to the several duties, or any of them, shall usually reside within the limits of the places for which such assessors act, one notice for the occupier thereof; and where such dwelling house is let in different apartments, and occupied distinctly by different persons or families, a like notice for the occupier of each distinct story or apartment, provided any person liable or supposed to be liable shall reside there, and also a like notice for every person so liable, then residing in such dwelling house as a lodger or inmate, within the knowledge of such assessor or assessors, requiring them to produce, within 21 days next ensuing the date of such notice, a list or declaration in writing in the form and manner hereinafter required, *id.* s. 26.

92. Every person liable to the said duties shall, in every year subsequent to the respective days appointed for commencement of them, within 6 weeks thereafter, whether any previous notice for that purpose has been delivered or not, cause to be prepared and delivered to the respective assessors, lists of the greatest number of servants or other male persons retained or employed, and of carriages, horses, mules, and dogs kept by such person, or of his having used or exercised the business of an horse-dealer, coachmaker, maker, or seller of carriages by auction, or on commission; or of having worn or used hair powder, or any armorial bearings or ensigns, at any one time in the course of the preceding year ending on the preceding 5th April, which lists shall be prepared as hereby prescribed, and such person shall renew the same in the same manner in every year so long as he shall be liable to any such duties; and such persons shall annually be chargeable to the duties according to such lists, [*sed vide* s. 31. *pl.* 94.] and the assessment shall be for the year in which the returns shall or ought to have been made, 43 G. 3. c. 161. s. 28. [*Hackney-coach keepers* excused from making such returns, 56 G. 3. c. 66. s. 10. *infra*.]

93. If any person shall neglect or refuse to make out, sign, and deliver any such lists within the times herein mentioned, then the assessors shall, from the best information they can obtain, make an assessment upon such person in respect of any of the duties, according to the rates specified in the schedules, and shall include the same in the certificate of the assessment to be delivered to the commissioners as herein directed; and every such assessment made on any such neglect, &c. shall be final on the person thereby charged, without liberty of appeal, unless he shall prove that he was not at his abode at the delivery of such notice, nor between that day and the time limited for delivering such list to the assessor, or unless he prove such other excuse for his default as the commissioners shall think sufficient, *id.* s. 30. [*See also*, 48 G. 3. c. 141. s. 1. No. 3. RULE 2.]

94. Such assessors shall not be bound by the lists delivered in pursuance of s. 28. but if on due examination they find any omission, may make a true assessment on the party of the real charge which ought to be imposed on him, *id.* s. 31.

95. Every occupier in whose dwelling-house or apartment any person liable to the duties by this act made payable, shall reside as a lodger or inmate, shall, for the purpose of making accurate returns, cause the contents of the notice left at his dwelling-house to be read over and made known to each lodger or inmate not having received a like notice, requiring them respectively to declare to such occupier, and attest the return to be made, whether he be liable to, or exempted from either or all of the said duties, or whether he have another place of ordinary residence where he intends to be charged; and every such resident, being thereunto required shall make such declaration, and attest such return to be made on penalty of 50*l.* for refusal: with a like penalty on occupiers of dwelling-houses neglecting to require such declaration, or to insert it in their respective returns to the assessors, *id.* s. 32.

96. Every occupier of any dwelling house or separate apartment who shall not return such list of lodgers or inmates, or shall omit any who ought to be returned thereon, and who to his knowledge has worn hair powder, or used any armorial bearings within the period for which the return should be made, shall be liable to prosecution for the above penalty, and deemed guilty thereupon, whether it appears that the person in question hath or hath not made a return for himself at any other place, or hath or hath not been, or is liable to prosecution for any offence against this act; and the conviction of any such offender shall not exempt the persons omitted or not returned from paying the duty imposed or from prosecution or punishment for any offence against this act; provided that any lodger or inmate residing in any dwelling-house at the time of making such return, who shall have an ordinary place of residence elsewhere, shall be returned as ordinarily residing in such other place, 43 G. 3. c. 161. s. 52.

97. The assessors shall, on receipt of any list containing the name of any lodger or inmate returned liable, give or leave the like notice for every such person to prepare and produce, within the like period, a list or declaration signed as aforesaid; who shall, within 21 days after such notice left, make out and sign a list or declaration as in s. 28. *pl.* 92. directed on penalty of 50*l.* for neglecting to deliver any such list or declaration, *id.* s. 33.

98. Every person having divers places of residence within G. B. or keeping any servants or other male persons herein described, carriages, horses, mules, or dogs, at divers places in G. B., and every person being an inmate or lodger at the time of such notices being given as aforesaid, and having an ordinary residence at some other place, whereat, or at one of which places he ought to be charged, shall be obliged to deliver all such lists at each such place, and shall insert in every such list the name or description of each person, article, and thing for which such person is liable, or which ought to be returned according to the directions of this act; and shall also in every such list specify the particular persons, and number of each description of articles respectively intended to be paid for within the limits of the district, &c. where such list is delivered, and shall also at the same time make his declaration, to be inserted in such list, and signed by him, specifying the particular counties or county, and parish, &c. wherein each such other place of his or her residence is situate, and also the particular counties, &c. or parishes, &c. wherein the said duties, or any part thereof are intended to be paid, *id.* s. 34.

99. If any person having delivered his declaration to pay the said duties in any parish, &c. other than in that where such list is delivered, shall not return a list in such other parish, &c. according to such declaration, in order to his being regularly brought into charge by the assessors for such other parish, &c. he shall forfeit 50*l.*, *id.* s. 35.

100. Every person claiming exemption allowed by this act, by any schedules hereunto annexed, (C. D. E. F. G. H. I. or K.) [*This applies to the corresponding schedules in 48 G. 3. c. 55. see note to pl. 81.*] except the royal family, where they are specially exempt, shall make a due return thereof, and declare the cause of such exemptions, such declarations to be specified in or annexed to the lists by him delivered; and if any dispute arises relative to such exemption, the proof thereof shall lie on the person claiming, who, on any charge or surcharge before such commissioners, or on any suit or prosecution, may allege the same on oath or affirmation, or prove the same by lawful evidence to be produced by him; but no such exemption shall be allowed, unless the same, and the cause thereof, has been so duly returned to the assessor, *id.* s. 36.

101. Every person liable to any of the said duties, in respect whereof a list or declaration ought to be delivered, or coming within any of the exemptions herein contained, who shall neglect to deliver a list or declaration according to this act, in every place where it ought to be delivered, or who shall omit any person, description, or thing which ought to be contained therein, or who shall make an untrue return of any particular therein, shall forfeit 50*l.* above any duty chargeable as aforesaid, *id.* s. 37.

102. The penalty hereby last imposed shall not be sued for in any case where defendant before commencement of suit has been surcharged for the same, and assessed in double the duty, or any proportion thereof, *id.* s. 38.

103. Where any persons shall employ servants, or keep carriages, horses, mules, or dogs, at places where they have no places of residence, and where persons liable to the duties come into or reside in places after the time hereby appointed for returning the above lists, not having been charged therein, or having no fixed residence, the assessors, surveyors, or inspectors for such places in every case within their knowledge respectively, shall deliver or leave the above notices at the house where such persons reside or are, or where such servants, carriages, &c. are kept; and all such persons, and every person having care of such servants, carriages, &c. shall deliver such lists so signed by them respectively, conformably to the above directions, to the assessors, &c. within the respective districts or limits where any such servants, carriages, &c. are kept, or where such persons shall then re-

side or be, within 21 days after delivery of such notices; and shall also deliver to them respectively a declaration where they, or the persons to whom such servants, carriages, &c. do belong, have been assessed for that year to the above duties, together with the usual abode of themselves, or of the persons to whom the servants or carriages, &c. under their care belong, and the names of such persons; or if no such assessment, or no sufficient one has then been made, then where they or the persons to whom such servants, carriages, &c. do belong have delivered their lists, in order to their being so assessed, under penalty of 50*l.* as in s. 32. *pl.* 95.; and every person appearing by such return, or otherwise, not to have been assessed in the full sum to which he is liable, or not to have returned the lists hereby required in order to his being so assessed in some other place in *G. B.*, or who shall not make any such return, may be chargeable to all the duties by this act payable, and for which returns ought to be made, either in the parish or place where such last-mentioned notice is delivered, as if such person actually resided therein, or in the parish, &c. where they ordinarily reside; and every person on whom such notice is served, and who shall remove from such place, without having delivered such list or declaration, shall forfeit 50*l.* 43 *G. S.* c. 161. s. 39.

104. Every person letting to hire any horses so as not to be chargeable to the stamp office duty on horses let to hire, or letting any servants or carriages, shall annually return a list of the greatest number of such servants, carriages, and horses kept by him at any time in the prior year, in like manner, within and for the like period, and under like penalties, as returns of other servants, &c. subject to duties by this act, are directed to be made; which list shall specify the name and abode of the person for whose use or service such servants, &c. have been or are employed, and the number of each let to hire to every such person, and the period of each letting, according to the number of servants, &c. contained in such list; and the duties by this act payable shall be charged on the person letting or hiring such servants, &c. as the case may require, *id.* s. 40.

105. Where any person shall hire any horses, so that the stamp office duty on horses let to hire, shall not be chargeable on such letting; or shall hire or have hired any servants or carriages, then such hirer shall annually return a list of the greatest number of such servants, &c. to the assessors of the parish, &c. where such hirer shall reside or be at the time such return ought to be made, as the case requires in like manner, within and for the like period, and under like penalties as returns of other servants, &c. exempted from the said annual duties by this act are directed to be made; and shall specify the name and abode of the person by whom such servants, &c. are let to hire, and the period of each letting, *id.* s. 41.

106. Where any horses are let to hire so as not to render the person letting the same liable to stamp office duty, or where any servants or carriages are let to hire, and the hirer thereof does not make such return as by this act required, then the duties chargeable in respect thereof for one year may be charged on and paid by the person hiring, by surcharge of the assessor, &c. above the penalty incurred for any neglect or omission as aforesaid, unless the person letting the same has been charged for the same servants, &c. respectively; and if any dispute arises whether the person so letting to hire any servants, &c. has been charged for the same, the proof thereof shall be on the hirer of such servants, &c. so surcharged, who, on such surcharge, may allege the same on oath, or solemn affirmation, or prove it by lawful evidence to be produced by him; provided that the hirer shall not be exempted, unless the exemption, and its cause, have been duly returned to the assessors as aforesaid; and where the duties are chargeable on the hirer of such servants, &c. so defaulting as above, the progressive duties made payable thereon, by *Sched.* (C. D. and E.) respectively, shall be charged, *id.* s. 42. [This applies to the corresponding schedules in 48 *G. S.* c. 55. see *pl.* 81.]

107. Every inhabitant householder of any lodging house, in which any lodger shall reside, liable to any of the above duties, of which lists are hereby required to be delivered, shall enter in a book an account of every person so liable; and every livery-stable keeper, or other person receiving any horses or carriages to stand at livery, or delivered to him to be kept, shall also enter in a book an account of every carriage or horse so standing at livery, or delivered to be kept by him; and every person letting horses to hire so as not to be chargeable to any duty thereon, or letting any servants or carriages, shall also enter in a book an account of such horses, servants, &c. the number thereof, and periods of each letting, the names of such servants, and descriptions of such carriages; and every horse-dealer shall also enter in a book the number of horses kept by him, whether for sale or use, distinguishing the number kept for sale, and that for use, and to what duty the same are liable; and every such coachmaker or maker of carriages, shall also enter in a book the number and kinds of carriages by him constructed for sale, distinguishing the number of wheels of each, the number sold, the names, abodes of the purchasers, and the days on

which each carriage was sent out of his shop, and every seller of carriages by auction or on commission as aforesaid, shall also enter in a book the number and kinds of carriages sold by him, distinguishing the number of wheels of each, and the days on which they were sold; all which books shall, at all reasonable times in the daytime, be open to inspection by the assessor, &c. of the place where such person resides, and every person hereby required to keep such accounts, shall, if in *Eng. Ws.* and *Ber.*, within 20 days after 5th July and 10th Oct. 1804, and within 20 days after 5th Jan. and 5th April, 5th July, and 10th Oct. in every subsequent year, and if in *Scot.* within 20 days after 29th Sept. and 25th March yearly, deliver a true copy in writing of every entry made in such books within the preceding quarter, containing the several things before directed, to the assessors of the parish or place where he resides, for use of the surveyor, or inspector; or to such surveyor, &c. and when required so to do by such surveyor, &c. every such person, or his chief servant, workman, or manager, shall make oath, (or, being a quaker,) affirmation of the truth of such account, to the best of his belief, and every such copy shall express the Christian and surname of every person required to be entered therein, and the place of his usual residence; and any such person neglecting to keep such account, or to deliver such copy thereof, or wilfully omitting any description which ought to be contained therein, shall forfeit 50*l.* 43 *G. S.* c. 161. s. 43.

108. The commissioners for taxes shall cause to be prepared and issued to every person applying for the same, and leaving his name and abode in writing at the tax-office, or with any surveyor of the duties for the district where the applicant resides, proper forms for entering the accounts by s. 43. required to be kept; and every such account shall, at the end of each year (all such entries as aforesaid being required to be first duly made) be signed by the party with his own proper name, in his usual manner of writing or signing the same, and returned to the assessor of the place where the party resides, for use of the surveyor or inspector as above, or to such surveyor, &c. as the commissioners direct, at the times in last *pl.* required; and in default of such application, the party shall be obliged to provide proper forms for the purpose, and shall cause such entries to be duly made therein, the same to be signed and delivered to the assessor, surveyor, &c. in like manner as above directed, and every person neglecting to deliver such accounts duly filled up and signed, within the times so limited for making such returns, shall forfeit 50*l.* 43 *G. S.* c. 141 s. 44.

109. The assessor, surveyor, &c. to whom such account is delivered by any maker, or seller of carriages as above, shall forthwith return to the respective commissioners a certificate of the number of carriages constructed or sold within the period of such account, and the duty chargeable on them, which commissioners shall cause an assessment to be made on the amount contained in each certificate, and added to the assessment of the other duties charged in the same parish or place, causing the same to be inserted in the collector's duplicate, who shall demand, receive, and collect the same, at the same times and under same warrant as the other duties are paid to such collector, *id.* s. 45.

110. Every gatekeeper of or on any turnpike road, by whom any certificate is filed of any horses let to hire, so as not to subject the hirer thereof to any stamp office duty payable by the laws then in force, and every farmer of the latter duty, to whom such certificate is delivered by such gatekeeper, according to the laws then in force, shall at all reasonable times permit the surveyors, &c. of the duties hereby made payable, to inspect such certificates gratis, and to take such copies or extracts thereof, as they think necessary for securing payment of the duties; and every person wilfully refusing to permit such inspection, or copy to be taken, shall forfeit 100*l.* *id.* s. 46.

111. The name and abode of every person licensed to let post horses by the commissioners of stamps, shall annually be transmitted by them to the tax office, whenever the duties are not let to farm, or otherwise by the farmers and collectors thereof, *id.* s. 47.

112. Every person having divers places in *G. B.*, whereat he shall exercise the business of a horse-dealer, and being desirous of paying the said duties at one of such places, such places not being within different limits, as in schedule (H), subjecting him to different duties, shall be obliged to deliver a declaration at each place, declaring therein the particular county, parish or place, where he intends or ought to be charged for the said duty, to enable the assessor at such place to charge the same accordingly, on pain that every offender in any of the above particulars shall be chargeable at either place, and for neglect in making such return, shall forfeit 20*l.*; provided that every person exercising the said trade in *London, Westminster*, their liberties, or in *St. Mary-le-Bone* and *St. Pancras*, in *Middlesex*, the weekly bills of mortality or *Southwark*, shall pay the duties in respect thereof in each place where such business is carried on within the last-mentioned limits, and not elsewhere, *id.* s. 48. [see as to *Schedule (H.)* the note to *pl.* 81.]

113. The commissioners of taxes may cause such lists of names and abodes of persons having made returns in pursuance of this act, or of persons charged to the duties by this act payable, to be made out for

inspection by any persons who shall make application to inspect the same, as to them seems necessary for better execution of this act, and may authorize copies of such lists to be made out, in such manner by the several inspectors, surveyors, and officers employed under them, and at such times as to the commissioners seem fit, all which lists and copies, signed by any inspector, &c. authorized by the commissioners, shall be evidence in all courts, and before all persons acting in execution of this act, and for which copies 1s. only, may be taken for the return of each person contained therein, 43 G. 3. c. 161. s. 49.

114. The commissioners of taxes, under direction of treasury, may, from time to time, publish in the several counties, divisions, &c. and places, lists containing the names of persons charged to the duties, in such manner as they shall direct; and every person wilfully tearing, defacing or removing any such list from any church or chapel door, or market cross, whereon it is affixed, shall forfeit 5*l.*, *id.* s. 50.

115. Every person assessed under this act, who shall remove out of the limits of the collectors charged to collect the duties, without first paying all those then due, and without leaving within such limits sufficient goods whereon the arrears may be levied, shall forfeit besides the said duties, the sum of 20*l.*, *id.* s. 51.

116. Every person chargeable as above, who, by changing residence, or other fraud, shall escape taxation, and not be charged, which is proved before any 2 or more commissioners acting in execution of this act, where such person resides, within one year next after such charge ought to have been made, shall be charged in his assessment at *treble* the duties he should have been charged; the same, on non-payment, to be levied on his goods, lands, and hereditaments, *id.* s. 53.

117. Where any person, chargeable with the above duties, is under 21, or shall die, the parents and guardians of such infants, and the executors and administrators of the persons so dying shall be liable to and charged with the payments due from such infants, and persons so dying; and if such parents, &c. or executors, &c., shall not so pay as above, they may be proceeded against in like manner as other defaulters; and all parents, &c. making such payment as aforesaid, shall be allowed all sums paid for such infants, in their accounts; and all executors, &c. may deduct such payments out of the assets and effects of deceased, *id.* s. 54.

118. Where, in the assessment of any parish, ward, or place, under the rules in *Sch.* (A), or (B), (*see note to p. 8.*) the said duties shall be charged on the landlord, or owner of any dwelling-house let in different apartments, stories, tenements, lodgings, lands, or landings, and not on the respective occupiers thereof, and the landlord shall not reside in such parish or place, or shall not have sufficient goods therein whereon the duties may be levied, and shall not have paid the same, the collector may then demand the same of the tenant, or occupier thereof, and on non-payment may levy the same on his goods, &c. by distress and sale as if the same were charged on such tenant, &c.; and the latter shall pay the sums so assessed, and deduct out of the rent of such apartments, &c. such payments as the landlord has been charged with; and the latter, both mediate and immediate, shall allow such payments on receipt of the residue of the rent, and shall be acquitted of so much money as the said assessments shall amount to, as if the same had actually been paid unto such landlord, *id.* s. 55.

119. In *Eng.*, *Wa.*, or *Ber.*, the ward, parish, or place in which any such assessment is made, shall be answerable for the amount of the duties charged in such ward, &c., and for the same being duly demanded of the respective persons charged therewith, within 10 days after the same are payable by this act by the collector of such ward, &c., and also for such collector or his executors, &c., duly paying the sums received by such collector to the receiver-general according to this act, and to 43 G. 3. c. 99: and every arrear of such duties arising from the above default, or by failure of any collector for which any ward, &c. is answerable, shall be re-assessed upon such ward, &c. as soon after such default is discovered as convenient, and shall respectively be charged on the amount of the assessment made for the same duties in the year commencing from 5*th* April preceding such re-assessment, by duly apportioning such arrear among the several persons assessed in that year to the same duties respectively on which such arrear has accrued, according to each person's assessment, as nearly as the case admits, and by the like rules and powers of levying the same, by which the original assessment of the same duties was made, *id.* s. 56.

120. In case the duties assessed in *Scot.* are not paid to the receiver-general by any failure of the collector, either in performance of his duty, or in not paying over the monies received by him according to the said acts, and if any deficiency remains after diligence used against such collector, or his sureties, or in case of death, against his executors or administrators, then the commissioners for executing this act for the shire, stewartry, city, or borough in *Scot.*, where such failure has happened, shall cause the deficient sum to be re-assessed on the persons subjected to payment of the like duties in the year when the re-assessment is made, by duly apportioning the amount amongst them accord-

ing to each person's assessment as near as the case will admit, and by the like rules and powers of levying the same by which the original assessments were made, 43 G. 3. c. 161. s. 57.

121. No person shall be assessed to rate or contribution to the poor, or to the highway duty, or commutation of statute labour, in respect of any duties payable by this act, but such owners and occupiers shall continue rateable to the said rates, &c. as before this act, *id.* s. 58.

122. The payment of any of the above duties by any person, in any parish or place, shall not entitle the payer to a settlement therein, *id.* s. 59.

123. Every assessor, inspector, and surveyor, may, at seasonable times, taking to his assistance when necessary, a constable, headborough, tythingman, or other parish peace officer, may examine each dwelling-house, to ascertain the number of windows or lights therein, and their dimensions, and the annual rent at which it ought to be charged; and for so doing may pass through any house, and go into any court, or premises thereto belonging, and externally inspect the windows, &c. therein, and measure such windows externally, that cannot be conveniently seen, numbered, or measured, without passing through such house; and may also make like inspection twice a year; and in case of dispute touching the dimensions of any window, &c., the proof shall lie on the occupier, who shall cause the same to be duly admeasured at his proper costs, and verified before 2 or more such commissioners, on the oath or affirmation of the person admeasuring the same, *id.* s. 60.

124. Where any dwelling-house is divided into distinct tenements, requiring each to be separately assessed, every assessor, &c. shall take an account of the number of windows in each tenement, and for that purpose may enter the same, and view, number, and measure such windows therein, as well internally as externally, *id.* s. 61.

125. The respective assessors under this act, shall bring in their certificates of assessments in writing under their hands, within the time limited by 43 G. 3. c. 99., to be verified as therein directed, of every dwelling-house, inhabited or uninhabited, within the limits of those places for which they are to act, and of the number of windows or lights in each house, and the full and just yearly rent which every such house, with the offices and premises hereby charged, is really worth, estimated according to this act, together with the names and surnames of the several occupiers or inhabitants of each house, and also the greatest number of male servants, or carriages, horses, mules, and dogs, kept or used, within the preceding year, for which the persons retaining, keeping, or using the same, ought to be assessed to any of the duties hereby made payable for the current year, within the limits of those places for which they act, and the names and surnames of such several persons, and of all persons within such limits liable to the duties, in respect of their trades of horse-dealers, or makers or sellers of carriages by auction, or on commission, or of hair powder, or any armorial bearings or ensigns worn or used by them, and of the several sums they respectively ought to pay by virtue hereof, in each case respectively, without concealment or favour; and also the names and surnames of those who have claimed exemptions, and the causes thereof, under the penalty in 43 G. 3. c. 99. observing the regulations of that act as to the time of bringing in such certificates, *id.* s. 62.

126. The surveyors or inspectors appointed as herein mentioned, shall inspect and examine all the returns made by any persons according to this act, and also all the assessments made for any parish or place, as well before as after the commissioners have signed and allowed the said assessments, and before such allowance, may correct and amend the same, if they shall see fit; and every person in whose custody any such lists or assessments are, shall, on request of any such surveyor or inspector, deliver the same into his custody for the purposes of this act, taking his receipt for the same; and he shall produce the same on request of such surveyor, &c., who shall take charge of the same, till he has taken such copies of or extracts therefrom, as may be necessary for his and their better information; and if any surveyor or inspector shall, after any such lists or assessments are so respectively made out, signed, and allowed, find that any person who ought to be charged with any of the said duties, hath been omitted to be charged, or hath been under-rated, or that any person liable to the said duties, in respect of which such lists or declarations ought to have been delivered, hath not made the return by this act required, or hath omitted any person or thing, which ought to have been returned, so that he shall not have been charged to the amount which ought to be paid by him, or that any exemption has been claimed which is not hereby allowed, then the said surveyor, &c. shall certify the same in writing under his hand, with an account of every default and omission, with the name or description of the person or thing not returned or omitted, to the best of his knowledge and belief, and the full amount of the duty which ought to be paid by way of surcharge to any 2 or more commissioners for this act, in order to have the same rectified in the said assessment; and such commissioners, on delivery of any such certificate, and on oath being first made that the notice hereinafter directed was given to, or left in

writing at the dwelling-house or other abode of the person so surcharged, shall sign and allow the surcharges, and cause the assessments to be rectified, and the duties to be levied accordingly; and the inspectors, &c. shall give to every person so surcharged, or leave at his last or usual abode, notice in writing of such surcharge, and of the amount charged by virtue of such certificate; which surcharges the said inspectors, &c. may make from time to time, and at such times as directed by 43 G.3. c.99.; and such surcharges shall be made in the full amount of duty which ought to be charged by virtue of such certificate, in respect of the duties in *sch.* (A) and (B), and in double the duty which ought to be charged by virtue of such certificate, in respect of any of the duties contained in the other schedules hereto annexed, 43 G.3. c.161. s.63.

127. No assessment or surcharge made by any assessor, &c. by virtue of this act, shall be impeached by reason of any mistake or variance in the christian or surname of any person liable to any of the duties, or of any servant or other male person herein described, or in the description of their employments, of any carriage, horse, mule, or dog, as hereby required, or of the amount of the duty surcharged, whether such mistake or variance appears in the notice and certificate to be delivered or made in such case, or in either of them; but all such assessments, &c. shall be valid, notwithstanding such mistake, &c.; provided the notice of surcharge is delivered to, or left at the abode of the person intended to be so surcharged, according to this act; and the person intended to be described is liable to the said duties, or is a servant of or otherwise employed by the person so surcharged, or the carriage, &c. intended to be described, shall belong to, or the duty intended to be described, shall be chargeable on such person, *id.* s.64.

128. Any person to whom such notice of surcharge is given, on occasion of his neglect to make the return required at any time previous to that appointed for hearing appeals next after delivery of such notice, shall make out and deliver to the surveyor or inspector who has delivered the notice of surcharge, a true and complete list or declaration in the forms hereby directed, and as the case requires, so that he may from such last-mentioned lists or declarations so delivered, be charged to the said duties the full sum at which he ought to be hereby charged; but to every such list or declaration, shall be annexed an affidavit in writing, as in s.66. next *pl.*, and if the surveyor or inspector is satisfied therewith, he shall certify such return and affidavit to 2 or more commissioners, with the amount of the duty to be charged, who shall cause the assessment to be made according to such certificate, and the same rate of duty, as in the schedules [the single duty see s.67.] to be charged on the person making such return without further delay; but if on examination of such list, declaration, or affidavit, the surveyor, &c. shall see just cause to object thereto, he shall thereupon certify such return and affidavit, with the cause of his objection, to 2 or more commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate, in double the amount of the duty at which such person is surcharged; and from which no abatement shall be made, unless on appeal as hereinafter directed, of which certificate, notice shall be given by the surveyor to the person to be charged thereby, *id.* s.65.

129. Every such affidavit shall declare in substance, as follows, *viz.*

That the deponent was not at his or her dwelling-house or other abode, at the time appointed for the fixing or delivery of general or other notice, for making a return as required by this act, nor between that day and the time limited for making such return to the assessor, and that he or she had not any such notice; or, that he or she was disabled by sickness from making such return; or that the non-delivery of such return was occasioned by the following unavoidable mistake or accident, without any intention to defraud the revenue; *viz.* [here set forth the cause of such default] and that the return annexed to this affidavit is a full, perfect, and complete return of all matters and things required of the said deponent by this act, to the best of his or her judgment. Which affidavit may be taken before any commissioner acting for the place where the surcharge is made, or the party surcharged resides, and shall be signed by the party making it, *id.* s.66.

130. Any person to whom such notice of surcharge shall be given on occasion of his having omitted in the return made any person or description, or any article or thing contained therein, or of having claimed any exemption not allowed by this act, may amend such return, by delivering a new return according to the directions before given, annexing an affidavit to the effect hereinafter mentioned; and the surveyor, &c. may certify his satisfaction therewith, or objection thereto, as in s.65. *pl.* 128., according to which certificate the party surcharged shall be assessed in the single duty to the full amount, or in the double duty on the amount of the duty so surcharged, as the case requires, subject to like power of appeal from the double duty, and to the like proceedings, before given and directed, *id.* s.67.

131. Every such affidavit shall declare the cause of each omission, or claim of exemption, as well to matter of law as fact, whether the deponent persists in such omission or claim, or not, and also, that the return annexed to this affidavit is a full and complete return of all things

required of the said deponent by this act, to the best of his judgment and belief, and that such omission or claim was not made with intention to defraud the revenue, which last-mentioned affidavit shall be made and signed as before directed, 43 G.3. c.161. s.68.

132. But an appeal may be made from any such assessment or surcharge, and heard and determined under the regulations of 43 G.3. c.99. and may be made as therein mentioned, and also in the case in s.70. of this act mentioned, *id.* s.69.

133. Every person who thinks himself overcharged or over-rated by any certificate of any inspector or surveyor, or by any assessment made in pursuance thereof, may appeal to the commissioners as they may appeal from any original assessment or surcharge by 43 G.3. c.99. [see *pl.* 35—40.] and on the hearing of such appeal, or the appeal against any original assessment or surcharge, the appellant shall in all cases where a list or declaration shall or ought to have been delivered by him to the assessor, produce before the commissioners a complete list and declaration, as the case requires, and verify the same on oath or affirmation, *id.* s.70.

134. On every surcharge confirmed by the commissioners on appeal, according to 43 G.3. c.99., and on every surcharge allowed by them on certificate of the surveyor or inspector, as hereby directed (except where sufficient returns, on affidavit, have been supplied as aforesaid) the assessments shall be made in the double duty prescribed in the schedules by this act provided, [R&R. see *pl.* 81, but see note to that *pl.*] to be added to the assessment, and inserted in the duplicates of the collectors, and collected and levied therewith, and paid to the receiver-general; but on every such appeal, if the commissioners are of opinion that there was any just cause of controversy on the part of the appellant, and that the alleged default or claim was not wilfully made, and with intention to defraud the revenue, they, (although they have confirmed or allowed the surcharge,) at the same time may remit and strike off any part of the double duty, not exceeding one moiety of the charge above the rates of duty prescribed by the schedules; and the assessor, &c. so making such surcharge, shall receive for his own use, from the receiver-general to whom the duties shall be paid, the overplus of the sum so charged above the said rates of duty, which overplus any 2 commissioners for this act, who have confirmed such surcharge, shall, at the same meeting, certify under their hands to the commissioners of taxes, whose certificate shall be a warrant to the receiver-general to pay the same, *id.* s.71.

135. If any inspector or surveyor wilfully makes any false or vexatious surcharge, or wilfully delivers to the commissioners for executing this act any false and vexatious certificate of charge, he shall forfeit to the party grieved, not exceeding 50*l.*, to be recovered by action of debt or information, in any court of record at Westminster, for offences committed in Eng. and in great sessions for offences in Wa., and in courts of session or exchequer for offences in Scot., with full costs; but nothing hereinbefore contained, nor any suit by the party grieved, in pursuance hereof, shall affect or defeat any action or information brought against any surveyor or inspector, in pursuance of 43 G.3. c.99., for any corrupt, vexatious, or illegal practices in execution of his office; and the judge before whom such inspector or surveyor have been convicted of such offence, by indorsement on the *postea*, or the court before whom such person is convicted, may mitigate the penalty at discretion, *id.* s.72.

136. All assessors, surveyors, inspectors, or appellants, dissatisfied with the determination of the commissioners, may require them to state specially, and to sign the case on which the question arose, together with the determination thereon, which case they, or the major part of them then present, shall state, and sign accordingly, and shall cause the same to be delivered to the party making such request as aforesaid, to be by him transmitted, if in Eng. Wa., or Ber. to one of the justices of K. B. or C. P., or to a baron of exchequer, and if in Scot. to one of the lords of session or barons of exchequer in Scot.; and if his opinion is in support of any surcharge, the assessment is made in the double duty, or is mitigated as determined on the appeal; but the instalment on the assessments, as allowed by the commissioners, shall become due precedent to the opinion of the judge being certified by him, and shall be collected and levied as if no such case had been transmitted, *id.* s.73.

137. On proof given to the commissioners of taxes, of the payment of any assessment which shall or ought to be reversed according to such opinion of a judge so obtained and certified, they shall direct the proper receiver-general to repay out of any money in his hands the amount overpaid, 45 G.3. c.72. s.3.

138. If, according to the opinion of any such judge to whom any case shall, at request of the appellant, be transmitted in pursuance of this act, the charge or surcharge shall be confirmed, the person so charged or surcharged shall, for the costs attending the same, pay to H. M. 40*s.*, in addition to the assessment or surcharge so confirmed, which costs shall be added to, and levied and collected with such assessment, and as part of the duties so assessed, 45 G.3. c.161. s.74.

139. Whenever any case so to be transmitted to any judge for his opinion thereon, in the manner hereby directed, has been obtained by any inspector, surveyor, or assessor, by reason of any surcharge, or any certificate not being allowed by the commissioners for executing this act, and the same is not returned within the time hereby limited for delivering the duplicates to the receivers-general, and H.M.'s remembrancer, whereby the passing the accounts of the receivers-general may be impeded, the commissioners may cause to be made out the duplicates of the several assessments required to be delivered to the receivers-general, and to H.M.'s remembrancer, exclusive of the sums so depending, that there may be no delay in paying into exchequer, the sums assessed and fully charged; and on the return of such opinion, whenever it happens, they shall cause separate assessments to be made out, including therein the names of the party in the case so transmitted, and the amount of the sums wherewith he ought to be charged, according to such opinion; and the sums so assessed shall be levied as any assessments may be levied, and paid to the respective receivers-general; and shall also cause true supplemental duplicates of all such separate assessments to be made out as soon as convenient, and delivered to the receivers-general, and also transmitted to H.M.'s remembrancer's office, for which supplemental duplicates, the proper officers shall give acquittances *gratis*, so as every of them may be duly charged to answer all their respective collections and receipts, 43 G.3. c.161. s.75.

140. If any person assessed under this act in one parish or district to any of the said duties, shall be again assessed in another on the same account, the commissioners for this act within such latter parish, &c. or the majority present, on any application for the purpose, shall alter any assessment of such person so assessed twice, on proof thereof before them, by oath or affirmation of the party, or some credible witness, that the several assessments are for the same cause, and on the same account, and by production of either a copy or certificate of the first assessment, signed by 2 or more commissioners of the district for which such first assessment has been made, to be verified on oath or affirmation as aforesaid, which copy or certificate the clerk of the commissioners shall deliver *gratis* to the party requiring it: or in default of such copy or certificate, proof thereof shall be made by other evidence on oath or affirmation, to satisfaction of the commissioners present, or their majority; and every person who shall, by any fraudulent contrivance whatever, procure any assessment to be altered, with intent to defraud H.M. of the duties, or any part thereof, shall, for every offence, forfeit 50*l.*, *id.* s.76.

141. No letters patent, exemptions from taxes, assessments, or aids, shall exempt any person or corporation from the duties; and all *non-obstante's* in such letters patent made in bar hereof are void, *id.* s.77.

142. Out of the monies arising from the duties, any 3 or more commissioners of treasury, or the high treasurer, may settle and appoint such salaries for the service of the surveyors, inspectors, and other officers employed in executing this act, and otherwise in relation thereto, and may discharge such incidental charges and expenses as shall necessarily attend the execution thereof, as they shall respectively think reasonable, *id.* s.78.

143. All pecuniary penalties and forfeitures imposed by this act, shall and may be recovered and applied as in 43 G.3. c.99. directed, in regard to the penalties thereby imposed, *id.* s.80.

144. The collectors in *Eng., Wa., and Ber.*, shall pay the whole sums received by them under this act [quarterly, *scnb. altered by* 48 G.3. c.141. No. V. *Rule 1st. post*, 1520. to] half-yearly, to the respective receivers-general or their deputies, within [20, *scnb. altered to*] 3 days after the days appointed for payment thereof, at the places appointed by such receivers-general; who shall cause the same to be paid into exchequer at *Westminster*, before the end of the quarter in which it is received, according to 43 G.3. c.99. s.54. *pl.62.*; and in *Scot.* the same shall be paid half-yearly to the receiver-general at *Edinburgh*, *viz.* on or before the 25th *Dec.*, for the first half-year's instalment of the said duties, and on or before the 24th *June* for the last half-year's instalment of the said duties in every year; and the receiver-general shall, within 40 days after the respective days, pay the same into exchequer, according to that act, *id.* s.81. [*and see* 1516, No. III. *Rule 3d.*]

145. All the above duties shall be carried to the consolidated fund, and entered in a book separate from all other monies payable to H.M., *id.* s.82.

146. The monies arising from the duties contained in the same schedule shall be paid into exchequer in one sum, and the account thereof there kept in one sum; and the monies arising from each schedule, marked (A., B., C., D., E., F., G., H., I., and K.), shall be so paid, separate and distinct from each other; and separate accounts shall be there kept of the same, *id.* s.83.

147. Every action brought against any person for any thing done in pursuance of this act, or any act for granting duties to be assessed under the regulations of this act, shall be commenced within 6 calen-

dar months next after the fact committed and laid in the county or place where the cause of complaint arose, and not elsewhere; and no process shall be sued out for commencement of such action or suit, till one calendar month next after notice in writing delivered to or left at the usual abode of such person, by the attorney, for the intended plaintiffs, in which notice shall be explicitly contained the cause of action, the name and abode of the intended plaintiffs, and of his attorney, and no evidence shall be given on trial of such action or suit of any cause of action, but that contained in such notice; and the intended defendants to whom such notice has been delivered, may at any time before expiration of such calendar month tender amends to the intended plaintiff or his attorney; and in case they are not accepted, may plead such tender in bar to any action to be brought against them, grounded on such notice, &c.; and the defendants in every such action, may plead the general issue, and also such tender, and any other plea, with leave of the court in bar of such action; and may give this act and the special matter in evidence at any trial thereon; and if the jury find for defendant in any such action, or if plaintiff is nonsuited, or discontinues his action after appearance; and if, on demurrer, judgment is given against him, defendant shall have treble costs; and every such action brought against any collector appointed under this act, shall be defended by the commissioners acting for the division or place where he has been appointed, and the costs attending that, as also every other action brought by or against commissioners or collectors in pursuance hereof, or for any thing done in pursuance of the above acts, for granting duties to be assessed under the regulations hereof, shall be defrayed by an assessment made on the parish or place for which such collector has been appointed, in a just proportion to the amount of the duties payable on the respective persons charged to the same in the assessment to be made next after the time when the said costs shall have been incurred, *id.* s.86.

148. FOR REPEALING THE DUTIES OF ASSESSED TAXES, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the commissioners for the affairs of taxes, 48 G.3. c.55., [*AMD., &c. by* 50 G.3. c.104., 51 G.3. c.72., (both which acts are *AMD. as to Scot. by* 52 G.3. c.95.), also by 52 G.3. c.95. (*see that act s.2.*) 54 G.3. c.141., 56 G.3. c.66., 57 G.3. cc.25. 128., 58 G.3. cc.16. 17., 59 G.3. c.13. [*s.2. of which is CONF. 1 & 2 G.4. c.113. s.37.*] and *id.* c.118.; *REGULATED as to s.7., (in part) by* 43 G.3. c.161. s.79.; as to *Sched. (A.) by id. ss.18—22.; Sched. (B.) by same act, ss.10—15. and s.17., (see ante, pl.81.) and scmb. as to exemptions from game certificate duties in Sched. (L.); by* 44 G.3. c.98. *Sched. (A.); REP. as to duties on husbandry horses by* 1 & 2 G.4. c.110. s.1.]

149. From 5th April 1808, in *Eng., Wa., and Ber.*, and after *Whitsun-tern* 1808, in *Scot.* instead of the duties in 43 G.3. c.161., 45 G.3. c.13. and 46 G.3. c.78. contained, and in s.2. hereof repealed, and for making such permanent increase as aforesaid, there shall be assessed, levied, and paid to and for the use of H.M., his heirs and successors, on houses, windows, and lights, as in *sched. (A.)*; on inhabited houses as in *sched. (B.)*; on all male servants and other male persons employed by any person in any of the several capacities mentioned in *sched. (C.)*; on all carriages of any of the descriptions mentioned in *sched. (D.)*; on all horses, mares, and geldings, kept for any of the purposes in *sched. (E.)*; and on all other horses, &c. not before charged, and on mules, as in *sched. (F.)*; on all dogs of any of the descriptions mentioned in *sched. (G.)*; on all horse-dealers residing within the respective limits described in *sched. (H.)*; and on all persons in respect of wearing or using hair powder, or any armorial bearings or ensigns, as in *sched. (I.) and (K.)*, the several new and consolidated duties respectively set forth in the several *schedules* respectively marked as above; which several *schedules*, and duties, and rules therein respectively mentioned, shall be deemed and construed a part of this act, as if incorporated therewith, and under a special enactment, 48 G.3. c.55. s.1. [*Additional duties in schedules (C., D., E., F., G., H., and L.), granted by* 52 G.3. c.95. s.1.]

150. The duties contained in the several *schedules* annexed to 43 G.3. c.161., 45 G.3. c.13. and 46 G.3. c.78., shall, at the respective periods appointed by s.1. for commencement of the duties granted by this act, severally cease; except the several powers, penalties, and things contained in 43 G.3. c.161., for ascertaining, assessing, levying, paying, and accounting for the said duties, which powers, &c. are hereby respectively continued in full force for ascertaining, &c. the duties granted by this act; and also except all arrears of the former duties, 48 G.3. c.55. s.2.

151. The duties granted by 48 G.3. c.55. and 50 G.3. c.104., shall be consolidated with those granted by this act on the same articles respectively; and after the respective periods mentioned in this act, or in the said several *schedules*, for commencement of the said duties respectively, the several duties granted by those acts, and this act, shall be assessed, levied, and paid in one sum, as described in the several

schedules hereto annexed, and the rules therein mentioned; which several *schedules*, duties, and rules, shall be construed as part of this act, 52 G.3. c. 93. s. 2.

152. From 30th June 1808, the duties granted by 44 G.3. c. 39. shall cease, except in cases of arrears of duties by that act granted, and on that day remaining unpaid, 48 G.3. c. 55. s. 3.

153. In lieu of the duties hereby repealed, there shall be annually assessed and paid, to and for the use of H. M., his heirs and successors, on every person who shall, after 30th June 1808, use any dog, gun or net, or other engine, for any of the purposes mentioned in *Sched. (L.)*, the respective duties therein respectively mentioned, *id.* s. 4.

154. The said consolidated and new duties shall be assessed, paid, and accounted for under the regulations of 43 G.3. c. 99., 43 G.3. cc. 150. 161., 45 G.3. cc. 5. 71. 95., 46 G.3. c. 84. [which last is now REP. by 56 G.3. c. 66. s. 11.]; and shall be construed in such manner and to the like effect, in all respects, as if the duties hereby granted in the respective *schedules* were expressly granted under the several provisions, allowances, and penalties in these acts contained, and as if the latter were expressly enacted in this act; and that from the respective periods herein before prescribed for commencement of the said duties, the *schedules* to this act annexed shall be used, in ascertaining and charging the several rates of duty, in lieu of those for the like purposes contained in any of the above acts, which last-mentioned *schedules*, and the rules and exemptions therein, shall from thenceforth respectively cease; and all the powers, rules, penalties, &c. contained in such acts respectively, so far as they are respectively applicable to the duties granted by this act, except where other provisions are made herein, shall severally and respectively, in execution hereof, be duly put in execution throughout the respective parts of G. B., as fully as if they were re-enacted in this act, *id.* s. 5.

155. The said new and consolidated duties shall be assessed, paid, and accounted for under the regulations of this act and of the several acts in force at and immediately before its passing in relation to the duties granted by 48 G.3. c. 55. and 50 G.3. c. 104. or of any act passed in the present session; and this act shall be construed to the like effect, in all respects, as if the duties hereby granted and mentioned in the respective *schedules* hereto annexed were expressly granted, subject to the several provisions, allowances, and penalties in the said several acts contained; and from the respective periods in the said *schedules* prescribed for commencement of the said duties, the *schedules* to this act annexed shall be used in ascertaining and charging the several rates of duty, in lieu of the several *schedules* for the like purposes contained in any of the said acts before mentioned, which last mentioned *schedules*, and the rules and exemptions therein contained, shall from thenceforth respectively cease; and all the powers, rules, penalties, and things contained in such acts respectively, so far as they are respectively applicable to the duties granted by this act, except where other provisions are made herein, shall severally and respectively, in execution hereof, be duly observed, practised, and put in execution throughout the respective parts of G. B., as fully and effectually, as if the same were respectively repeated in this act; and shall severally be deemed to belong to this act, as if the same had been enacted therein, and expressly applied to the duties hereby granted, (except as aforesaid,) 52 G.3. c. 93. s. 3.

156. Every receiver-general shall have 1*½*d. in the pound for all monies by him received and paid into the exchequer, or duly accounted for according to the course thereof; and every collector shall have 3*d*. in the pound for money paid by him to the receiver-general or his deputy, within the time limited by the several acts herein mentioned, for all duties hereby granted, except those in *sched. (L.)*, for which other compensation is hereby directed to be paid to the collector, [48 G.3. c. 55. *sched. (L.)* Rule II., 52 G.3. c. 93., *id. ibid.*]; and also for what money he shall pay out of such duties, except as above, to any person in pursuance of any other statute, and shall only account to such receiver-general or his deputy for such payments; and for the careful writing and transcribing all the assessments, duplicates, warrants, and estreats, in due time, and for due and speedy executing all things directed to be done by or under the commissioners acting in execution of acts for assessed taxes, the clerk of the latter who shall perform the same within the times limited by the acts, shall, by warrant under the hands of 2 or more commissioners of their district, receive from the receivers-general or their deputies, the following sums for every pound of the duties received by them, under the assessments of the commissioners, who shall pay the same accordingly, provided they are carried into execution in due time; and commissioners and other officers appointed for the assessed tax acts, shall put in execution these acts in G. B., and the monies levied shall be under the care of the commissioners for the affairs of taxes, 48 G.3. c. 55. s. 6., 52 G.3. c. 93. s. 8.

157. Every receiver-general shall have an allowance of 1*½*d. in the pound for all monies by him received and paid into exchequer, or duly accounted for according to the course of exchequer; and every collector shall have 3*d*. in the pound for what money he shall pay to the receiver-

general or deputy, within the time limited by the several acts herein mentioned, for all the duties granted by this act, except those in *sched. (L.)*, for which other compensation is hereby directed to be made to such collector, 48 G.3. c. 55. *sched. (L.)* Rule II., and 52 G.3. c. 93., *id. ibid.*; and also for what money he shall pay out of such duties, except as aforesaid, to any person in pursuance of any other acts of parliament, and shall duly account to such receiver-general or his deputy for such payments, and for the careful writing and transcribing all and every the assessments, duplicates, warrants, and estreats, in due time; and for the due and speedy executing all things directed to be done by or under the commissioners of the assessed tax acts, the clerk of the commissioners who shall perform the same within the times limited by the acts, shall, by warrant under the hands of 2 or more of the commissioners of each district respectively, receive from the respective receivers-general, or their deputies, the respective sums hereinafter limited for every pound of all such monies of the said duties received by them by virtue of assessments of the said commissioners, who shall pay the same accordingly; provided the said acts be carried into execution in due time, in an effectual manner, in the division for which he is such clerk, and all warrants, assessments, estreats, and certificates, be made out and delivered according to the directions of the acts, and the duplicates be delivered to the said receiver-general, and into the office of the commissioners for taxes, within the times limited by these acts, but not otherwise; i. e., if the total amount of such allowance for one year, calculated at 1*½*d. in the pound, on the monies assessed in that year, and paid to the receiver-general or his deputy as aforesaid, shall amount to 100*l*. or upwards, such clerk shall not receive any greater allowance than at the rate of 1*½*d. in the pound of the monies so paid; and if the total amount of the monies of the said duties received by such receiver-general or his deputy for one year, in any district of commissioners, exceeds 96,000*l*., then the clerk of such district shall have 1*½*d. per pound of the said 96,000*l*. part thereof, and a further allowance at the rate of one half of 1*½*d. for every pound of the said monies exceeding 96,000*l*.; and if the total amount of such allowance, calculated at the rate of 1*½*d. in the pound on the said monies, shall not amount to 100*l*., then such clerk shall be entitled to receive an allowance at the rate of 1*½*d. in the pound of the monies so paid, so as that the allowance, calculated as last aforesaid, shall in no case be granted to any greater amount than 100*l*. per ann., 48 G.3. c. 55. s. 7. [altering 43 G.3. c. 161. s. 79. as to the allowances, &c.]

158. No other person except the clerk's assistant appointed as in 43 G.3. c. 161. s. 79. Exp., shall be entitled to receive any part of the clerk's reward: nor shall either of them take fee or gratuity from any person, except the receiver-general or his deputy as above, 43 G.3. c. 161. s. 79.

158. (a) These duties are to be paid into the exchequer, and carried to the consolidated fund, 48 G.3. c. 55. s. 8., 52 G.3. c. 93. s. 9.

159. Any 3 or more commissioners of treasury, or the lord high treasurer shall, for 10 years from the commencement of these acts respectively, cause distinct accounts of the produce of the duties payable by virtue thereof to be prepared at the office for taxes, to be annually laid before parliament, pursuant to 42 G.3. c. 70.; and the monies arising from them shall be deemed a permanent increase to the public revenue of G. B., for the defraying any increased charge occasioned by any loan made or stock created, by authority of any act passed in either of the following sessions, 48 G.3. c. 55. c. 9., 52 G.3. c. 93. s. 10. [See enactments to like effect, 43 G.3. c. 161. s. 83., &c. now Exp.]

SCHEDULES referred to by 48 G.3. c. 55.

48 G.3. c. 55. *Schedule (A.)* DUTIES made payable for every DWELLING HOUSE, within and throughout G. B., according to the Number of WINDOWS or LIGHTS in each Dwelling House, and the Offices to be charged therewith.

Number of WINDOWS according to which the dwelling-house and offices under-mentioned shall be charged.	Duties to be charged for windows in every dwelling house and offices in Eng. Wa. and Ber.	Duties to be charged for windows in every dwelling house and offices in Scot.
Not more than 6 windows or lights (except in such houses which shall be worth the rent of 5 <i>l</i> . by the year, and shall be charged to the duty mentioned in schedule (B) according to the rent thereof)	£. s. d. 0 6 6	£. s. d. 0 4 6
Not more than 6 windows or lights, if of the value before mentioned, and charged to the said duty accordingly	0 8 0	0 6 0
7 Windows or lights	1 0 0	0 18 0

TAXES (ASSESSED).

48 G.3. c.55. Schedule (A.)—continued.

Number of WINDOWS according to which the dwelling-house and offices undermentioned shall be charged.	Duties to be charged for windows for every dwelling-house and offices in Eng., Wa., and Ber.	Duties to be charged for windows in every dwelling-house and offices in Scot.
Not more than	£. s. d.	£. s. d.
8 Windows or lights,	1 13 0	1 11 0
9 - - do.	2 2 0	2 0 0
10 - - do.	2 16 0	2 14 0
11 - - do.	3 12 6	3 10 6
12 - - do.	4 9 6	4 7 6
13 - - do.	5 6 6	5 4 6
14 - - do.	6 3 6	6 1 6
15 - - do.	7 0 0	6 18 0
16 - - do.	7 17 0	7 15 0
17 - - do.	8 14 0	8 12 0
18 - - do.	9 10 6	9 8 6
19 - - do.	10 7 6	10 5 6
20 - - do.	11 4 6	11 2 6
21 - - do.	12 1 0	11 19 0
22 - - do.	12 18 0	12 16 0
23 - - do.	13 15 0	13 13 0
24 - - do.	14 11 6	14 9 6
25 - - do.	15 8 6	15 6 6
26 - - do.	16 5 6	16 3 6
27 - - do.	17 2 0	17 0 0
28 - - do.	17 19 0	17 17 0
29 - - do.	18 16 0	18 14 0
30 - - do.	19 12 6	19 10 6
31 - - do.	20 9 6	20 7 6
32 - - do.	21 6 6	21 4 6
33 - - do.	22 3 0	22 1 0
34 - - do.	23 0 0	22 18 0
35 - - do.	23 16 6	23 14 6
36 - - do.	24 13 6	24 11 6
37 - - do.	25 10 6	25 8 6
38 - - do.	26 7 0	26 5 0
39 - - do.	27 4 0	27 2 0
40 to 44 do.	28 17 6	28 15 6
45 - 49 do.	31 13 6	31 11 6
50 - 54 do.	34 10 0	34 8 0
55 - 59 do.	37 6 0	37 4 0
60 - 64 do.	39 15 6	39 13 6
65 - 69 do.	42 0 6	41 18 6
70 - 74 do.	44 5 0	44 3 0
75 - 79 do.	46 10 0	46 8 0
80 - 84 do.	48 15 0	48 13 0
85 - 89 do.	51 0 0	50 18 0
90 - 94 do.	53 4 6	53 2 6
95 - 99 do.	55 9 6	55 7 6
100 - 109 do.	58 17 0	58 15 0
110 - 119 do.	63 6 6	63 4 6
120 - 129 do.	67 16 6	67 14 6
130 - 139 do.	72 6 0	72 4 0
140 - 149 do.	76 16 0	76 14 0
150 - 159 do.	81 5 6	81 3 6
160 - 169 do.	85 15 6	85 13 6
170 - 179 do.	90 5 0	90 3 0
180 and upwards do.	93 2 6	93 0 6
And for every such dwelling house which shall contain more than 180 windows or lights, for every window or light exceeding the number of 180	0 3 0	0 3 0

RULES for charging Windows or Lights.

I. The said several duties to be charged annually in respect of the windows or lights in every dwelling-house, with the household and other offices herein enumerated.

II. All skylights, and all windows or lights however constructed, in staircases, garrets, cellars, passages, and all other parts of dwelling houses, to what use or purpose soever applied, and whether in the exterior or interior parts of such dwelling houses, to be charged to the said duties.

III. Every window or light in any kitchen, collar, scullery, buttery, pantry, larder, washhouse, laundry, bakehouse, brewhouse, and lodging room, belonging to or occupied with any dwelling house, whether within, contiguous to, or disjoined from the body of such dwelling house, shall be charged to the said duties.

IV. The same to be charged yearly on the occupier or occupiers of the houses, cottages, or tenements, in respect whereof they are charged, and in force for one whole year, from 5th April in the year in which the

TAXES (ASSESSED).

1499

same shall be charged, to be levied on such occupier, &c., or the executor, &c., except as herein-after provided.

48 G.3. c.55. Sch. (A.) RULE V. Where any change in the occupation of any house, &c. takes place after the assessment made, then the duties hereby directed to be charged on the occupier of houses, &c. for one year, shall be levied on and paid by the occupier or occupiers, landlord, or landlords, owner, or owners, for the time being, or on both or all of them, according to their times of possession thereof, without any new assessment, notwithstanding such change in the occupation of such house, &c. for the year that such house has been assessed: provided that where a tenant of any house, &c. quits the same, on the determination of the lease or demise thereof, after an assessment made, and has given notice thereof to the assessor for the place, the duty thereon shall be discharged by the commissioner for executing this act for the remainder of that year, in case it appears to them at the end of such year, that such house, &c. has continued wholly unoccupied for the remainder of such year.

VI. Where any dwelling-house is let in different apartments, tenements, lodgings, or landings, and is inhabited by 2 or more persons or families, the same shall nevertheless be charged as if such house was inhabited by one person or family only; and the landlord or owner, landlords, &c. shall be deemed occupiers of such house, and shall be charged with the said duties: provided, that where he shall not reside within the limits of the collector, or the same remains unpaid by such landlord for 20 days after due, the duties so charged may be levied on the occupier or occupiers respectively, and such payment shall be deducted and allowed out of the next payment on account of rent.

VII. Every house, whereof the keeping is left to the care of any person or servant, shall be subject to like duties as if inhabited by the owner or a tenant; and, if such person or servant shall not pay rates to the church and poor, the said duties shall be paid by the respective owners or tenants of the said house.

VIII. Every distinct chamber or apartment in any of the inns of court, or chancery, or in any college or hall in either of the universities of Oxford or Cambridge, or any public hospital, being severally in the tenure or occupation of any person or persons, shall be subject to the same duties as if it was an entire house, which duties shall be paid by the occupier thereof respectively; provided, that every such chamber or apartment, which shall not contain more than 7 windows or lights, shall be charged at the rate of 3s. 6d. for every such window, &c.

IX. All dwelling rooms in any hall or office, belonging to any person, or to any bodies politic or corporate, or to any company, that may be lawfully charged with payment of any other taxes or parish rates, shall be subject to the duties hereby made payable, and shall be respectively charged as dwelling houses; and the person or persons, body politic or corporate, or company, to whom the same shall belong, shall be charged as the occupier or occupiers thereof.

X. When a partition or division between 2 or more windows or lights, fixed in one frame, is of the breadth or space of 12 inches, the window or light on each side of such partition or division shall be charged as a distinct window or light.

XI. Every window extending so far as to give light into more rooms, landings, or stories than one, shall be reckoned and charged as so many separate windows as there are rooms, landings, or stories enlightened thereby.

XII. Every window or light, including the frame, partitions, and divisions thereof, which by due admeasurement of the whole space on the aperture of the wall of the house or building, on the outside of such window or light, shall exceed in height 12 feet, or in breadth 4 feet 9 inches, not being less than 5 feet 6 inches in height, shall be reckoned and charged as 2 windows or lights, except such windows or lights as shall have been made of greater dimensions at any time prior to the 5th April, 1785; except also the windows or lights in such parts of dwelling houses as are used for shops, workshops, and warehouses, and except the windows or lights in the public room of any house licensed to sell wine, ale, or other liquors by retail, which shall be used for the entertainment of guests; and the windows or lights in farm houses especially exempted from the duties in the following schedule marked (B.), or in any dwelling house not chargeable to the duties mentioned in the said schedule.

XIII. Where any dwelling-house is divided into different tenements, being distinct properties, every such tenement shall be subject to the same duties as if it were an entire house, which duties shall be paid by the occupiers thereof respectively; provided, that every such tenement in Eng., Wa., or Ber. which shall not contain more than 7 windows or lights, shall be charged at the rate of 3s. 6d. for every such window or light; and every such tenement in Scot. which shall not contain more than 7 windows or lights, shall be charged at the rate of 3s. for every such window or light.

EXEMPTIONS from the said DUTIES.

Case I. Any house belonging to H. M. or any of the royal family,
9 E 2

and every public office, for which the duties heretofore payable have been paid by H. M. or out of the public revenue.

48 G.3. c. 55. *Sch. (A.) Exemptions, Case II.* Any hospital, charity school, or house provided for the reception and relief of poor persons, except such apartments therein as are or may be occupied by the officers or servants thereof, which shall severally be assessed, and be subject to the said duties as entire dwelling houses.

Case III. The windows in any room of a dwelling house licensed according to law as a chapel for the purposes of divine worship, and used for no other purpose soever:

Provided that every such hospital, charity school, house for the reception and relief of poor persons, or room licensed as a chapel as aforesaid, shall be brought into charge by the assessor or assessors, or in their default, by the surveyor or inspector, and shall be stated on the certificate of assessments as such; and on due proof of the fact before the commissioners by the assessors, the commissioners for executing that act may discharge such hospital, charity school, house for the reception and relief of poor persons, and room licensed as a chapel, from the said duties, or such part thereof as is hereby intended to be exempted, in like manner as they are authorized to discharge the assessment on poor persons by this act, [semb. this power to discharge assessments on poor persons is given by 43 G.3. c. 161. s. 12—15. *pl.* 173. (a)—173. (d) which regulations are adopted by 48 G.3. c. 55. (see s. 2. *pl.* 150.)] but not otherwise, [see 43 G.3. c. 161. s. 17. *pl.* 173. (c) as to claiming this exemption.]

Case IV. The windows or lights, in any dairy or cheese-room belonging to and occupied with any dwelling house chargeable with the said duties, though the same is part thereof, which shall be used by such occupier or occupiers for keeping butter or cheese, being their own produce, for sale or private use; [provided that they be made with splines, or wooden laths, or iron bars, or wires, and wholly without glass, but see *next pl.*] and that the occupiers of the dwelling houses, to which such dairies and cheese-rooms belong shall paint, or cause to be painted on the outer door thereof, or on the outside of the windows thereof, or one of them, in large roman letters, the words, "Dairy, or cheese room," as the case requires, and shall keep, and from time to time restore such words so painted distinctly legible, during all such time as such exemption is claimed; and provided that such dairies or cheese rooms shall not be at any time used to dwell or to sleep in by any person or persons, but shall be wholly kept and used for the several purposes above mentioned: and provided also, that an assessment of all such windows or lights shall be duly made, and the fact truly returned in the manner hereby directed in other cases of exemption from the said duties, so that the number of windows so to be exempted may be ascertained, and the exemption allowed by the commissioners for executing this act.

160. But from 5th April, 1817, one window or light in any dairy or cheese room, or room used as a dairy and cheese-room, in any farm house, occupied by a tenant, and *bonâ fide* used for the purposes of husbandry only, which room such tenant shall use for keeping butter or cheese, or both, being the actual produce of such farm for sale or private use, although the same be made with glass, shall be exempted, as those made with splines, &c. as in 48 G.3. c. 55. *sch. (A.) Windows, Exemptions, Case IV.:* but the regulations of this act, ss. 1—3. respecting warehouses and other places used for the purposes of trade, in order to obtain the exemptions thereof, with all the powers of surveyors, (s. 2.) to inspect the same, shall be observed and applied to such cheese-room or dairy windows or lights, 57 G.3. c. 25. s. 5.

161. PROVISIONS REGULATING THE WINDOW TAX, 43 G.3. c. 161. ss. 18—22.

162. No window or light shall be exempted from duty by being stopped up, unless stopped up effectually with stone, brick, or the same materials as that whereof that part of the outside wall in which it hath been, doth chiefly consist, *id.* s. 18.

163. Windows in roofs stopped up with the same materials as the roof, and windows stopped before commencement of this act, according to the laws in force, are not chargeable, *id.* s. 19.

164. No window or light shall be newly made in any dwelling house or office belonging thereto; nor (if stopped up at the time of assessment for the current year) shall be restored, nor if charged in that year, be stopped up without 6 days notice in writing by the occupier to the surveyor or inspector of assessed taxes, describing the particular situation of such window, &c. with the number, if more than one, under penalty of 10*l.* for every window so newly made, &c. to be paid over and above any duty payable in respect of such dwelling house, *id.* s. 20. [See as to recovery of this penalty, 43 G.3. c. 161. s. 80. *pl.* 143.]

165. Every surveyor, &c. receiving such notice, or otherwise discovering that any window, &c. in any such dwelling house liable to the duties hath been newly made or restored, and not charged in that year's assessment, shall certify the same in writing, under his hand, by way of charge, to any two or more commissioners under this act, stating

in such certificate the amount in which such person hath been under-rated; which commissioners shall cause such assessment to be amended according to the certificate, and the duties so charged shall be levied from commencement of the year in which such window, &c. is so made or restored, and if it appear to the commissioners that windows restored at the time when such assessment was made, have been then fraudulently stopped in order to evade the duty, they may charge the party with double the sum increased on his assessment by such certificate: provided that such amended assessment may be appealed against as if originally so made, 43 G.3. c. 161. s. 21.

166. No assessment shall be subject to appeal, nor any abatement of the duties allowed in any year, by reason of any windows, &c. being stopped up, unless it is proved to the commissioners that they were stopped up previous to commencement of the year of assessment, *id.* s. 22.

48 G.3. c. 55. Schedule (B.)

DUTIES payable on all INHABITED DWELLING HOUSES throughout G. B., according to the value thereof, and of the offices and lands to be charged therewith.

For every such inhabited house which, with the household and other offices, yards, and gardens therewith occupied and charged, are or shall be worth the rent herein-after mentioned by the year, there shall be charged the yearly sums following, viz.	Value in the pound.		
	£.	s.	d.
5 <i>l.</i> and under 20 <i>l.</i> rent by the year	-	-	0 1 6
20 <i>l.</i> and under 40 <i>l.</i> rent by the year	-	-	0 2 3
40 <i>l.</i> rent by the year, and upwards	-	-	0 2 10

RULES for charging the said last-mentioned DUTIES.

I. They shall be charged annually on the occupier or occupiers for the time being of every such dwelling house, being of the annual rent of 5*l.* or upwards, at the respective rates before mentioned, and to be levied on him, her, or them, or on his, &c. respective executors, &c. and in like manner in case of a change in the occupation thereof as before directed in respect of the duties on windows or lights, and in addition to the duties contained in *sch. (A.)*

II. Every coachhouse, stable, brew or wash house, laundry, wood or bakehouse, dairy, and all other offices, and all yards, courts, and curtilages, and gardens and pleasure-grounds, belonging to and occupied with any dwelling house, shall, in charging the said duties, be valued together with such dwelling house; provided no more than one acre of such gardens and pleasure-grounds shall in any case be so valued.

III. All shops and warehouses attached to the dwelling house, or communicating therewith, shall in charging the duties be valued together with the dwelling house and the household and other offices aforesaid thereunto belonging (except such warehouses and buildings on or near adjoining to wharfs occupied by persons carrying on the business of wharfingers, and having dwelling-houses on the said wharfs for the residence of themselves or servants employed thereon).

And also except such warehouses as are distinct and separate buildings, and not parts or parcels of such dwelling houses, or the shops attached thereto, but employed solely for the purpose of lodging goods, wares, and merchandize, or for carrying on some manufacture (notwithstanding the same adjoins to or has communication with the dwelling house or shop).

IV. Every chamber or apartment in any inn of court or chancery, or in any college or hall in any of the universities of G. B., being severally in the tenure or occupation of any person or persons, shall be charged thereto as an entire house, and on the respective occupiers thereof.

V. Every hall or office whatever belonging to any person or persons, or to any body or bodies politic or corporate, or to any company, that are or may be lawfully charged with payment of any other taxes or parish rates, shall be subject to the duties hereby made payable as inhabited houses; and the person or persons, bodies politic or corporate, or company, to whom the same shall belong, shall be charged as the occupier or occupiers thereof.

VI. Where any house is let in different stories, tenements, lodgings, or landings, and is inhabited by 2 or more persons or families, the same shall nevertheless be subject and charged to the said duties as if it was inhabited by one person or family only, and the landlord or owner shall be deemed the occupier thereof, and shall be charged to the said duties; provided, that where the landlord shall not reside within the limits of the collector, or the same shall remain unpaid by him for 20 days after due, the duties so charged may be levied on the occupier or occupiers respectively; and such payments shall be deducted and allowed out of the next payment on account of rent.

VII. No dwelling house, or other such premises as aforesaid, shall be

estimated or rated at any less annual value than the rent or value at which they stand charged in the last poor rate.

48 G. 3. c. 55. *Sch. (B.)* RULE VIII. In case the said poor rate has been made throughout by a pound rate on the full annual value of all the dwelling-houses in the same parish or place, then such assessment shall be made according thereto; and the assessors appointed or to be appointed for the said duties, shall, in making their assessments on different dwelling-houses in the same parish or place, in all such cases as aforesaid, observe the same rule of proportion between the assessment of the duties granted by this act thereon, as has been observed in making such poor rate as to all the premises aforesaid rated therein.

IX. In case the poor rate shall have been made on any proportionate part of such value, then such assessors shall assess the same at the same sums respectively as they would have been assessed at by virtue of this act, if they had been respectively estimated in such poor rate at the full value thereof respectively.

X. In case the poor rate in any parish or place is not made on the full annual value of the different dwelling houses charged, nor according to any proportionate part of such annual value, but nevertheless the said dwelling houses shall be rated in a due proportion to each other, the assessors, by all lawful ways and means authorized by this act, may inquire into, and to the best of their information and judgment ascertain the actual rent of the several houses and other the premises aforesaid, in different occupations within their limits, which shall have been let within 3 years preceding the time for making the assessment, or so many of them as they shall be able to ascertain the rent of, and shall make an assessment on the actual rent on such of the said houses and premises therewith occupied which appear to them to have been so let at the just and full value thereof, and shall afterwards proceed to assess the several other houses with the premises aforesaid occupied therewith in sums respectively bearing the same proportion, as far as the same can be computed, to the amount of such first assessment, as the sums charged on the said poor rate on such other premises respectively bear to the sum charged in the said poor rate on the said house and premises so first assessed: provided always, that the aforesaid rule shall extend only to such houses and premises chargeable under this act as shall be rated in such poor rate distinctly and unmixed with other property not chargeable to the duties hereby granted.

XI. In case any house with the premises aforesaid therewith occupied, is not rated in such poor rate, or is rated therein together with other property not chargeable to the duties hereby granted, or if there is no poor rate in the parish or place where such house is situate, and in every case where the rules before mentioned are not applicable, the said assessors shall make their assessment from the best information they can obtain of the annual value thereof, which in all cases shall be the actual amount of the rent at which the said houses and premises aforesaid respectively are let, or if not let, the rent which they respectively are worth to be let by the year.

XII. In case any house, with the premises aforesaid, shall, on occasion of the assessor or assessors having pursued the proportions observed in the poor rate on which such assessment was made, have been assessed at a sum exceeding the just rate on the annual value thereof, the commissioners may abate and deduct from such assessment so much as in their judgment will reduce the same to a just rate on such annual value, but in no case to a less annual value than the same stands rated at in the poor rate.

XIII. In case any house, with the premises aforesaid, shall on occasion of the assessor or assessors having pursued the proportions observed in such poor rate, have been assessed at a sum less than the actual rent at which the same shall be let, or if not let, at less than the rent at which the same might be let, the commissioners may enlarge and increase such assessment to such sum as a like rent would amount to.

XIV. Where any dwelling house is divided into different tenements being distinct properties, every such tenement shall be subject to the same duties as if it was an entire house; which duty shall be paid by the occupiers thereof respectively.

EXEMPTIONS.

Case I. Any house belonging to H. M. or any of the royal family, and every public office for which the duties heretofore payable have been paid by H. M., or out of the public revenue.

Case II. Every dwelling house, being a farm house, occupied by a tenant, and *bonâ fide* used for the purposes of husbandry only.

Case III. Every dwelling house, being a farm house, occupied by the owner thereof, and *bonâ fide* used for husbandry only, which, together with the household and other offices aforesaid, shall be valued under this act at 10*l.* per ann. or less.

Case IV. Any hospital, charity school, or house provided for reception or relief of poor persons.

Case V. Every house whereof the keeping is left to the care or

charge of any person or servant, who doth not pay rates to the church and poor, and who resides therein for the purpose only of taking care thereof: provided, that an assessment is duly made in every such case, and the fact be truly returned in manner directed by this act in other cases of exemption from the said duties, and the exemption be allowed by the commissioners for executing this act.

167. TO EXEMPT DWELLING HOUSES EMPLOYED for the sole purpose of trade, or of lodging goods, wares, or merchandize from the duties charged by 48 G. 3. c. 55., 57 G. 3. c. 25.

168. From 5th April, 1817, on due proof made as herein directed to the satisfaction of the commissioners acting in execution of 48 G. 3. c. 55. that any person or number of persons in partnership together respectively occupy a tenement or building, or part thereof which shall have been previously occupied for residence, wholly as a house for the purposes of trade only, or as a warehouse for the sole purpose of lodging goods therein, or as a shop or counting house, no person dwelling or abiding therein, except in the day time only for the purpose of such trade, such person or each of such persons in partnership respectively residing in a separate and distinct dwelling house, or part of a dwelling house, charged to the duties under that act, the commissioners may, according to their provisions of this act, discharge that year's assessment in respect of such tenement or building, so used for the purposes of trade, or so employed as a warehouse for the sole purpose of lodging goods there, or as a shop or counting house, *id.* s. 1.

169. All such tenements or buildings, whether wholly employed for the purposes of trade, or as warehouses for the sole purpose of lodging goods therein, or as a shop or counting-house, may be brought into assessment as dwelling houses, in manner by 48 G. 3. c. 55. directed; and every person intending to be relieved from the assessment made in respect of his or her tenement or building used for the purposes of trade, or as a warehouse for the sole purpose of lodging goods, &c. therein, or as a shop or counting house, by virtue of this act shall give notice thereof to the assessor or surveyor of the parish or place where such dwelling house, or part thereof used for the residence of him or his family are respectively situate, and every assessor or surveyor to whom such notice and declaration shall be delivered, and every district surveyor acting for such parish or place, whether he has received such notice and declaration or not, who shall have information of such claim being made, or to be made, shall on request, from time to time and at all times in the day time, be admitted to inspect such tenement or building, as well internally as externally, and shall inquire into the purposes for which it has been employed; and if after such claim made, or other allowance thereof, it is discovered and proved before the commissioners, that such building has been employed for any other use than for the purposes of trade, or as a warehouse for lodging goods, or as a shop or counting house, or that any person dwells therein except as in last *pl.*, then the commissioners shall assess and charge such building as a dwelling house to the duties granted by the act, notwithstanding such claim, but nothing in this act before contained shall affect any exemption from the duties expressly contained in 48 G. 3. c. 55., *id.* s. 2.

170. The occupier of any mill, or place of manufacture, or warehouse, not being part or parcel of, nor attached or adjoining to any dwelling house, nor having any internal communication therewith, may by licence in writing of and signed by the commissioners of the district, or by any 3 of them at any meeting, after due notice given by such occupier, appoint any one of his servants named in such licence, to watch and guard the same mill, &c. in the night time, and the abiding of such licensed servant therein for watching the same, shall not render the occupier thereof liable to any of the duties granted by 48 G. 3. c. 55., 57 G. 3. c. 25. s. 4. [s. 5. is placed after 48 G. 3. c. 55. *Sched. A. Case IV. pl. 160.*]

171. PROVISIONS REGULATING THE HOUSE TAX, 43 G. 3. c. 161. ss. 10—15. and s. 17. AMD. as to *Scot.* by 57 G. 3. c. 128. ss. 1, 2. [*see pl. 18.*]

172. Every dwelling house, cottage, or tenement, occupied at the making the assessment, shall be charged with the window duties in *Sch. (A.)* by the respective assessors, and in their default, by the respective surveyors and inspectors, according to the number of windows therein, subject to the after-mentioned powers of discharge; and in respect to the inhabited house duty in *Sch. (B.)* (for houses of 5*l.* or more annual rent) every dwelling-house, &c. shall be charged in like manner, according to the full and just yearly rent at which it is really worth to be let, in respect of the duties in *Sch. (B.)* and any assessor omitting to charge either the above window or house taxes, shall for every neglect forfeit not more than 20*l.* nor less than 5*l.*, and houses or premises therewith occupied, being situate in more parishes than one, shall be charged in either parish as the surveyor shall think expedient, (to be notified by certificate to the commissioners,) 43 G. 3. c. 161. s. 10.

173. Every person inhabiting a house, cottage, or tenement, in *Eng., Wa., or Ber.* containing not more than 6 windows in all, shall be exempted from the duties in *Sch. (A.)* in case of being on the parish

books as receiving parochial relief, 43 G.3. c.161. s.11. [rest of the section as to *Scot.* seems virtually *Rep.* by 57 G.3. c.128. s.2.]

173. (a) Where any such house, &c. as is described in s.11. is brought into charge as above, and the occupier is entitled to the above exemption by reason of poverty, the assessor shall, on the certificate of assessment, set opposite the sum charged on the occupier, the fact of his or her being poor, and shall return the same, together with the assessment and certificate, as in s.13. mentioned, to the commissioners for the district, who, before allowance of such assessment or making any order thereon, shall examine the assessor or assessors, who shall respectively attend them for that purpose, at such time as they shall appoint, touching the return so made; and if the commissioners shall, from such examination and certificate, as in s.13. mentioned, be satisfied that such occupier is entitled to exemption, they may, after such proof, strike out the charge against such occupier, leaving his name and the number of windows and rent of such house in the assessment; and he shall be exempted accordingly from the said duties, 43 G.3. c.161. s.12.

173. (b) Before any such exemption or abatement is allowed, the assessors shall produce to the commissioners a certificate, under the hands of 5 or more substantial householders of such parish or place, in vestry or kirk-session assembled, of whom the resident minister in such parish, &c. shall be one; but in case there is no resident minister in such parish, &c. then the churchwardens and overseers of the poor thereof, or 2 of them at least, or 2 or more of the elders thereof shall concur with such householders in such certificate, certifying thereby that they have carefully examined the assessment and allegations of the assessors therein, touching the persons therein stated to be poor, and that, in their judgment, the latter are entitled to exemption for their poverty, and are wholly unable to pay the duties assessed on them; provided that if in any parish, &c. in *Eng., Wa., or Ber.* there are not 5 substantial householders, then such certificate may be made by the resident substantial householders; or if there be no churchwardens or overseers for such place, such certificate may be granted by the resident minister, or by any 2 churchwardens or overseers of the poor of any adjoining parish or place who can certify the truth of such allegations, in manner aforesaid, concurring therein with the substantial householders residing in the parish, &c. where the assessment is made, *id.* s.13.

173. (c) Where the occupier of any house, &c. containing more than 6 windows, (*see* s.11.) is brought into charge, and shall, at the commencement of the year for which the assessment is made, be poor and indigent, or shall become so during that year, he may give notice thereof in writing, stating the causes to the assessor or surveyor of the district, annexing thereto a certificate under the hands of such persons as in s.13., certifying that, in their judgment, such person is justly entitled to relief on account of poverty, for the causes mentioned in such notice; and every assessor shall deliver the notices by him received to such surveyor, who, if satisfied of the truth thereof, after due examination of the circumstances, and that such person is unable to pay the duties charged on him or her, and has no probable means of bettering his or her condition within that year, shall certify the same to the said commissioners; and if the surveyor is not so satisfied, then, on notice thereof to such occupier, &c. he may appeal from such charge to the commissioners, giving 10 days' previous notice thereof to the surveyor; and where the surveyor shall certify to the commissioners that he is satisfied of the truth of the claim made by the occupier, and that he is and will be unable to pay the duties charged on him within that year; or if on appeal as above, it appear to satisfaction of the commissioners or the majority of them present, on oath of appellant, or other lawful evidence on oath, produced by him that he is entitled to maintain such appeal, and is wholly unable to pay the duties charged on him or her, the commissioners may give such relief, either by striking off the whole duty charged, or diminishing the same as seems fit to them. Which appeals for the causes in this clause mentioned, may be heard and determined, either on the days mentioned in this act for hearing appeals in other cases, [*viz.* s.69. *pl.*132. which adopts the regulations of 43 G.3. c.99. as to appeals, *viz.* in s.28. *pl.*39. which seem altered by 48 G.3. c.141. No.III. Rule 6. and No.IV. Rule 2. *pl.*245. pages 1516, 1517.] or at the end of the year, or any day or days to be appointed by the commissioners, *id.* s.14.

173. (d) Every house unoccupied at the time of making the assessment, shall be inserted as such therein, with its number of windows, and the annual rent at which it might be let, if it amounts to 5*l.* or upwards; and the assessors, and in their default the surveyors and inspectors, shall cause the same to be certified to the commissioners, from the time of such house coming into occupation of any person or persons; and the latter shall give notice thereof to such assessor, surveyor, or inspector, within 20 days after so coming into occupation thereof, but on giving such notice shall be chargeable only from the time of coming into such occupation, according to the rates in *Scheds.* (A.) and (B.) [*Semb.* this applies to the corresponding schedules in 48 G.3. c.55. *See* *pl.* 81.] estimated on the remainder of such year, beginning from the end of the preceding quarter; and every house charged to the said duties, though

it shall within the year become unoccupied as in *Sch.* (A.) of this act, [*Semb.* this applies to 48 G.3. c.55. *Sch.* (A.) Rule V. *ante* page 1499.] shall be charged to the said duties for the whole year on the former occupier, or occupier for the time being as the case requires, unless notice in writing is given to the assessor for the place of such house becoming unoccupied; and the commissioners may at discretion discharge such assessment, or direct the duties to be levied according to this act, as seems most just, 43 G.3. c.161. s.15.

173. (e) [As to this *pl.* see *ante*, 48 G.3. c.55. *Sch.* (A.) page 1499. Exemptions, Cases II. and III.] Where any house, cottage, or tenement, or any windows therein, or any hospital, charity school, poor house, or licensed chapel, ought to be exempted from the duties payable under *Schs.* (A.) and (B.) of this act, [*Semb.* now applying to the corresponding schedules in 48 G.3. c.55.] the occupier of such house, &c., and the person having the conduct or management of such hospital, &c., shall give notice thereof to the assessor, which notice shall contain the number of windows in such house, &c., distinguishing the number chargeable by this act, and the number claimed to be exempted as above, and the assessor shall make diligent inquiry into the same, and shall state on the assessment, to the best of his knowledge, the number of windows entitled to such exemption, and shall return such statement, with the assessment to the commissioners, who shall examine into the truth of such statements, by examination of the assessor, as in s.12.; and on due proof thereof shall discharge such number of windows from the assessment as in their judgment shall be within the exemptions allowed by this act, 43 G.3. c.161. s.17.

48 G.3. c.55. Schedule (C.) No. 1.; and 52 G.3. c.93. Schedule (C.) No. 1.

DUTIES payable annually for every MALE SERVANT retained or employed by any Person or Persons in the several Capacities mentioned herein.

NUMBER OF SERVANTS.				Amount of duty for each servant.	Additional by 52 G.3. c.93. Sch.(C.)
				£ s. d.	£ s. d.
For	1	such servant	- - -	2 4 0	0 4 0
	2	do.	- - -	2 16 0	0 6 0
	3	do.	- - -	3 7 0	0 9 0
	4	do.	- - -	3 18 0	0 9 0
	5	do.	- - -	4 9 0	0 9 0
	6	do.	- - -	4 14 0	0 9 0
	7	do.	- - -	4 16 0	0 9 0
	8	do.	- - -	5 3 0	0 9 0
	9	do.	- - -	5 12 0	0 10 0
	10	do.	- - -	6 3 0	0 10 0
	11	do. and upwards	- - -	7 1 0	0 12 0
For every such servant retained or employed by any male persons never having been married, over and above the before mentioned duties, the further sum of				1 14 0	0 6 0

RULES for charging the said last-mentioned Duties.

I. To be paid by the master or mistress of such servants respectively, and to extend to and be payable for every male servant retained or employed in any of the following capacities; that is to say, maitre d'hotel, house steward, master of the horse, groom of the chamber, valet de chambre, butler, under butler, clerk of the kitchen, confectioner, cook, house porter, footman, running footman, coachman, groom, postillion, stable boy or helper in the stables of the master or mistress, gardener, park-keeper, game-keeper, huntsman, whipper-in, or by whatever name or names male servants really acting in any of the said capacities shall be called, or whether such male servants shall have been retained or employed in one or more of the said capacities, [*or in any other business jointly with, omitted in 52 G.3. c.93. Sch. (C.) No. 1., which is thus—except where other duties are imposed by this act on male servants occasionally employed in one or more of the said capacities,*] and to every such servant let to hire with any carriage or horses for one year, or any longer period, [*and shall be charged on the greatest number of such servants which the same person shall have kept at one time in the course of the preceding year, in any of the before-mentioned capacities, 52 G.3. c.93. Sch. (C.) No. 1.] 48 G.3. c.55. Sch. (C.) No. 1. Rule I., and 52 G.3. c.93. Sch. (C.) No. 1. Rule I.*

II. The duties shall extend to all servants of the capacities before-mentioned employed in taverns, coffee-houses, inns, alehouses, or any other houses licensed to sell wine, ale, or other liquors by retail, and in eating or victualling houses, and in hotels or lodging houses being eating and victualling houses, of whatever description, although not licensed, except hostlers and helpers in stables (of such licensed persons, 52 G.3. c.93. *Sched.* C. No. 1. Rule II.) and drivers employed to drive carriages let out to hire, [*in such manner that the stamp office duty payable by law on horses let to hire shall have been duly paid and satis-*

fixed, omitted in 52 G.3.] and except waiters, 48 G.3. c.55. *Sched. (C.) No. 1. Rule II.* and 52 G.3. c.93., No. 1. Rule II.

III. The said duties on gardeners shall extend to every gardener who shall have contracted for the keeping of any garden or gardens, [wherein the constant labour of a person shall be necessary, 52 G.3. c.93. *Sched. (C.) No. 1. Rule III.*] and to every person hired to work in any garden, wherein the constant labour of one person shall be necessary, or where a person has been constantly employed to be paid by the person or persons for whose use, and in whose garden such gardener or persons have been employed, except as hereinafter mentioned, *id. ibid. Rule III.* in both acts.

IV. The said duties shall extend to all apprentices employed in any of the capacities aforesaid, except apprentices imposed upon any master or mistress by the powers given to magistrates and parish-officers by any act of parliament, so as the number of apprentices for whom this exemption shall be claimed by the same person shall not exceed 2 [being generally employed in affairs of husbandry or trade, and only occasionally in any of the above capacities, 52 G.3. c.93., &c. *Rule IV.*] not wearing livery, [nor being employed as livery servants, 48 G.3. c.55., &c. *Rule IV. only.*] *id. ibid. Rule IV.* in both acts.

V. The said duties on gamekeepers shall extend to every person employed to kill or preserve game for the use of any other person or persons, whether lawfully appointed to kill or preserve game or not, to be paid by the person or persons retaining, or employing, [or appointing, 48 G.3. c.55. *only.*] such persons respectively; except gamekeepers, being the servants of other qualified persons duly returned by and charged to the said duties as servants of such other persons, *id. ibid. Rule V.* in both acts.

174. Every person chiefly retained and employed for preserving game as an underkeeper under any gamekeeper duly appointed by any lord or lady of a manor, being an assessed servant, shall not be liable to be assessed as an additional servant, but after 10s. *per ann.* and no more, unless also employed in some other capacity, in which he is liable to be assessed as a servant under 52 G.3. c.93., 59 G.3. c.118. s.5.

VI. The said duties shall extend to every person employed in the capacity of a coachman, postillion, groom, or helper in the stables, though retained for the purposes of husbandry, or any manufacture or trade, where the master or mistress of such person is chargeable with duty for any carriage (other than a taxed cart), or for 2 or more horses chargeable with the duty on horses kept for riding or drawing carriages as herein-mentioned, 48 G.3. c.55. *Sch. (C.) Rule VI.*, 52 G.3. c.93. *id. ibid.*

VII. And shall extend to every person employed as a groom, stable-boy, or helper in the stables of the master or mistress, to take care of any horse, mare, or gelding, the property of such master or mistress, kept for the purpose of racing or running for any plate, prize, sum of money, or other thing, or in training for any of the said purposes, *id. ibid. Rule VII.* in both acts.

48 G.3. c.55. *Sch. (C.) No. 2.*, 50 G.3. c.104. *Sch. No. 1.*, 52 G.3. c.93. *Sch. (C.) No. 2.*

DUTIES payable annually for MALE SERVANTS retained or employed in the several capacities herein mentioned.

For every [under, 59 G.3. c.93. *Sch. (C.) No. 2.*] gardener, or person employed to work in any garden, under any person chargeable to the duties mentioned in *Sch. (C.) No. 1.*; and for every gardener employed in any garden, [or who shall have contracted for the keeping of any garden, 50 G.3. c.104. *Sch. No. 1.* and 52 G.3. c.93. *Sch. (C.) No. 2.*] wherein the constant labour of one person shall not be necessary, the sum of

To be paid by each person in whose garden such person shall be employed, [and charged on the greatest number of such servants, which the same person shall at one time have employed in the same capacity, in the course of the preceding year, 52 G.3. c.93. *Sched. (C.) No. 2.*] 48 G.3. c.55. *Sched. (C.) No. 2.*, 50 G.3. c.104. *Sched. No. 1.* & 52 G.3. c.93. *Sched. (C.) No. 2.*

EXEMPTIONS from the Duties in *Sch. (C.) Nos. 1, 2.*

Any person employed by the day or week to work as a day labourer, at the usual rate of wages for day labourers in agriculture, in any garden belonging to a dwelling-house, being a farm-house, and exempted as such from the duties mentioned in 48 G.3. c.55. *Sched. (B.)* or in any garden belonging to a dwelling-house not chargeable to the duties mentioned in the said schedule, such garden not requiring the constant labour of one such labourer, 48 G.3. c.55. *Sch. (C.) Exemptions*, & 52 G.3. c.93., *id. ibid.*

48 G.3. c.55. *Sch. (C.) No. 3.* and 52 G.3. c.93. *Sch. (C.) No. 3.*

DUTIES payable annually for every MALE PERSON or SERVANT retained or employed in the several capacities herein mentioned,

[and not chargeable to the duties in *Sch. (C.) No. 1.* 52 G.3. c.93. *Sch. (C.) No. 3. only.*]

For every male person employed by any merchant or trader as a traveller or rider, the duties following; *viz.*

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
Where one such traveller or rider and no more shall be so employed, the sum of	2	8	0	0 12 0
And where more than one such traveller or rider shall be so employed, for each, the sum of	3	10	0	0 1 10

175. From 5 April, 1819, the same employers in partnership together who shall employ more than 4 male persons as travellers to travel from place to place on foot, shall be exempt for every male person above 4 so employed, 59 G.3. c.118. s.3.

176. The commissioners acting in execution of the assessed tax acts may reduce any assessments for more than 4 such travellers, made for the years ending 5 April, 1817, 5 April, 1818, and 5 April, 1819, respectively, as if this act had been made prior to 5 April, 1816, [other regulations follow, now Exp.] *id. s. 4.*

For every male person employed by any person in trade, or exercising any profession whatever, as a clerk or book-keeper, or office-keeper, except apprentices, where no premium, or a premium less in value than the sum of 20l. has been paid or contracted for with such apprentice, the duties following; *viz.*

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
Where one such clerk, book-keeper, or office-keeper, and no more, shall be so employed, the sum of	1	4	0	0 16 0
And where more than one, for each the sum of	2	8	0	0 12 0

For every male person employed as a steward, bailiff, overseer, or manager, or clerk under him, the annual sum of

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
For every male person employed by any person in trade as a shopman for the purpose of exposing to sale or selling goods, wares, or merchandise in such shop or warehouse, whether by wholesale or retail; and every male person employed as a warehouseman, porter, or cellarman, in such shop or warehouse, except apprentices as aforesaid, the sum of	1	4	0	0 16 0

And for every male person so employed, where the duty granted by 48 G.3. c.55. is not chargeable, the annual sum of

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
For every male person so employed, where the duty granted by 48 G.3. c.55. is not chargeable, the annual sum of	0	0	0	2 0 0

The said duties to be paid by the employer or employers of such persons, and to extend to every body politic or corporate, whether aggregate or sole, and to every society, fraternity, or partnership although not corporate; and to every manufacture or concern (except husbandry), whereby the employer shall seek a profit.

177. The duties imposed by 48 G.3. c.55. *Sch. (C.) No. 3.* and 52 G.3. c.93. *Sch. (C.) No. 3.* for every male person employed by any person in trade as a shopman, or as a groom, stable boy, or helper in stables, shall cease from passing this act [viz. 12 July, 1819] on every assessment made or to be made after 5 April, 1819, in respect of every person being the son of the employer or employers, or one of them, occasionally resident with his parent or parents, and so employed during such occasional residence only, and in respect of every male person so employed under 15 years old, and wholly maintained and lodged in the house of his employer, &c. or of the age of 15 years or upwards, and bound apprentice to his employer, &c. or assigned to him till his arriving at the age of 21 years or upwards, and wholly maintained and lodged in the house of the latter, provided the cause of exemption be truly returned and stated as required by the acts in force at the time of passing this act, 59 G.3. c.118. s.2.

For every male servant employed as a waiter (except occasional waiters over and above the ordinary number usually kept) in any taverns, coffeehouses, inns, alehouses, [or other licensed houses, 48 G.3. c.55.] or in eating or victualling houses, hotels, or lodging-houses, [being eating or victualling houses, *id. ibid. only.*] the sum of

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
For every male person so employed, where the duties granted by 48 G.3. c.55. <i>Sched. C. No. 3.</i> are not chargeable,	0	0	0	3 0 0

For every male person so employed as an occasional waiter therein for the period of 6 calendar months in the year,

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
And if so employed for a lesser period,	0	0	0	1 0 0

And for every male person not being a servant employed as an occasional waiter in any private house not less than 6 times in a year, the sum of

	£.	s.	d.	Additional 52 G.3. c.93. Sch. C. No. 3.
For every male person employed by any stable keeper [for or in expectation of profit, 52 G.3. c.93., <i>id. ibid.</i>] to take care of any horse, mare or gelding, [of any other person, 48 G.3. c.55., <i>id. ibid.</i>] kept for the purpose of racing or running for any plate, prize, sum of money, or other thing, or any horse,	0	0	0	1 0 0

183. From 5th April, 1818, the duties imposed on four-wheeled carriages of the following description, and not drawn by any horses, mares, geldings, or mules, shall cease, and the rates following shall be substituted, 58 G. 3. c. 17. s. 1.—*viz.*

For every carriage having four wheels of less diameter than 30 inches each, which in every respect shall be built, constructed, marked, and described as a taxed cart, according to the regulations prescribed by the law for taxed carts, except as to the number of wheels as before mentioned, and which shall be drawn by any one pony or mule not exceeding 12 hands in height, or by an ox or ass, and of which carriage the original price shall not have exceeded, or the value shall not at any time exceed the sum of 15*l.* sterling, and which shall not be constructed with a spring or springs of any materials whatever, there shall be charged the annual sum of 1*l.* 9*s.*; and if such carriage shall be constructed with a spring or springs of any materials whatever, except of iron, steel, or any other metallic substance, either wholly or in part, there shall be charged the annual sum of 2*l.* 15*s.*

For every carriage having four wheels of less diameter than 30 inches each, constructed, marked, or described in any manner different from a taxed cart, or contrary to the regulations prescribed by the law for taxed carts, except as to the number of wheels as aforesaid, or constructed with a spring or springs of iron, steel, or any other metallic substance, or which shall be drawn by any 2 or more ponies or mules not exceeding 12 hands high, or oxen or asses as aforesaid, of which carriage the original price shall have exceeded, or the value thereof shall at any time exceed, the sum of 15*l.* sterling, there shall be charged the respective sums payable by law on carriages with less than four wheels, and according to the number of beasts used in drawing the said carriages with four such wheels as aforesaid, and the additional body or bodies successively used on the same carriage or number of wheels.

Provided that for every such carriage with 4 wheels, not constructed according to the directions of this act, or constructed according to the said directions, but drawn in any manner contrary to the said directions, there shall be charged the respective sums payable by law on carriages with 4 wheels, 58 G. 3. c. 17. s. 1.

184. These duties shall be assessed, levied, paid, and accounted for under the regulations of the assessed taxes acts: and this act shall be construed in all respects as if the said duties were expressly directed to be charged, subject to the several provisions and penalties in those acts, and as if the same were expressly enacted in this act; and all the powers and penalties, &c. of those acts applicable to the duties on carriages mentioned herein shall be put in execution throughout G. B.; and shall severally be taken to belong to this act as if herein re-enacted, *id.* s. 2. Duties to be carried to the consolidated fund, *id.* s. 3.

48 G. 3. c. 55. Schedule (D.) No. 2. 52 G. 3. c. 93., *id.* *ibid.*

For carriages with less than four wheels:	£.	s.	d.	£.	s.	d.
For every such carriage (except taxed carts constructed, kept, and used under the regulations of this act.) <i>viz.</i> Sched. (D.) No. 4. (except such carriages for which other duties are by 52 G. 3. imposed), drawn by one horse, mare, or gelding, and no more	5	18	0	0	12	0
And for every such carriage where the duty granted by the said acts shall not be chargeable, the annual sum of	0	0	0	6	10	0
And for every such carriage, drawn by two or more horses, mares, or geldings	8	5	0	0	15	0
And for every additional body, of the description hereinafter mentioned, successively used on the same carriage or number of wheels, the further sum of	2	16	0	0	7	0
[See 50 G. 3. c. 104. Sched. No. 3. additional duties.]						

RULES for charging the said Duties in the two foregoing Schedules.

1. The said duties to be respectively charged for every coach, berlin, landau, chariot, calash, chaise marine, chaise, sociable, or caravan, with 4 wheels [or more, 52 G. 3. c. 93.]; and for every calash, chaise marine, chaise, curricule, chair, or car, with less than four wheels, or any number thereof respectively; and for every other carriage with 4 wheels, or with less than 4 wheels, respectively used or to be used for the like purposes, by whatever name or names the same shall be called or known, kept by any person or persons for his, her, or their own use, or hired by the year or any longer period; and upon all such carriages kept to be let out, or to carry passengers for hire (except such carriages for which other duties are hereinafter made payable), and which duties shall be respectively paid by the person or persons keeping such carriages, and shall be chargeable on the body, or if more than one, on the bodies of such carriages respectively, according to the number thereof successively used on the same carriage or number of wheels in the manner before directed, and not in respect of the wheels there-

of, or any other parts of such carriages to which the wheels shall be attached.

DUTIES payable on CARRIAGES with less than four wheels, according to 50 G. 3. c. 104. Sch. No. 3.

For every carriage with less than four wheels chargeable by 48 G. 3. c. 55. Sch. D. No. 2. with the duty of 5*l.* 18*s.* if drawn by one horse, mare, or gelding, and no more, there shall be charged the like amount of duty for every such carriage drawn by one horse, mare, gelding, or mule, and no more - 5 18 0
For every such carriage chargeable by the said act with the duty of 8*l.* 5*s.* if drawn by two or more horses, mares, or geldings, shall be charged the like duty for every such carriage drawn by more than one horse, mare, gelding, or mule - 8 5 0
And for any additional body successively used on the same carriage or number of wheels chargeable by the said act, with the further duty of 2*l.* 16*s.* shall be charged the like further duty for every such additional body, &c. if drawn in the manner herein mentioned, the further annual sum of - 2 16 0

185. The said several duties on carriages with less than four wheels to be charged according to the rule in 48 G. 3. c. 55. Sch. (D.) No. 2., and to extend to all carriages with less than four wheels described in that act, and not constructed or used according to the regulations prescribed by that or this act for taxed carts, 50 G. 3. c. 104. Sch. No. III.

48 G. 3. c. 55. Sch. (D.) No. 3. 52 G. 3. c. 93. Sch. (D.) No. 3.

For carriages hired for any period of time less than one year, or kept to be let to hire, or to carry passengers: 48 G. 3. c. 55. Sch. D. No. 3. Additional
For every such carriage kept for the purpose of being let to hire, with horses to be used therewith [by any post-master, innkeeper, or other person duly licensed to let post-horses by the commissioners of stamps, 52 G. 3. c. 93., &c. as above] for any period of time not exceeding 28 days [48 G. 3. c. 55. only] so that the stamp office duty payable by law on horses let to hire shall be duly paid and satisfied on every such letting by any post-master, innkeeper, or other person duly licensed to let post-horses by the commissioners of stamps [and shall be duly accounted for by delivery of a ticket according to those acts, 52 G. 3. c. 93.,] and whereon the name or names and place of abode of the person or persons so licensed shall be marked or painted, according to the directions of the acts in that case made and provided; if such carriage shall have four wheels, the sum of - 9 9 0 1 1 0

And if such carriage shall have less than four wheels, the respective sums mentioned in Sched. (D.) No. 2. of 48 G. 3. c. 55. according to the number of horses used therewith, as therein mentioned.

And if such carriage shall have less than four wheels, the respective sums mentioned in Sched. (D.) No. 2. of 55 G. 3. c. 93. in addition to the duties respectively granted thereon by 48 G. 3. c. 55. and 50 G. 3. c. 104.

And for every coach, diligence, caravan, or chaise with four wheels or more, or other carriage with four wheels or more, by whatever name the same shall be called or known, kept and employed as a public stage coach or carriage for the purpose of conveying passengers for hire to and from different places, and which shall be duly entered as such with the said commissioners of stamp duties, the like sum of - 9 9 0 1 1 0

For every carriage kept for the purpose of being let to hire for any period of time less than one year, and in such manner that the said stamp office duty shall not by law be payable on such letting by any person so licensed as aforesaid, or by any coach-maker or maker of such carriages, or other person, if such carriage shall have four wheels, the annual sum of - 11 5 0

For every carriage kept for the purpose of being let to hire without horses to be used therewith, by any coach-maker or maker of such carriages, where such carriage shall have four wheels, the annual sum of - 11 5 0 0 15 0

And where such carriage shall have less than four wheels, the like sums mentioned in 52 G. 3. c. 93. Sch. (D.) No. 2.

All the said duties to be paid by the person or persons keeping the same for the purposes aforesaid.

Provided, if a due return thereof shall not be made by the hirer or hirers according to the directions of the acts herein mentioned, the progressive duty as set forth in 48 G. 3. c. 55., Sch. (D.) No. 1., and 52 G. 3. c. 93. *id. ibid.* shall be chargeable in respect of every such carriage on the person or persons hiring the same, and making such default as aforesaid, subject to the provisions contained in the said acts concerning the same.

And if such carriage shall have less than four wheels, the respective sums mentioned in those schedules (D.) No. 2. according to the number of horses to be used therewith, shall be paid by the person or persons keeping the same for the purposes aforesaid, subject to the provisions hereinafter contained concerning the same.

48 G. 3. c. 55. Sch. (D.) No. 4.—FOR TAXED CARTS.

For every carriage with less than four wheels, to be drawn by one £. s. d.

horse, mare, or gelding, and no more, which shall be built and constructed wholly of wood and iron, without any covering other than a tilted covering, and without any lining or springs, whether the same be made of iron, wood, leather, or other materials, and with a fixed seat without slings or braces, and without any ornament whatever other than paint of a dark colour for the preservation of the wood or iron only, and which shall have the words "a Taxed Cart," and the owner's christian and surname, and place of abode, marked or painted on a black ground in white letters, or on a white ground in black letters, on the outside of the back pannel or back part of such carriage, in words at full length, each of the letters thereof being at least one inch in length, and of a breadth in proportion, and the price of which (repairs excepted) shall not have exceeded, or the value thereof shall not at any time exceed the sum of 12*l.* sterling, which shall be kept by any person or persons for his, her, or their own use, and not for hire, the annual sum of - 1 6 6

See additional duty of 1*l.* 6*s.* 6*d.* by 50 G. 3. c. 104. Sch. No. 1.; and of 2*s.* 6*d.* by 52 G. 3. c. 93. Sch. (D.) No. 4. *post.*

Except all carriages constructed as aforesaid belonging to any persons liable to be assessed to the before mentioned duties in respect of the four-wheeled carriage, or to the before mentioned duties on male servants in respect of two such male servants, which persons respectively shall be charged for such carriages, although built and constructed as aforesaid, at the rate prescribed in Sch. (D.) No. 2. for carriages with less than four wheels.

50 G. 3. c. 104. Sch. Nos. 1. and 2.

For every carriage called "a taxed cart," built according to £. s. d.
48 G. 3. c. 55. in every respect, the original price whereof shall not have exceeded, or its value at any time exceed 15*l.* sterling, and not at any time used with a covered or stuffed seat or footboard or apron thereto, fixed or not fixed, the annual sum of 1 6 6

(See an additional duty of 2*s.* 6*d.*, 52 G. 3. c. 93. Sch. (D.) No. 4. *post.*)

For every such carriage called a "taxed cart," built and constructed with a spring or springs of any materials (except iron, steel, or other metallic substance or composition thereof, either wholly, or in part, whereof the original price or value at any time shall not exceed 21*l.* sterling, or which shall be used with a stuffed seat or cushion, covered footboard, or apron thereto fixed or not - 2 10 0

(See additional duty of 3*s.*, 52 G. 3. c. 93. Sch. (D.) No. 4. *post.*)

Except all carriages constructed as above, and of the respective values herein, and used as before mentioned, belonging to any person liable to assessment for duties on a four-wheeled carriage, or to the duties on two male servants, which persons shall be charged for such carriages, though constructed, &c. as above, at the rate prescribed in 48 G. 3. c. 55. Sch. (D.) No. 2., or according to this act, Sch. No. 3. as the case may require, 50 G. 3. c. 104. Sch. No. 2.

192. The said several duties on taxed carts shall be charged under the same RULES, and subject to the same EXEMPTIONS as the duties contained in 48 G. 3. c. 55. Sch. (D.) No. 4. directed to be charged, *id. ibid.*

ADDITIONAL DUTIES for TAXED CARTS payable by 52 G. 3. c. 93. Sch. (D.) No. 4.

For every carriage with less than 4 wheels, to be drawn by one horse, mare, gelding, and not otherwise, which shall be built and constructed wholly of wood and iron, without any covering other than a tilted covering, and without any lining, and with a fixed seat without slings or braces, and without any ornament whatever other than paint of a dark colour for the preservation of the wood or iron only, and which shall have the words, "a Taxed Cart," and the owner's christian and surname and place of abode, and also the name and place of abode of the maker thereof, and the full value thereof, or the actual price or consideration paid or given for the same, marked or painted on a black ground in white letters, or on a white ground in black

letters, on the outside of the back pannel or back part of such £. s. d.
carriage in words at full length, and in Roman characters, each of the letters thereof being at least one inch in length, and of a breadth in proportion, and which shall be kept by any person or persons for his, her, or their own use, and not for hire, there shall be charged the respective duties hereinafter mentioned; that is to say,

For every carriage called a taxed cart, built and constructed according to the regulations before mentioned, and which shall be constructed without any spring or springs of any materials whatever, and the price of which (repairs excepted) shall not have exceeded, or the value thereof shall not at any time exceed, the sum of 15*l.* sterling, and which shall not at any time be used with a covered or stuffed seat or cushion, fixed or not fixed thereto, the annual sum of - 0 2 6

In addition to the duty of 1*l.* 6*s.* 6*d.* granted by 50 G. 3. c. 104. Sch. No. 1. *supra.*

And for every carriage called a taxed cart, built and constructed according to the said regulations, with a spring or springs of any materials whatever, except of iron, steel, or other metallic substance, or any composition of iron or steel, or other metallic substance, either wholly or in part, the original price of which carriage shall not have exceeded, or the value whereof shall not at any time exceed the sum of 21*l.* sterling, or which shall be used with a covered or stuffed seat or cushion fixed or not fixed thereto, or with a covered footboard or apron thereto, fixed or not fixed, the annual sum of - 0 5 0

In addition to the duty of 2*l.* 10*s.* granted by 50 G. 3. c. 104. Sch. No. 2.

And for every carriage with less than four wheels, constructed with a spring or springs of iron, steel, or other metallic substance, or any composition of iron, steel, or other metallic substance, the respective sums mentioned in 52 G. 3. c. 93. Sch. (D.) No. 2. in addition to the respective duties granted by 48 G. 3. c. 55. and 50 G. 3. c. 104., on carriages with less than four wheels.

All which duties in respect of carriages herein mentioned, shall be charged upon and paid by the person or persons keeping the same respectively.

Except always all carriages constructed as aforesaid, belonging to any person liable to be assessed to the before mentioned duties in respect of a four-wheeled carriage, or on male servants, contained in Sch. (C.) No. 1. in respect of two such male servants, which persons respectively shall be charged for such carriages, though constructed as aforesaid, at the rate prescribed in Sch. marked (D.) No. 2. of the said act of 48 G. 3. c. 55. and this act, (*viz.* 52 G. 3. c. 93.), for carriages with less than four wheels.

EXEMPTIONS from the several DUTIES in 48 G. 3. c. 55. and 52 G. 3. c. 93. Schedules (D.) Nos. 1, 2, 3, and 4.

Case I. Any carriages belonging to H. M. or any of the royal family.

Case II. Any coach or coaches licensed by the commissioners for hackney coaches within *London* and *Westminster*, and the suburbs thereof, to be used as hackney coaches there, and numbered according to law.

193. All owners of hackney coaches used as stage coaches, who have taken out licenses for same, from the commissioners of stamps, whereby they are now liable to mileage duties, shall be freed from the obligation imposed by the assessed taxes of delivering to the assessors lists of such coaches, 56 G. 3. c. 66. s. 10.

Case III. Any carriage kept by any coachmaker or maker of carriages, *bona fide* for the purpose of sale, or of being lent to any person whose carriage being of the same denomination or description shall be then making, mending, or repairing by such coachmaker or maker of carriages, and during the time the same shall be necessarily under repair; provided such carriage shall not at any time, whilst in the possession of such coachmaker or maker of carriages, be employed for his or her own use, or let to hire, or otherwise lent than as aforesaid.

Case IV. Any [common stage, 52 G. 3. c. 93. *id. ibid.*] cart kept truly and without fraud to be used wholly in the affairs of husbandry, or in the carriage of goods in the course of trade, and whereon the name and place of residence of the owner, and the words "common stage cart," shall be legibly painted, although the owner, or his servant or servants, shall or may, [for the purpose of driving or conducting the same only, 52 G. 3. c. 93. *id. ibid.*] occasionally ride therein or thereon when laden, or when returning from any place to which, or when going to any place from which any load shall have been or shall be to be carried in such carriage in the course of husbandry or trade; or for conveying the owners thereof, or their families, to or from any place of

divine worship on *Sunday*, or on *Christmas day*, or on *Good Friday*, or on any day appointed for a public fast or thanksgiving, or for carrying persons going to or returning from the elections of members to serve in parliament, in case such carriage shall not have been or be used for any other purpose of riding thereon or therein, save as aforesaid, or let to hire for any such purposes of riding therein.

PROVISIONS applying to *Taxed Carts*.

186. Certain other duties are granted as in the schedule to the act annexed, 50 G. 3. c. 104. s. 1., and the produce carried to consolidated fund, *id.* s. 9.

187. To be levied under 48 G. 3. c. 55., and the schedules relative to the same things added to the corresponding schedules in 48 G. 3. c. 55., 50 G. 3. c. 104. s. 2. The persons acting as commissioners under that are also commissioners for this act, *id.* s. 3.

188. Every maker of any carriage called a taxed cart, built according to the regulations of 48 G. 3. c. 55. or of this act, for sale, shall cause his name and abode, and places where such business shall be carried on, to be returned to the commissioners, as required to be done by makers of other carriages for sale chargeable with duty, and under like penalty; and shall from time to time enter in a book the number of such carriages built for sale as taxed carts, the names and abodes of the vendors, and the full value thereof, with the full price or other consideration for the same, and the day on which such carriage was delivered or sent out of his shop or warehouse; all which books shall, at all reasonable times in the day time, be open to inspection of the assessor, collector, surveyor, or inspector for the place where the maker shall reside: and every such person shall, within 21 days after every 10th Oct. and 5th April, deliver a true copy in writing for every entry in such book within the preceding half year, to the assessors or collectors of the place, &c. or one of them, where such maker resides, who, or his chief servant, &c. shall, when required by such surveyor, &c., make oath or affirmation of the truth of such account to the best of his knowledge; and any maker who shall neglect to keep an account, or deliver such copy thereof, or shall wilfully omit any thing which ought to be contained therein, or shall make false entry of any particular, shall forfeit not exceeding 20*l.*, to be recovered or levied under any act relating to assessed taxes, *id.* s. 4.

189. Every maker of taxed carts for sale shall, before delivery out of his shop, &c. to the purchaser, cause his own name and place of abode, and that of the purchaser, and the words, "a taxed cart," and the full value or actual consideration paid, to be painted in a conspicuous part of the outside of the back part of such carriage in words at length, and in Roman characters, in black letters on a white ground, or white letters on a black ground, of at least one inch long, and proportionate breadth: and if he shall deliver the same, or suffer its delivery from his shop, &c., to the purchaser, without having first caused the several particulars to be so painted, or if any person shall use such carriage so built or purchased after passing this act, without such particulars so painted thereon, every such person shall forfeit 20*l.*, to be recovered as in last *pl.*, 50 G. 3. c. 104. s. 5.

190. Every cart having the name and residence of the owner, and the words, "*Common Stage Cart*," legibly painted thereon, which shall be kept *bonâ fide* to be used wholly in husbandry or carriage of goods in course of trade, though the owner or his servants occasionally ride therein when laden, or when returning from any place to which, or when going to any place from which, any load shall have been, or shall be to be carried in such cart, in the course of husbandry or trade, and though used for riding therein as herein mentioned, *viz.* for procuring medical assistance for the owner or his family, or for carrying goods to, or bringing them back from market, or carrying the owner or any of his family to or from any place of public worship, or election of members of parliament, courts of justice, or meeting of commissioners of taxes, shall be exempted from the duties granted by 48 G. 3. c. 55. or this act, on carriages (provided it shall not have been let to hire for any such purposes, *id.* s. 6).

191. On questions arising how carriages with less than four wheels have been constructed, or shall be used; or from the omission of painting thereon any particulars, by 48 G. 3. c. 55. or by this act required; or from painting the same contrary to such regulations, the commissioners shall give notice to the proprietor or person having possession, to produce the same before them at a day and place named; and on production after inspection thereof, shall adjudge the rate of duty at which it shall be charged, according to the best of their judgments (subject to a case to be stated pursuant to 43 G. 3. c. 161. s. 75., &c. if the same is lawfully demanded: and if, after inspection, any doubt remain with such commissioners as to which of one or other of the rates of duty such carriage ought to be charged with, they may charge same with the lower duty, if they think that the doubtful particulars were

not wilfully continued to evade the higher duty (subject to the above case), and under like circumstances may remit and strike off the whole of the double duty which might have arisen, or any increase of duty chargeable in such case, 50 G. 3. c. 104. s. 7.

48 G. 3. c. 55. *Sch.* (D.) No. 5. and 52 G. 3. c. 93. *Sch.* (D.) No. 5.

DUTIES payable by COACHMAKERS and Makers of other Carriages, chargeable with duty by the act, and on Carriages made or sold as herein mentioned.

By every person who shall carry on the trade of a coachmaker or maker of any carriages chargeable with duty by this act in G. B., the annual duty of	48 G. 3. c. 55.	Additional 52 G. 3. c. 93.
	£ s. d.	£ s. d.
	0 6 0	0 4 0
And where the duty granted by 48 G. 3. c. 55. <i>Sch.</i> (D.) No. 5. is not chargeable therein, the annual sum of	0 0 0	0 10 0
By every such coachmaker or maker of such carriages as aforesaid, [and every dealer therein, 52 G. 3. c. 93.] for every such carriage with 4 wheels, which he shall make, build, construct for sale, [or sell, <i>id.</i> <i>ibid.</i>] the sum of	1 2 6	0 2 6
And where the duty granted thereon shall not be chargeable	0 0 0	1 5 0
And for every such carriage with 2 [less than 4, 52 G. 3. c. 93.] wheels, which he shall make, build, or construct for sale, (or sell, <i>id.</i> <i>ibid.</i>) the sum of	0 11 3	0 1 3
And where the duty granted thereon is not chargeable	0 0 0	0 12 6

DUTIES payable by makers of TAXED CARTS, chargeable with duty by 48 G. 3. c. 55. or this act, (*viz.* 50 G. 3. c. 104.), and on sale of such carriages by such makers.

Upon every maker or makers of any carriage built and used according to the regulations prescribed by law for taxed carts, and of the values limited either by 48 G. 3. c. 55. <i>Sch.</i> (D.) or 50 G. 3. c. 104. <i>Sch.</i> No. II. or No. III., shall be charged the annual duty of	50 G. 3. c. 104. last <i>Sch.</i>	Additional 52 G. 3. c. 93. <i>Sch.</i> D. No. 5.
	£ s. d.	£ s. d.
	0 2 6	0 0 6
Where the duty granted by 48 G. 3. c. 55. <i>Sch.</i> (D.) is not chargeable thereon	0 0 0	0 3 0
By every such maker of carriages as aforesaid, for every such carriage which he shall make, &c. for sale	0 2 6	0 0 6
Where the duty by that act granted is not chargeable thereon.	0 0 0	0 3 0

These several duties on such makers of taxed carts, to be charged in the same manner as the duties contained in 48 G. 3. c. 55. *Sch.* (D.) No. 5. directed to be charged, 50 G. 3. c. 104. last *Sch.*, except any maker of carriages with 4 wheels, or of carriages with less than 4 wheels duly assessed as such to the duties in 48 G. 3. c. 55. *Sch.* (D.) No. 2. *id.* *ibid.*

48 G. 3. c. 55. *Sch.* (D.) No. 6. and 52 G. 3. c. 93. *id.* *ibid.*

DUTIES payable by persons selling any CARRIAGES chargeable with duty by this act, by auction or on commission.

By every person who shall sell any carriage chargeable with duty by this act, by way of auction or on commission, for or in expectation of profit or reward in G. B., the annual duty of	48 G. 3. c. 55.	Additional 52 G. 3. c. 93.
	£ s. d.	£ s. d.
	0 6 0	0 4 0
By every such person for every such carriage with 4 wheels, which he or she shall sell by auction or on commission, for or in expectation of profit or reward as aforesaid	1 2 6	0 2 6
And for every such carriage with 2 wheels, which he or she shall sell by auction or on commission, for or in expectation of profit or reward as aforesaid, (except taxed carts, 52 G. 3. c. 93.)	0 11 3	0 1 3
And for every taxed cart, (<i>see last page.</i>)	0 0 0	0 3 0

[*See as to payment of the various duties on carriages; viz. as to returning lists to assessors, 43 G. 3. c. 161. s. 27. *Exp.*; as to proceedings where persons keeping them have no fixed residence, *id.* s. 39. *pl.* 105.; coachmakers and sellers of carriages by commission shall keep account of carriages so built or sold, on penalty of 50*l.* for neglect, *id.* s. 43. *pl.* 107.; proper forms for such accounts to be had at the tax office, *id.* s. 44.; to be certified by assessors to whom delivered to the commissioners, *id.* s. 45.; and see as to livery stable keepers who let carriages and horses to hire, *id.* ss. 40—48. *pl.* 104—112. *See regulations, post, at end of 48 G. 3. c. 55. *Sch.* (F.)]**

48 G.3. c. 55. Sch. (E.) No. 1., and 52 G.3. c. 93. Sch. (D.) No. 1.

DUTIES payable for all HORSES, MARES, and GELDINGS, kept and used by any person or persons for the purpose of riding, or for the purpose of drawing any carriage chargeable with duty by Sch. (D.)

NUMBER thereof.		Amount of duty for each horse, mare, or gelding.	Additional 52 G.3. c. 93.	
			£.	s. d.
For 1 such horse, mare or gelding	-	- 2 13 6	0	4 0
2 such horses, mares, or geldings	-	- 4 9 6	0	5 0
3 - Do.	-	- 4 18 6	0	6 0
4 - Do.	-	- 5 2 0	0	8 0
5 - Do.	-	- 5 3 0	0	8 6
6 - Do.	-	- 5 7 6	0	8 6
7 - Do.	-	- 5 10 0	0	9 6
8 - Do.	-	- 5 10 0	0	9 6
9 - Do.	-	- 5 12 0	0	9 6
10 - Do.	-	- 5 17 6	0	9 6
11 - Do.	-	- 5 17 6	0	9 6
12 - Do.	-	- 5 17 6	0	9 6
13 - Do.	-	- 5 18 0	0	9 6
14 - Do.	-	- 5 18 0	0	9 6
15 - Do.	-	- 5 18 0	0	9 6
16 - Do.	-	- 5 18 0	0	9 6
17 - Do.	-	- 5 18 6	0	9 6
18 - Do.	-	- 5 19 6	0	9 6
19 - Do.	-	- 6 0 0	0	10 0
20 and upwards	-	- 6 1 0	0	11 0

RULES for charging the said Duties.

192—4. The said duties to be payable annually for every horse, mare, or gelding, used [kept, 52 G.3. c. 93.] on any occasion for the purpose of riding, or of drawing any carriage for which any duty is payable by this act, or hired by the year or any longer period, and to be paid by the person or persons using the same, except as after mentioned, [according to the greatest number kept by the same person at one time in the course of the preceding year, 52 G.3. c. 93.]

195. The progressive duties chargeable on horses, mares, and geldings under 48 G.3. c. 55., and 52 G.3. c. 93. shall, in the cases hereinafter mentioned, be discontinued from 5th April, 1819; and from that day there shall be charged and paid for every horse, &c. wholly used by any butcher or his servant in his trade, the annual sum of 2l. 17s. 6d., provided that for any second horse and no more so used by such butcher there shall be charged 1l. 1s. annually, 59 G.3. c. 13. s. 2. [CONF. 1 & 2 G.4. c. 113. s. 37.]

196. From 5th April, 1819, the duties chargeable on horses, mares, and geldings, not exceeding 13 hands, used for riding or drawing carriages shall cease, and from that day there shall be paid for every horse, &c. not exceeding that height, and used for either of those purposes the annual sum of 2l. 2s.; but nothing herein shall take away the exemption or relief to which any person keeping the same is entitled, 59 G.3. c. 13. s. 3.

197. From 5th April, 1819, the duties payable under 48 G.3. c. 55. Sched. (E.) No. 1. and 52 G.3. c. 93. id. *ibid.* in respect of one horse, mare, or gelding, *bonâ fide* kept for and usually employed by any bailiff on the concerns of any farm with which he may be entrusted, shall cease during the continuance of this act, and from 5th April, 1819, 2l. 10s. annual duty shall be charged for such horse, &c., 59 G.3. c. 13. s. 5.

EXEMPTIONS from the said duties in Schedules (E.) Nos. 1. of 48 G.3. c. 55. and 52 G.3. c. 93.; and see *infra*, pl. 197. (a)—215.]

I. Any person or persons who shall keep any horse, mare, or gelding which shall be used truly and without fraud for the purpose of husbandry, or of drawing any carriage (except carriages liable to any duty by this act, or carrying burthens in the course of the trade or occupation of the person or persons to whom such horse, mare, or gelding shall belong, although such horse, mare, or gelding shall be used for riding on the occasions and in manner herein-after mentioned; that is to say, when returning from any place to which any load or burthen shall have by such horse, mare, or gelding been drawn or carried, or in going to any place from whence any load or burthen shall be to be brought back by any such horse, mare, or gelding, or on account of such horse, mare, or gelding having been used for the purpose of riding to procure medical assistance, or for the purpose of riding to or from market, any place of public worship, election of members to serve in parliament, courts of justice, or to or from any meeting of the com-

missioners of taxes, provided such horse, mare, or gelding shall not on any occasion be used for any other purpose save as aforesaid.

II. Any person occupying a farm as tenant at rack-rent, the rent of which shall be less than 70l. a-year; and making a livelihood solely thereby; or any person occupying any estate on any other tenure than as tenant at rack-rent solely, or such estate, together with a farm at rack-rent, the value of which in the whole shall be less than equivalent to a farm at the rack-rent of 70l. a-year, reckoning the value of every estate occupied by the owner thereof, or on any tenure other than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent, and making a livelihood solely by such his own estate, or by such estate and farm jointly, and using occasionally for the purpose of riding any horse, mare or gelding, which shall be *bonâ fide* kept and usually employed for the purposes of husbandry. [See also, 56 G.3. c. 66. s. 4. *post*, 206.]

III. Any person, occupying a farm, and making a livelihood solely thereby, or any person carrying on a trade, and making a livelihood solely thereby, or making a livelihood by such occupation and trade jointly; or any ecclesiastical person not possessed of an annual income of 100l. or upwards, whether arising from any ecclesiastical preferment or otherwise, for one horse, mare, or gelding used only for the purpose of drawing any carriage with less than 4 wheels, liable to the duty hereby made payable on taxed carts. [and see, as to keeping riding-horse, 1510, Case VII.]

Provided always that in every such case the said horse, &c. shall be duly returned, and the exemption hereby granted duly claimed as by this act directed, 52 G.3. c. 93. Sched. (E), Exemptions, III. only.

48 G.3. c. 55. Sched. (E.) No. 2., and 52 G.3. c. 93. Sched. (E.) No. 2.
DUTIES payable on horses let to hire.

For every horse, mare, or gelding, let to hire for the purpose of riding, or of drawing any such carriage as aforesaid, for any period of time less than one year, in any manner so that the stamp office duty payable by law on horses let to hire shall not be payable, the sum of	48 G.3. c. 55.	Additional 52 G.3. c. 93.
	£. s. d.	£. s. d.
- - - 2 13 6	0	4 0

To be charged annually on the person or persons letting the same; provided, if a due return thereof shall not be made by the hirer or hirers, the progressive duty, as set forth in Schedule (E.) No. 1. of these acts, shall be chargeable in respect of every such horse, mare or gelding, on the person or persons hiring the same, and making such default as aforesaid, subject to the provisions contained in this act concerning the same.

48 G.3. c. 55. Sch. (E.) No. 3. 52 G.3. c. 93. Sch. (E.) No. 3.

DUTIES payable on HORSES kept for the Purpose of Racing or Running for any Plate, Prize or Sum of Money, or other Thing, or kept in Training for any of the said Purposes.

For every horse, mare or gelding, <i>bonâ fide</i> kept for the purpose of racing or running for any plate, prize or sum of money, or other thing, or kept in training for any of the said purposes, whether in the stables of the proprietor or proprietors, or of any other person or persons, the sum of	48 G.3. c. 55.	Additional 52 G.3. c. 93.
	£. s. d.	£. s. d.
- - - 2 13 6	0	4 0

The said duty to be charged annually on the person or persons having the custody, charge or management of such horses, mares or geldings.

48 G.3. c. 55. Sch. (F.) No. 1. 52 G.3. c. 93. Sch. (F.) No. 1.

DUTIES payable for all HORSES, MARES and GELDINGS, not charged with any Duty according to Schedules (E.) Nos. 1, 2, and 3.; and also on MULES.

For every horse, mare or gelding, not chargeable with any duty according to Sch. (E.) Nos. 1, 2, and 3. as above, and for every mule, except such horses, &c. and mules for which other duties are hereinafter made payable, the annual sum of	48 G.3. c. 55.	Additional 52 G.3. c. 93.
	£. s. d.	£. s. d.
- - - 0 4 0	0	7 0
For every such other horse, &c. under 13 hands, of 4 inches to each hand	- - - 0 0 0	0 3 0
		but see note (a)

DUTIES by 52 G.3. c. 93. Sch. (F.) No. 2.

For every horse, &c. of 13 hands, or more, in height, of 4 inches to each hand, *bonâ fide* kept and solely used for purposes of husbandry, except as herein-after mentioned, the annual sum of - - - 0 0 0 0 3 6

[NOTE (a)—But these duties, as applying to husbandry horses, are repealed by 1 & 2 G.4. c. 110. s. 1. pl. 209. and are also reduced, as in pl. 192—4. 201.]

TAXES (ASSESSED).

48 G.3. c.55. Sch. (F.) No.2. and 52 G.3. c.93. *id. ibid.*

DUTIES payable on HUSBANDRY HORSES in the cases hereinafter mentioned.

Any person occupying a farm at rack-rent, the rent of which is less than 20*l.* per annum, and making a livelihood solely thereby, or occupying any estate on any other tenure, than as tenant at rack-rent solely, or such other estate, together with a farm at rack-rent, the value of which, in the whole, shall be less than equivalent to a farm at rack-rent of 20*l.* per annum (reckoning the value of every estate occupied by the owner thereof, or on any tenure, other than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent), and making a livelihood solely by such his own estate, or by such estate and farm jointly or principally thereby, and likewise a profit by any trade or employment, and keeping not more than 2 horses, mares, geldings or mules, *bonâ fide* for the purposes of such occupation, shall be charged for each of such 2 horses, &c.

Any person occupying a farm at rack-rent in *W.a.* or *Scot.*, the rent of which is less than 10*l.* sterling per annum, and making a livelihood principally thereby, or occupying any estate on any other tenure than as tenant at rack-rent, or such other estate together with a farm at rack-rent, the value of which in all shall be less than equivalent to a farm at rack-rent of 10*l.* sterling per annum (reckoning the value of every estate occupied by the owner thereof, or on any tenure, other than as tenant at rack-rent, as equivalent to double the amount of the like farm at rack-rent, and making a livelihood principally thereby, and likewise a profit by any trade or employment, and keeping not more than 2 horses, mares, geldings or mules, *bonâ fide* for the purposes of such occupation, and of such trade or employment jointly, or either of them separately, shall be charged for each of such two horses, &c.

197. (a) [QU. whether these duties are reduced by 56 G.3. c.66. as to persons making a profit by any trade or employment, besides making a livelihood principally by a farm of the above value? and QU. whether they are not entirely REP. by 1 & 2 G.4. c.110. s.1. pl.209. and by *id.* s.5. pl.213., which makes the reduced duties above alluded to perpetual?]

RULES for charging the duties as set forth in 48 G.3. c.55. (Sch. F.) Nos. 1, 2., and 52 G.3. c.93. *id. ibid.*

The said duties to be charged annually, and paid by the person or persons keeping or using such horses, mares, geldings or mules, and to be payable for every horse, &c. which shall not be chargeable, nor have been charged with any duty payable in that year according to 48 G.3. c.55. Schedule (F.) or 52 G.3. c.93. Schedule (E). No. 1. by virtue of the rules or exemptions therein, except as herein-after mentioned.

EXEMPTIONS from the Duties in the above Schedules (F.) Nos. 1, 2.

Any person whatever, for any horse, mare or gelding, not being by due admeasurement of the height of 15 hands, of 4 inches to each hand, or which shall not, at any time whatever, have been used for any purpose of labour, or otherwise, 48 G.3. c.55. Exemptions from duties in Schedule (F.) Nos. 1, 2.

Any person whatever for any horse, mare, or gelding, which shall not at any time whatever have been used for any purpose of labour or otherwise, 52 G.3. c.93. Exemptions from Duties in Schedule (F.) Nos. 1, 2.

197. (b) FOR REDUCING DUTIES ON HUSBANDRY HORSES, payable as in 48 G.3. c.55. and 52 G.3. c.93. Schedules (F.) Nos. 2.

198. THE DUTIES ON HUSBANDRY HORSES granted by 48 G.3. c.55. Sch. (F.) No.2. and 52 G.3. c.93. Sch. (F.) No. 2. were SUSPENDED for two years by 56 G.3. c.66., and REDUCED DUTIES were imposed, *id. ibid.* which are CON. by 58 G.3. c.16., 59 G.3. c.13., 1 & 2 G.4. c.20. to 5th April, 1823, and are MADE PERP. 1 & 2 G.4. c.110. s.5. pl.213. but REP. as to duties on horses, &c. and mules kept and used solely for husbandry in G.B. by 1 & 2 G.4. c.110. s.1. pl.209.]

199. THE FOLLOWING PROVISIONS for REDUCING the duties granted by 48 G.3. c.55. Sch. (F.) No. 1, 2. and 52 G.3. c.93. *id. ibid.* are here inserted, notwithstanding the partial repeal of the duties on husbandry horses by 1 & 2 G.4. c.110. s.1., as many cases may still arise where the reduced duties may still be claimed, and see 1 & 2 G.4. c.110. s.5. pl.213.

200. FOR REDUCING THE DUTIES payable on horses used for the purposes therein mentioned for 2 years, 56 G.3. c.66. [CON. to 5th April,

TAXES (ASSESSED).

1509

1819. 58 G.3. c.16. s.1., 59 G.3. c.13. s.1. and to 5th April, 1823. 1 & 2 G.4. c.20. s.1. MADE PERP. *id.* s.5. AMD. by 58 G.3. c.16. s.2., 59 G.3. c.13. s.4.]

201. From 5th April, 1816, the duties imposed by 48 G.3. c.55. Sch. (F.) No.2. and 52 G.3. c.93. Sch. (F.) No. 2. so far as they relate to the duties for horses kept for the purpose of husbandry by any person of the description, or occupying any farm or estate of the description and value hereinafter mentioned, shall be suspended; and there shall be substituted and paid the duties following:

On any person occupying a farm as tenant at rack-rent, less than 200*l.* a-year, and making a livelihood solely thereby, or any person occupying any estate on any other tenure than as tenant at rack-rent solely, or such estate together with a farm at rack-rent, the value of which in the whole shall be less than equivalent to a farm at the rack-rent of 200*l.* a-year, (reckoning the value of every estate occupied by the owner thereof, or on any tenure other than as tenant at rack-rent as equivalent to double the amount of the like farm at the rack-rent, and making a livelihood solely by such his own estate, or by such estate and farm jointly, for every horse, mare or gelding, of the height of 15 hands or more, of 4 inches to each hand, *bonâ fide* kept and used solely for the purposes of husbandry, [all such duties wholly repealed, pl.209.] there shall be charged the annual sums hereinafter mentioned (that is to say); in respect of such estate or farm

	Per annum.	For each horse, mare or gelding.
Estimated as aforesaid, to be under the value of 70 <i>l.</i>	70 <i>l.</i>	£. s. d.
of the value of 70 <i>l.</i> and under - - -	100 <i>l.</i>	0 3 0
of 100 <i>l.</i> and under - - -	150 <i>l.</i>	0 5 0
of 150 <i>l.</i> and under - - -	200 <i>l.</i>	0 7 6
		0 10 6

But nothing herein shall preclude any occupier from the benefit of such reduced assessment by reason that he may have an annual income not exceeding 10*l.* arising from any other source than as before mentioned, unless such annual income shall arise by lending or letting the horses to hire [except in agriculture, &c., 59 G.3. c.13. s.7. pl.203.], or by using the same in any trade for profit; also any tenant quitting the occupation of his farm at or after midsummer in any year, may appeal to the commissioners, and on proof that he shall have ceased to keep or use any horses used in the cultivation of the said farm from the time of his quitting, shall be discharged from one moiety of the assessment in the year subsequent to the time of his quitting the farm, 56 G.3. c.66. s.1.

202. From 5th April, 1818, where any person having or being possessed of or entitled to any farm of lands which, estimated according to 56 G.3. c.66. *last pl.* shall be of less annual value in the whole than 50*l.* sterling, whereof a part shall be let or underlet by him, nothing in that act shall preclude him from the benefit of the reduced assessment therein provided in respect of the lands in his occupation, by reason of his having an income from the lands let or underlet, he making his livelihood wholly from the farm or lands so occupied, let or underlet, and from no other source, and not together exceeding the value of 50*l.* per ann. estimated as above, 58 G.3. c.16. s.2.

203. Nothing in 56 G.3. c.66. or 58 G.3. c.16. shall extend to preclude any occupier of land therein described from the benefit of the reduced assessment therein mentioned, by reason of lending or letting any horse or horses, &c. in respect of which such reduced assessment shall be made, to be employed solely *bonâ fide*, and for no other purpose soever, except for that of agriculture, or for making or repairing roads, or for drawing coal, wood, peat or turf for consumption as fuel in any private house, and not for sale, 59 G.3. c.13. s.7.

204. Any tenant coming into occupation of his farm at or after Midsummer in any year, may appeal to the commissioners for executing this act, and on proof to their satisfaction that he hath not kept or used any horses, &c. by him used in cultivation of the farm prior to entering on its occupation, shall be released from one moiety of the annual assessment payable in respect thereof, *id.* s.8.

205. From 5th April, 1816, any person occupying a farm at a rack-rent of less than 50*l.* a-year, and making a livelihood principally thereby, or occupying any estate as the owner thereof, or on any other tenure than as tenant at rack-rent, or such other estate, together with a farm at rack-rent, the value of which in the whole shall be less than equivalent to a farm at the rack-rent of 50*l.* a-year, reckoning the value of every estate occupied by the owner, or on any tenure other than at rack-rent, as equivalent to double the amount of the like farm at rack-rent, and making a livelihood principally thereby, and likewise a profit by any trade or employment, [see pl.197. (a)] shall be charged for each horse, mare or gelding, the annual sum of 3*s.*, 56 G.3. c.66. s.2.

205. (a) From 5th April, 1816, the duties chargeable on horses used for riding, shall also be discontinued in respect of horses used by common carriers, their waggoners or drivers, as hereinafter mentioned; and there shall be charged for every horse, not exceeding 15 hands, used by any common carrier, or his waggoner or driver, in drawing of any waggon, or to accompany the same, although the carrier, waggoner or

driver, shall ride on such horse while driving, the annual sum of 1*l.* 1*s.*, 56*G.3. c.66. s.3.*

206. Any person chargeable to the reduced duties shall also be exempted from the duties in respect of one horse, *bonâ fide* kept for the purposes of husbandry, although used occasionally for riding, *id. s.4.*

207. Every person seeking his livelihood by the carriage of coal, wood, peat or turf, for consumption as fuel in private houses, and not having any other employment, nor any estate of 10*l. per ann.*, and keeping not more than four horses, shall, from 5*th April* 1816, be wholly exempted from duty for the said four horses, provided they shall, without fraud, be wholly used for the purposes aforesaid, and no other; and provided such coal, peat or turf be loaded on the backs of such horses, or in carts each drawn singly by one horse, and no more, *id. s.5.*

208. From the 5*th April* 1816, every person seeking his livelihood by carriage of ore, slate, stone, coal or culm, to or from the mine or pit, and keeping any mule under 15 hands high for such purposes, shall be charged for each, 3*s.*; provided such coal, culm, ore, slate or stone be loaded on the backs of such mules, 56*G.3. c.66. s.6.* and 59*G.3. c.13. s.6.* [this duty *REP. 1 & 2 G.4. c.110. s.5. infra, pl. 213.*]; the duties thus substituted shall be assessed by the former rules, 56*G.3. c.66. s.8.* and the amount raised shall be carried to the consolidated fund, *id. s.9.* 46*G.3. c.84.* and 52*G.3. c.147.* are *REP. id. s.10.* [FOR REPEALING DUTIES ON HUSBANDRY HORSES, *see pl. 197. (a), and pl. 213.*]

209. FROM 5*th April*, 1822, THE DUTIES ON HORSES, mares, geldings or mules, kept and used solely for the purpose of husbandry in *G.B.*, and all assessments thereon, shall severally determine, 1 & 2 *G.4. c.110. s.1.*

210. The assessments for such horses, &c. for the year ending 5*th April*, 1822, shall be in force for levying and paying the duties for one quarter of that year only, and any 2 or more district commissioners at their meeting at the end of the first quarter of 1822, and after payment of that quarter's duties, may discharge the remainder, and make and return their schedules of discharge thereof in the time and manner usual to make and return their certificates of charge on assessed taxes for that year; and they and all persons soever are exonerated from the duties assessed for such second quarter, *id. s.2.*

211. Any 2 or more commissioners, at their meetings in any places within *G.B.* where any contracts of composition for assessed taxes for 3 years from 5*th April* 1819, have been entered into for the duties on horses, &c. and mules used solely for the purpose of husbandry, at any time after payment of $\frac{1}{4}$ th of the duty chargeable for such horses, &c. or mules contained in any such contract, and thereby payable within the third year of such contract (whether payable quarterly or half yearly), may discharge the residue of the duty on such horses, &c. or mules, but without discharging any part of the additional duty thereon thereby contracted to be paid, and may make and return schedules of discharge thereof as in *s.2.* directed to be done in cases of assessment; with like indemnities as in *s.2., id. s.3.*

212. After 5*th April* 1821, the duties imposed on mules by any of the assessed tax acts, shall cease in respect of every person seeking his livelihood by carriage of ore, slate, stone, coal or culm, to or from the mine or pit, or of lime, sea-sand, or weed, or other manure, the same being loaded on the backs of such mules, and not otherwise, *id. s.4.*

213. The reduced duties imposed by 56*G.3. c.66. ante, pl. 200.*, on horses, mares or geldings, shall, in every case where granted during continuance of that act, be hereby made perpetual; but nothing in either act shall affect any exemption to which the use of such horses, &c. may entitle the person keeping them by any act passed prior to granting such reduced duties, *id. s.5.*

214. Nothing herein shall revive any duty imposed on horses by any act repealed by 48*G.3. c.55.*, or other assessed tax act, *id. s.6.*, nor repeal any provisions or compositions relating thereto, other than the above; and those so repealed shall remain in force for levying all arrears of the duties so repealed, and for recovering penalties incurred in respect of, and for hearing appeals against, assessments of such duties for the present or former years, *id. s.7.*

EXEMPTIONS to the several duties in the Schedules (E.) and (F.) of 48*G.3. c.55.* and 52*G.3. c.93.*

Case I. Any horse, mare or gelding belonging to H. M., or any of the royal family.

Case II. Any postmaster, innkeeper, or other person licensed for that purpose by the commissioners of stamps, in respect of any horse, mare or gelding let to hire by him or her in any manner where the stamp office duty payable on horses let to hire shall be duly satisfied and paid on each letting, and which shall not, on any occasion, be used for any other purpose.

Case III. Any person duly licensed to keep any carriage whatever, to be employed as a public stage-coach or carriage for the purpose

of conveying passengers for hire from different places in *G.B.*, in respect of any horse, &c. actually and solely used and employed by such person in drawing such stage-coach or carriage from place to place for hire.

Case IV. Any person licensed by the commissioners for hackney coaches within the cities of *London* and *Westminster*, and the suburbs thereof, to keep any hackney coach or coaches, for any horses, &c. kept for the purpose of drawing such coach, in respect of the duties in *Sch. (E.) No. 1.*, and for 2 horses, &c. and no more, kept for the purpose of drawing each coach so licensed in respect to the duties in *Sch. (F.) No. 1.*

Case V. Any dealer in horses, assessed to the duties made payable by this act on such dealers, for any horse, mare or gelding belonging to such dealer, and kept *bonâ fide* for sale, and not kept or used for any other purpose or in any other manner.

Case VI. Any person who, on account of poverty, shall be discharged from the assessment made in respect of his or her dwelling-house, in pursuance of the regulations of any of the acts herein mentioned, for any horse, &c., provided such person shall not keep more than one such horse, &c. and the same shall not be let to hire.

Case VII. Any rector, vicar or curate, actually doing duty in the church or chapel of which he is rector, vicar or curate, who shall not be possessed of an income of 60*l. per ann.*, or upwards, whether arising from ecclesiastical preferment or otherwise; and who shall not keep more than one horse, &c. for riding, which otherwise would be chargeable with duty according to this act, except such person who shall occasionally perform the duty appertaining to any rector, &c. without being the regular officiating minister of the parish or place in which such duty shall be performed. [See 1508, Exemption III. as to horses for draft.]

Case VIII. Any effective officer commanding a volunteer corps claiming and returning his exemption for such number of horses, &c. as he shall have been required to keep for H. M.'s service in such corps and no more, in the manner required by this act, *Sch. (N.)*

Case IX. Any field officer not being commandant, and any adjutant of any volunteer corps, and any person serving in any corps of yeomanry volunteer cavalry, or providing a horse, &c. for any other person serving in any such corps who shall be returned in the manner required by law as effective, and as having used any horse, &c. for such service on the several days of muster and exercise of such corps, provided such exemption is claimed and returned as required by this act, and a certificate is delivered of such effective service in the manner required by 46*G.3. c.54. s.11.* (Yeomanry Consolidation act.)

Case X. Any non-commissioned officer or private of any of the regiments of cavalry, or in the artillery, for any horse used in H. M.'s service.

215. From 5*th April*, 1819, all mares kept for the sole purpose of breeding, shall, whilst so kept, be wholly exempt from duty, 59*G.3. c.15. s.4.* [See rest of this section annexed to 43*G.3. c.55. Sch. (H.) duties payable by horse-dealers.*]

216. [See Regulations as to assessing the duties on horses, 43*G.3. c.161. s.27.* EXP. as to making returns of them, and *s.39. pl. 103.* as to assessing persons keeping them; and regulations for assessing stable keepers and others letting horses, &c. to hire, *id. ss. 40—47. pl. 105—111.*]

DUTIES payable by 48*G.3. c.55. Sch. (G.)*, and 52*G.3. c.93. Sch. (G.)*

For every greyhound, hound, pointer, setting-dog, spaniel, lurcher, or terrier, the annual sum of	-	0	11	6
For every greyhound kept by any person, whether his property or that of any other person [by 52 <i>G.3. c.93.</i> in addition to the above 11 <i>s. 6d.</i>]	-	0	8	6
For every dog of whatever description or denomination, where any person shall keep 2 or more dogs, either for his own use or that of any other person	-	0	11	6
For every hound, pointer, setting dog, spaniel, terrier, or lurcher, and for every other dog, where any person shall keep 2 or more dogs of whatever description (except greyhounds) whether his own property or that of another [by 52 <i>G.3. c.93.</i> in addition to the above 11 <i>s. 6d.</i>]	-	0	2	6
For every dog not a greyhound, hound, pointer, setting dog, spaniel, lurcher, or terrier, kept by any person having one such dog and no more, whether kept for his own use, or for the use of another	-	0	7	0
For every other dog not a greyhound, &c. (as in last) [by 52 <i>G.3. c.93.</i> in addition to the above 7 <i>s.</i>]	-	0	1	0
For every pack of hounds where the duty is compounded for [In addition to the duty of 34 <i>l.</i> granted by 48 <i>G.3. c.55.</i> exemptions from <i>Sch. (G.) Case IV. infra.</i>]	-	2	0	0

The said duties to be paid by the person keeping such dogs, or having them in custody or possession, whether his property or that of another,

and not discovering the owner thereof who shall have been duly assessed for the same, 52 G.3. c. 93. *Sched. (G.)*

EXEMPTIONS from the duties in Schedules (G.) of both acts.

Case I.—Any dog belonging to H. M., or any of the royal family.

Case II.—Any person who, on account of poverty, shall be discharged from the assessment made in respect of his or her dwelling house in pursuance of the regulations of any of the acts herein mentioned, and having one dog, and no more, the same not being a greyhound, hound, pointer, setting dog, spaniel, lurcher, or terrier.

Case III.—Any person in respect of a dog or whelp which, at the time of returning the list of dogs as by 43 G.3. c. 161, s. 27. &c. is required, shall not actually be of the age of 6 calendar months.

Case IV.—Any person in respect of the whole number of hounds by him kept in G. B., who shall compound for the same in any year within 30 days after 5th April in such year, in pursuance of notice given to the collector of the said duty for any parish or place where such person shall be liable to be assessed, of his or her intention so to do, and on payment of the full sum of 34*l.* sterling to such collector, for which a receipt shall be given within the period before-mentioned.

And where 2 or more persons join in keeping or using such hounds, then in default of their compounding for the same, as in Case IV., any or all of them shall be chargeable for every such hound kept by them or any of them, 52 G.3. c. 93. *Exemptions to Sched. (G.)* [See as to making returns of dogs kept, sec 43 G.3. c. 161. s. 27. Exp., and as to assessing persons keeping dogs, and having no fixed residence, *id.* s. 39. *pl.* 103.]

48 G.3. c. 55. Sch. (H.), and 52 G.3. c. 93., *id.* *ibid.*

DUTIES payable by HORSE DEALERS.

Every person who shall use or exercise the trade and business of a horse dealer within the cities of London and Westminster, and their liberties, the parishes of St. Mary-le-bone and St. Pancras, in the county of Middlesex, the weekly bills of mortality, or the borough of Southwark, the annual duty of -	48 G.3. c. 55. Sch. H.		Additional by 52 G.3. c. 93.	
	£.	s. d.	£.	s. d.
Every person who shall use or exercise the trade and business of a horse dealer in any other part of G. B. the annual duty of -	22	10 0	2	10 0
	11	5 0	1	5 0

216. (u) All persons may sell any horses bred or kept by them as farming stock, on lands in their occupation for 3 months at least, without being liable to assessment to the duties payable by horse dealers, 59 G.3. c. 15. s. 4. [See as to returns to be made by horse dealers, 43 G.3. c. 161. s. 27. Exp.; and as to their keeping accounts of horses sold, for inspection by assessors, on 50*l.* penalty, *id.* s. 45. *pl.* 107.; proper forms of such accounts to be had at the tax office, *id.* s. 44. *pl.* 108.; horse dealers trading at different places to deliver returns at each, and declare where they will be charged, *id.* s. 48. *pl.* 112.]

48 G.3. c. 55. Sch. (I.)

DUTIES payable by Persons in respect of HAIR POWDER used or worn by them.

	£.	s. d.
By every person who shall have used or worn any hair powder within the period limited by any of the acts herein mentioned, the annual sum of -	1	3 6

RULES for charging the said Duties.

I.—The said rate or duty to extend to every sort or composition of powder used or worn by any person as an article of, or in, or about, his or her dress, by whatever name distinguished, and to be assessed on and paid by the person having used or worn the same within the year preceding the term for which the assessment ought to be made, except as hereinafter mentioned.

II.—The unmarried daughters of any person shall not be chargeable with the said duties by this act made payable, or with the duties payable at the time of passing this act, or be required to make any return under this act or the acts in force at the time of passing this act, provided their parents have more than 2 unmarried daughters, and have given an account in any list by him or her delivered under this act, or the acts now in force, of the whole number of such daughters, and have required to be assessed and charged for the whole number by one assessment; in which case every such parent shall be assessed and charged in respect to the whole number of such daughters in twice the sum so payable on any single person for his or her having worn hair powder, which shall exempt the whole number of daughters from the said duties, and each of them; and that neither the person giving such account, or any of the persons returned in such account, in respect of whom such charge shall be made, shall in such case be liable to any of the penalties imposed by this act, or the acts now in force, by reason of the duty not being paid for the whole number of such daughters.

III.—The master or mistress of any servant who shall have declared

his or her intention to pay the duty which may be charged or chargeable as aforesaid in respect of such servant, and shall in any list or lists returned by him or her have given a true account of all the servants by him or her kept, in respect of whom such duty shall be payable, setting forth the several capacities in which such servants are respectively kept, shall be charged for such servant or servants; and in every such case, every such servant shall be deemed and construed to be exempted from the said duties during his, her, or their continuance in the same service; and also every servant who shall come into the service of such master or mistress in the room of such servant named therein, to serve in the same capacity during the year in which the duty shall be so charged; and no servant named in such list or lists, or any servant serving such master or mistress in any capacity mentioned in such list or lists, shall, during the year for which such duty shall be charged, be required for himself or herself to make any such return, or to pay the said duties or either of them, nor be liable to any penalty by reason of not making any such return, or not paying the said duty.

EXEMPTIONS from the said duties.

I.—Any of the royal family, and any of the menial servants of H. M. or any of the royal family.

II.—Any officer in actual employ in H. M.'s navy under the rank of commander; or any officer holding a commission in H. M.'s navy under the said rank, who shall be employed on the establishment of the royal hospital at Greenwich; or any subaltern or non-commissioned officer or private man belonging to any regiment in the army, artillery, militia, division of marines, or corps of engineers; or any person inrolled and actually serving in any volunteer corps or body of men associated for the defence of any city, town, or place, and for maintaining public tranquillity and good order within the same, whether of infantry or cavalry, which now are or hereafter shall be raised; provided that every such person inrolled and serving as aforesaid, so claiming to be exempted, shall make such return as by this act is directed with respect to the claim of exemptions; provided that every such claim shall be proved by the certificate of the commanding officer of the corps, in the form in Sch. (N.), and according to the regulations of this act in other cases of exemption by such volunteers.

III.—Any clergymen not possessed of an annual income of 100*l.* or upwards, whether arising from ecclesiastical preferment or otherwise; or any preacher or preachers of any congregation of dissenters, or any person dissenting from the church of Eng., in holy orders, or pretended holy orders, who now is or at any time hereafter shall be entitled to the benefit of 1 H. & M. c. 8., or 19 G.3. c. 44., or 31 G.3. c. 32., and who shall not be possessed of an annual income of 100*l.* or upwards, however arising; and the income arising from any benefice or benefices shall be estimated on the average amount thereof, computed on the period of 7 years next preceding that on which such exemption shall be claimed.

48 G.3. c. 55. Sch. (K.)

DUTIES payable by Persons in respect of any ARMORIAL BEARING or ENSIGN, used or worn by them, by whatever name the same shall be called; *videlicet*,

	£	s. d.
By every such person chargeable with any duty made payable by this act, for any coach or other carriage, the annual sum of -	2	8 0
By every such person not chargeable for any such coach or other carriage, but chargeable to any of the duties on inhabited houses, or to the duties on houses, windows, or lights, made payable by this act, the annual sum of -	1	4 0
By every such person not chargeable for any such coach or other carriage, not being chargeable to the said duties on inhabited houses, or to the duties on houses, windows, or lights, the annual sum of -	0	12 0

The said duties to be paid by every person having used or caused to be used any armorial bearing or ensign, by whatever name the same is or shall be called, within the year preceding the term for which the assessment ought to be made, and to extend to every person who within the said period shall have been possessed of, or shall have kept or had any coach or other carriage chargeable with the duty by this act, or any seal, plate or other article, on which carriage, seal, plate, or other article, any armorial bearing or ensign is or shall have been, during the said period, painted, engraved, marked, or affixed, and whether such armorial bearing or ensign shall be registered in the college of arms or not.

EXEMPTIONS from the said Duties as set forth in Sch. (K.)

217. Any of the royal family, or any person who shall by right of office or by appointment, have worn or used any of the arms or insignia worn or used by the royal family, or used in any city, borough, or town corporate, in that part of G. B. before described. [As to making returns of hair powder or armorial bearing, see 43 G.3. c. 161. s. 27. Exp.]

41 G. 3. c. 55. Sch. (L.) 52 G. 3. c. 93. *id. ibid.*Duties made payable in respect of killing GAME, (*see tit. GAME, ante.*)

Upon every person who shall use any dog, gun, net, or other engine, for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or any conies, in any part of G. B. :

If such person shall be a servant to any person duly charged in respect of such servant to the duties granted on servants by this act, and shall use any dog, gun, net, or other engine, for any of the purposes before mentioned, on any manor or royalty in *Eng. Wa.* or *Ber.*, or on any lands in *Scot.*, by virtue of any deputation or appointment, duly registered or entered as gamekeeper thereto, there shall be charged the annual sum of

£	s.	d.	£	s.	d.
1	1	0	0	4	0

And where the duty granted by 48 G. 3. c. 55. shall not be chargeable in respect of such person

1	5	0
---	---	---

And if such person shall not be a servant for whom the said duties on servants shall be charged, there shall be charged

3	3	0	0	10	6
---	---	---	---	----	---

And where the duty granted by the said act shall not be chargeable in respect of such person

3	13	6
---	----	---

Upon every other person who shall use any dog, gun, net, or other engine, for any of the above purposes, [or shall take or kill by any means whatever, 52 G. 3. c. 93.] [or assist in any manner in the taking or killing, *id. ibid.* R.E.P. by 54 G. 3. c. 141. s. 1. *post.*] [any game or any woodcock, snipe, quail, landrail, or any coney, but see exception, *post.*]

3	3	0	0	10	6
---	---	---	---	----	---

And where the duty granted by the said act shall not be chargeable on such person

3	13	6
---	----	---

EXCEPTIONS (by both acts) to the above Duties.

I.—The taking of woodcocks and snipes with nets or springs.

II.—The taking or destroying of conies in warrens, or any inclosed ground whatever, or by any person in lands in his or her occupation, either by himself, herself, or themselves, or by his, &c. direction or command.

SPECIAL EXEMPTIONS* from the above Duties, by 44 G. 3. c. 98. Sch. (A.) (From the First Duties.)

The royal family; so in 48 G. 3. c. 65. Sch. (L.), *Exemptions*, and 52 G. 3. c. 93. Sch. (L.), *id. ibid.*

(From the Duty on Gamekeepers, &c.)

Persons appointed gamekeepers by any of the royal family within the forests, chases, parks, warrens, or other royalties to them respectively belonging, 44 G. 3. c. 98. Sch. (A.) only.

217. (a) The duties, provisions, and penalties contained in 53 G. 3. c. 93. Sch. (L.) relating to persons aiding or assisting, or intending to aid, &c. in taking or killing any game, woodcock, snipe, quail, land rail, or coney, as herein mentioned shall determine, provided the act of aiding, &c. as aforesaid in that act mentioned, shall be done in the company or presence, and for the use of another person, who shall have duly obtained a certificate in his own right according to that act, and who shall by virtue thereof, then and there use his dog, gun, net, or other engine, for taking or killing such game, woodcock, &c., and who shall not act therein under any deputation or appointment, 54 G. 3. c. 141. s. 1.

RULES for charging the above Duties, 48 G. 3. c. 55. Sch. (L.) *Rules*, &c. as amended, &c. by 52 G. 3. c. 93., *id. ibid.*

217. (b) Every person who intends to use, or shall use any dog, gun, net, or engine, for any of the purposes mentioned in the above schedules marked (L.), shall, before he shall so use the same in any year, [and every person who intends to take or kill, or to assist in the taking or killing, R.E.P. 54 G. 3. c. 141. s. 1. (*ante*, pl. 217. (a))] any game, woodcock, snipe, quail, landrail, or coney, shall, before he shall so take or kill [or assist, &c., R.E.P. *as above* [52 G. 3. c. 93. &c.]] the same, pay in each year to the collector of assessed taxes for the parish, ward, or place where he shall reside, if in *Eng.*, or to the collector of the cess or deputy for the shire, county, borough, or place where he shall reside, if in *Scot.*, or one of them respectively as aforesaid, for the time being, the duty hereby made payable, and shall obtain a certificate thereof as herein directed, to be in force until and upon 5th April next after issuing the same, and no longer, 48 G. 3. c. 55. Sch. (L.) *Rule 1*, 52 G. 3. c. 93. *id. ibid.*

218. Every collector [or his deputy or sub-collector, 52 G. 3. c. 93.] on application to him by any person residing within the limits of his collection, and on payment to him of the duty hereby made payable, shall give a receipt for the same, signed by himself, and made out conformable

to such of the forms for certificates in the schedule to 48 G. 3. c. 55. annexed, as the case may require; and every such receipt shall be a charge on the parish or place for which such collector shall be appointed for the sum therein expressed, in like manner and to the like effect as if the said sum had been previously assessed and levied by such collector under the warrant of the commissioners acting in the execution of this act, for which receipt the said collector shall be entitled to demand and receive from such person the sum of 1s. over and above the said duty, and no more, which shall be deemed the compensation to such collector for his pains and care in executing this act; and the duty so received shall be paid to the receiver-general or his deputy, at his or their next receipt of duties, in full and without deduction; provided that the receipts given for the duties contained in this schedule shall not be liable to any stamp duty whatever, 48 G. 3. c. 55. Sch. (L.), *Rule II.*, and 52 G. 3. c. 93., *id. ibid.*

219. Every such receipt being delivered to the clerk of the commissioners acting for the district where the person aforesaid shall reside, shall be exchanged for a certificate made out in one of the forms in Sch. (N.), corresponding with such receipt, which certificate the said clerk shall, on demand, make out and deliver gratis to such person in exchange for the said receipt, *id. ibid.* *Rules III.* [see page 1515.]

220. The receipts, so exchanged, shall severally be entered by the said clerks respectively in books to be kept for that purpose, in the manner to be directed by the commissioners for the affairs of taxes; and the said books, together with the said receipts, being exhibited to the commissioners acting in the execution of this act for the district, and examined by them, shall be a sufficient authority to them from time to time to cause an assessment to be made on the several persons mentioned in such receipts in the respective sums paid by them, which assessments shall be of the like force and effect, in all respects, and shall be as binding on the several collectors and others acting in the execution of this act, and on the several parishes and places for which such collectors shall have been respectively appointed, as any assessment to be made by the said commissioners respectively under the regulations of the said acts under which they act as commissioners; and the said commissioners shall return duplicates thereof to the receiver-general, and to the commissioners for the affairs of taxes, in the manner directed by the said acts, *id. ibid.* *Rules IV.*

221. The commissioners for affairs of taxes shall cause a sufficient number of receipts to be distributed amongst the several clerks, and by them to the several collectors in their respective districts, and the several collectors shall be accountable to the respective clerks for the same, and the said commissioners for the affairs of taxes shall also cause a sufficient number of forms to be used for certificates, according to the forms specified in schedule to 48 G. 3. c. 55. annexed, (N.), to be distributed to the respective clerks in like manner, for which forms of receipts the said collectors shall be liable to the clerks, and the latter to the commissioners of taxes for the certificates, *id. ibid.* *Rules V.*

222. In any district wherein no clerk shall be appointed to act in execution of the said acts, the surveyor shall execute the duty of such clerk in all matters and things herein required to be done by him, and in every such case the certificates herein required shall and may be issued by such surveyor, according to the directions of this act; and in every place for which one collector only shall be appointed, who shall be chargeable to the duty contained in this schedule, an acknowledgment in writing under the hand of such collector, that he is chargeable with the said duty, and delivered to such clerk or surveyor respectively as aforesaid, shall be a sufficient authority for such clerk or surveyor to issue a certificate to such collector, and to make an assessment of the said duty upon such collector, as in other cases under this act, *id. ibid.* *Rule VI.*

223. Every master or mistress charged or liable to be charged to the duties on servants mentioned in *Sched. (C.)* No. 1. in respect of any gamekeeper, whether such person shall have been deputed or appointed by such master or mistress, or by any other person or persons, and every person granting a deputation or appointment to the servant of any other person who shall be duly charged to the said duty on servants, in respect of such servant, whether as gamekeeper, or in any other capacity, with power and authority to use any dog, gun, net, or other engine, for any of the purposes mentioned in this schedule, [to take or kill game by any of the ways mentioned in this schedule, 52 G. 3. c. 93.] may obtain a receipt and certificate on behalf of such servant on payment of the duty for the same, as before directed; which receipt and certificate shall be a sufficient authority to assess the master or mistress, or person granting such deputation or appointment, and obtaining such receipt and certificate as aforesaid, and the certificate to be issued thereupon shall be construed to exempt the servant or servants named therein, during his continuance in the same capacity and service; and also to exempt any servant or servants of the same master or mistress who shall succeed to the deputation or appointment of the same manor or royalty, or lands, within the year for which the duty shall be so assessed, for and during the remainder of such year; and no such servant in whose behalf a receipt and certificate hath been duly

* These are provided by 44 G. 3. c. 98. Sch. (A.), which, though repealed by 48 G. 3. c. 55. s. 3., as to the stamp duties on game certificates in particular, and as to the stamp duties thereby granted by 55 G. 3. c. 184. s. 1., seems in force as to these exemptions; though the latter are not noticed or continued by 48 G. 3. c. 55., or 52 G. 3. c. 93. Sch. (L.)

obtained as aforesaid, shall be required to obtain a certificate for himself, nor be liable to the duty hereby granted, nor to any penalty by reason of not obtaining a certificate in his own name, or for not paying the said duty; provided always, that every certificate granted under this act to any person acting under any deputation or appointment, shall, upon the revocation of such deputation or appointment, be from thenceforth void and of no further effect as to the person therein deputed or appointed; provided, that if any lord or lady of any manor in *Eng., Wa., or Ber.*, or proprietor of lands in *Scot.*, shall, on the revocation of any deputation or appointment by virtue of which a certificate hath been granted for any year, make a new deputation or appointment within the same year, to any person in his or her service, or in the service of the same master or mistress who shall have been charged, as well to the duties on servants as to the game duties granted by this act, the clerk to the commissioners of the district shall, in such case, renew the certificate for the remainder of that year, in behalf of the person so newly appointed, without duty or fee, by endorsing on such certificate the name and place of abode of the person to whom such last-mentioned deputation or appointment had been granted, and declaring the same to be a renewed certificate, free of duty or fee, 48 G. 3. c. 55. *Sch. L.*, 52 G. 3. c. 93. *Sch. L. Rules VII.*

224. Neither the assessment of the duty hereby imposed, nor the payment thereof, nor the certificate delivered, nor any thing herein contained or done in pursuance of these acts shall authorize or enable any person to use any dog, gun, net, or other engine, for any of the purposes mentioned in these schedules, [or to act in manner described in *Sched. L.*, 52 G. 3. c. 93.] at any time or times or in any manner prohibited by any law in force at and immediately before the passing of these acts, nor unless such person shall be duly qualified so to do under and by virtue of the laws in being; and all penalties and forfeitures, actions and suits, shall and may be prosecuted and maintained for such offences as if these acts had not been made, 48 G. 3. c. 55. *Sch. L. Rule VIII.*, and 52 G. 3. c. 93. *Sched. L. Rule IX.*

225. No assessment or certificate under these acts, or payment of the duty hereby imposed, by or for any person acting under a deputation or appointment, shall be received in evidence, or be available in law or equity, in any suit or prosecution under this act, where proof shall be given of using any dog, gun, net, or other engine, for any of the purposes mentioned in this schedule, out of the precincts or limits of the manor, royalty, or lands for which such deputation or appointment was made or granted, 48 G. 3. c. 55. *Sched. L. Rule IX.*

226. If any person is found using any dog, gun, net, or other engine, in *G. B.*, for any of the purposes mentioned in this schedule in respect whereof he shall be chargeable as aforesaid, [or doing any act in respect whereof such person shall be chargeable as in 52 G. 3. c. 93. *sch. (L)*, *id. ibid.*], by any assessor or collector of the parish where he then is, or by any commissioner for execution of this act acting for the county, riding, division, or place in which such person then is; or by any lord or lady, or gamekeeper of the manor, royalty, or lands wherein such person then is, or by any inspector or surveyor of taxes acting in execution of this act for the district in which such person then is, or by any person duly assessed to the duties granted in this schedule, or by the owner, landlord, lessee, or occupier of the land in which such person then is, such assessor, collector, commissioner or gamekeeper, inspector or surveyor, or other person assessed as aforesaid, or such owner, landlord, lessee, or occupier of land as aforesaid, may demand and require from the person so using such dog, gun, net, or other engine, the production of a certificate issued to him for that purpose, which certificate he is hereby required to produce to the person so demanding the same, and permit him to read the same, and (if he shall think fit) to take a copy thereof or any part thereof; or in case no such certificate is produced to the person demanding the same as aforesaid, the person having made such demand may require the person so using such dog, gun, net, or other engine, forthwith to declare to him his christian and surname, and place of residence, and the parish or place (if any) in which he shall have been assessed to the duties by this act granted; and if any such person shall, after such demand made, wilfully refuse to produce and shew a certificate issued to him for that purpose, or in default thereof as aforesaid, to give in to the person so demanding the same his christian and surname, and place of residence, and the parish or place (if any) in which he has been assessed, or shall produce any false or fictitious certificate, or give any false or fictitious name, place of residence, or place of assessment, he shall forfeit and pay the sum of 20*l.*, [to be sued for, recovered, and applied in like manner as any penalty may be sued for, recovered, and applied by the acts herein mentioned relating to the duties under the management of the commissioners for the affairs of taxes; provided that the commissioners before whom the information for the said penalty shall be made shall also be justices of the peace of and for the same county, riding, division, or place where the said offence shall be committed, 48 G. 3. c. 55. *sch. L. Rule X.*] [to be sued for, &c. as

in *Rule XIII.* directed, 52 G. 3. c. 93. *sch. L. Rule X.*, which remedy is more expeditious, but appears cumulative to the above.]

228. The commissioners for taxes shall once or oftener in every year as soon as conveniently may be, after such certificates shall have been issued, cause the names and residences of the several persons to or for whom such certificates have been granted for that year in each county in *G. B.*, distinguishing the persons acting under any deputations or appointments from others, and the manors, royalties, or lands for which deputations or appointments have been granted, and also distinguishing the rate or duty assessed, to be inserted in some newspaper circulated in each respective county, or in such other newspaper, and in such manner as to them shall seem proper, 48 G. 3. c. 55. *sch. L. Rule XI.* and 52 G. 3. c. 93. *Rule VIII.*

229. If any person or persons shall, after 30th June 1818, use any dog, gun, net, or other engine, for any of the purposes mentioned in this schedule, [to any act for the purposes of 52 G. 3. c. 93. *sch. (L)*, *id. ibid. Rule XII.*] without having obtained such certificate as is directed by this act, in order to an assessment for the year wherein such person or persons shall so use such dog, gun, net, or other engine, every such person shall be liable to the duty of 3*l.* 3*s.* in the said schedule mentioned for that year, and also shall forfeit and pay the sum of 20*l.*, over and above the said duty; and the said duty shall be assessed by way of surcharge, according to the directions of the said acts respectively in the district where the offence shall be committed; and the said penalty shall be sued for in like form and manner as any penalty may be sued for, prosecuted, and recovered by the acts herein mentioned relating to the duties under the management of the commissioners of taxes, or any of the said acts; [subject to appeal whenever the latter shall appoint the time and place for hearing and determining the same, 52 G. 3. c. 93. *sch. (L)* *Rule XII.*], *id. ibid.*

230. Any two commissioners for executing this act, or any one justice of peace of the county, riding, or division, or the shire or stewartry, or for any city, borough, liberty, or place, wherein any offence mentioned in this schedule shall be committed, (such justice being also a commissioner for executing this act, on information or complaint to him or them made of any such offence committed within the district where he shall act as such commissioner, within 3 calendar months after the offence committed, shall summon the person or persons accused, and also the witnesses on either side, to appear before him or them; and upon the appearance of the person or persons accused, or in default of his or their appearance according to such summons, may proceed to hear and determine the matter in a summary way; and on due proof made thereof, by confession or oath of one or more witnesses, may give judgment for the penalty, or for such part thereof, to which part thereof they think proper to mitigate the same (the same never being mitigated to less than one moiety of the said penalty); and in default of payment of the same at the time of conviction, may award and issue his warrant under his hand and seal, for levying the penalty so adjudged, with the reasonable costs thereof, as herein-after directed, of the cattle, goods, and chattels of the offender; and to cause sale to be made of the said cattle, goods, and chattels so distrained, in case they are not redeemed within 4 days; and the money arising from such sale shall, in the first place, be liable for payment of the said penalty, and in the next for payment of the costs attending the information, conviction, and warrant, or informations, &c., to be settled by the said commissioners or justice, and indorsed on such warrant; and also those attending the distress and keeping the goods and chattels distrained, and maintaining the cattle, if any, during the 4 days allowed to redeem the same, and also the expense of the sale thereof, and of returning the said warrant to the commissioners of justice, and entering the same, with an indorsement thereon of what has been done therein; and where sufficient cattle, goods, &c. cannot be found, to commit such offender to the house of correction, there to remain for any time not exceeding 6 calendar months, unless the said penalty is sooner paid; and if such person finds himself aggrieved by the judgment, he shall and may, on giving security to the amount of double the penalty, appeal to the next general quarter-sessions for the county, riding, or division, or to the justice, clerk, or other officer of judiciary of the shire or place in *Scot.*; which courts respectively shall examine witnesses upon oath, and finally determine the same; and in case the judgment is affirmed, may award the person to pay costs occasioned by such information, conviction, and appeal, as to such courts shall seem meet, 52 G. 3. c. 93. *Sched. (L)* *Rule XIII.*

231. If any person shall be summoned as a witness to give evidence before such commissioners or justice receiving such information, or before the courts of quarter-sessions or judiciary, upon appeal touching any of the matters contained in such information, either on the part of the prosecution or of the accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without reasonable excuse allowed by the commissioners, &c. before whom the

prosecution is depending, then every such person shall forfeit for every such offence the sum of 10*l.*, to be recovered, levied, and paid in such manner and by such means as other penalties mentioned in this schedule may be recovered, levied, and paid, 52*G. 3. c. 95. Sched. (L.) Rule XIV.*

232. The commissioners or justice before whom any offender shall be convicted, shall cause the said conviction to be made out as follows, or in any other form of words to the like effect (*mutatis mutandis*); that is to say,

'Be it remembered, that on the — day of — in the year of our Lord — at — in the — of — *A. B.* of — was duly convicted by me [or us] of [here state the offence] and adjudged to pay the sum of — for his said offence. Given under the hands and seals, or hand and seal of —, being commissioners acting in the execution of the acts relating to assessed taxes for the district of — [or — being a justice of the peace for —, and a commissioner acting in the execution of the acts relating to assessed taxes for the district of —,]

to be entered and registered upon the books of assessment of the commissioners of the district where the offence was committed; and after such entry and registry shall be transmitted to the court of appeal, as herein directed, to be filed there of record; and the said conviction or entry of the same in the said books of assessment, or any examined copy thereof, shall be evidence before the respective commissioners for executing this act, in all matters relating to the duties contained in this schedule; and no such conviction shall be removable into any other court, or be subject to revision in any manner other than as aforesaid, 52*G. 3. c. 93. Sched. (L.) Rule XV.*

233. All penalties and shares of penalties imposed by and recovered, or paid under authority of the rules contained in this schedule, shall be added to the first or supplementary assessment of the parish or place where the offence shall be committed, (as the case requires, and shall be paid to the collector of the duties contained in this schedule, for such parish or place, to be by him or them accounted for in the same manner, and paid to the receiver-general at the same times, as the duties contained in this act are to be accounted for and paid, and shall and may be distributed, apportioned, and applied in such manner as other penalties may by the said acts relating to the said duties be distributed, apportioned, and applied, 52*G. 3. c. 93. Sched. (L.) Rule XVI.*

234. Neither the assessment of the duty hereby imposed, nor the payment thereof, nor the certificate delivered, nor any thing herein contained or done in pursuance of these acts, shall authorize or enable any person to use any dog, gun, net, or other engine, for any of the purposes mentioned in this schedule, [or to act in manner described in *Sched. (L.) 52G. 3. c. 93.*] at any time or times, or in any manner prohibited by any law in force at and immediately before the passing of these acts, nor unless such person shall be duly qualified so to do under and by virtue of the laws in being; and all penalties and forfeitures, actions, and suits shall and may be prosecuted and maintained for such offences as if these acts had not been made, 42*G. 3. c. 55. Sched. (L.) Rule VIII. 52G. 3. c. 93. Sched. (L.) Rule IX.*

235. No assessment or certificate under these acts or payment of the duty hereby imposed, by or for any person acting under a deputation or appointment, shall be received in evidence, or be available in law or equity, in any suit or prosecution under these acts, where proof shall be given of using any dog, gun, net, or other engine, for any of the purposes mentioned in this schedule, out of the precincts or limits of the manor, royalty, or lands for which such deputation or appointment was made or granted, 48*G. 3. c. 55. Sched. (L.) Rule IX. 52G. 3. c. 93. Sched. (L.) Rule X.*

48*G. 3. c. 55. SCHEDULE (M.) No. 1. and 52G. 3. c. 93. id. ib. [see pl. 243.]*

Further EXEMPTIONS from the several Duties in the several Schedules marked (C.) (D.) (E.) and (G).

All persons having ordinarily resided in *Ire.* before commencement of the session of parliament in the 43*G. 3.*, and being members of either house of the parliament of the *U. K.*, whether on the part of *Ire.* or for any place in *G. B.*, and all persons who shall hereafter be members of the said parliament as aforesaid, and who shall have ordinarily resided in *Ire.* previous to the commencement of the session of parliament in which they shall respectively serve, and all persons having ordinarily resided in *Ire.* as aforesaid, or who shall hereafter be ordinarily resident therein, and now holding or who shall hereafter hold offices of public employments in *Ire.*, and are now residing in *G. B.*, or who shall hereafter reside in *G. B.*, with the approbation or by the order or direction of the lord-lieut. or other chief governor or chief governors of *Ire.* for the time being, or of his chief secretary for the time being, and which be certified under the hand of the lord-lieut., chief governor or governors, or his chief secretary, to be therein resident for the purposes of assisting in the execution of public business, shall be wholly discharged and exempted from the duties set forth in schedules (C.), (D.), (E.), and (G.); provided that this exemption shall not extend to any person ordinarily resident in *Ire.* as aforesaid, being such a member, who hath resided or shall reside in *G. B.* longer than during

the session of parliament, and 40 days before and 40 days after each session, nor to any article on which a duty is by this act made payable, which shall be retained, kept, employed, or used by such person in *G. B.*, during the residence of such person in *Ire.*: provided also, that this exemption shall not extend to any person ordinarily resident in *Ire.* as aforesaid, holding an office or public employment in *Ire.*, unless the approbation in writing, or such order or direction of the said lord lieut. or other chief governor of *Ire.* for the time being, or of his or their chief secretary for the time being, and a description of the place of abode in *G. B.* of the persons respectively holding such offices, &c., shall have been before the passing of this act delivered into the office of the commissioners of taxes in *Somerset Place*, or shall be so delivered within 20 days after passing this act, with respect to persons then in *G. B.*, or within 30 days after the arrival in *G. B.* of such persons respectively who shall thereafter arrive: provided also, that no person shall, for the purposes of claiming exemption, be deemed ordinarily resident in *Ire.*, unless he reside therein during such portion of the year as is not covered by the privilege herein provided: and for better ascertaining the fact of such residence, every person claiming the benefit of this exemption shall verify the same upon oath (if required) before the commissioners acting in execution of this act in the district where such person resides.

236. FOR GRANTING EXEMPTIONS IN CERTAIN CASES from payment of the duties charged [in *Sched. (C.) (D.) (E.) and (F.)*] in respect of servants, carriages, horses, and dogs kept in *G. B.* and *Ire.* respectively, 51*G. 3. c. 72.*

237. Every person who shall have paid the duties payable in *G. B.* under 48*G. 3. c. 55.* and 50*G. 3. c. 104.* in respect of servants, carriages, horses, and dogs, for one whole year, who shall also at any time within the same year as hereinafter provided, be charged to the duties so payable in *Ire.* for his servants, &c. kept in *Ire.* (the said servants, &c. so kept in *Ire.* being either the same servants, &c. so charged in *G. B.* in such year, or servants in the same capacities, or carriages, horses, or dogs of the same description chargeable in *G. B.* with the like duties, and kept in lieu of such of the said servants, &c. as have been *bonâ fide* parted with) shall be wholly exempted from payment in *Ire.* for one year of the duties so charged thereon in respect of every of the said servants, &c. kept in *Ire.*, and every person who shall have paid the said duties payable in *Ire.* in respect of any such servants, &c. for one year, who shall at any time within the same year as hereinafter provided be charged to the duties payable in *G. B.*, for his servants, &c. kept in *G. B.*, the said servants, &c. so kept in *G. B.* being either the same servants, &c. which are so charged in *Ire.* in such year, or servants in the same capacities, or carriages, horses, or dogs of the same descriptions chargeable in *Ire.* with like duties, and kept in lieu of such of the servants, &c. as have been *bonâ fide* parted with, shall be exempt from payment in *G. B.* for one year of so much of the duties as the duty paid in *Ire.* in respect of each of the same servants, &c., or of the servants, &c. kept in lieu thereof respectively shall amount unto, provided that due proof of such payments be made as in this act, *id. s. 1.*

238. Proof of payment in *Ire.* as herein directed within any year commencing on 5th *Jan.* in such year shall entitle the claimant to the exemption hereby granted in *G. B.* for the year commencing 5th *April* following; and proof of payment in *G. B.* as herein directed for one year, from 5th *April* in any year, shall entitle the claimant to the exemption hereby granted in *Ire.* within the year commencing on 5th *Jan.* preceding, *id. s. 2.*

239. Every person claiming to be exempted from any of the said duties in *G. B.* by virtue of this act, shall produce and deliver to the surveyor or inspector of the district where such claimant shall reside, a certificate under the hand of the proper officer of inland excise and taxes in *Ire.*, containing a true copy of the receipt and receipts given to such claimant on all such payments for the last year wherein he was charged to the said duties in *Ire.*, which certificate shall either contain, or there shall be annexed thereto, a return containing the number of servants, &c. paid for in *Ire.* by such claimant in the last year, and the names and capacities of the servants, and descriptions of the carriages, horses, and dogs, as required by 48*G. 3. c. 55.* and 50*G. 3. c. 104.*, distinguishing which of the said servants, &c. are the same with those so charged in *Ire.*, and which of them are kept in lieu of such of the said servants, &c. which have been parted with, and every such claim being first signed by the claimant in his proper name and usual manner of writing, shall be transmitted to the commissioners for taxes in *Eng.*, who shall examine into the truth of every such claim as they shall think necessary, and the commissioners of inland excise and taxes in *Ire.* shall aid them in such enquiries; and whenever such claims are duly proved to them, they shall certify the same to the commissioners of the district where such claims shall respectively be made, and shall give such directions for granting the required exemptions, either before or after assessment, as to them shall seem necessary in order to give the relief hereby granted; and the assessment on every such claimant shall be made, discharged, or amended accordingly, *id. s. 3.* [This enactment is

repeated *vice versa* as to persons claiming exemptions in *Ire.* on account of payment of the duties in *G. B.*, 51 *G. 3. c. 72. s. 5.*

240. The several amounts of duty so to be exempted in *G. B.* shall be retained and set down in figures in the several books and duplicates of assessments of the respective commissioners under the head "*exemptions on account of Ire.*," and shall respectively be deducted from the whole duty chargeable on each claimant by virtue of the recited acts; and the difference between the duty so chargeable and the amount of the sum to be exempted shall be set down as the net duty to be paid by each such claimant, and the duplicate thereof to be delivered to the collector of the parish, ward, or place, where each such claim shall have been allowed, shall be so made or amended that the net duty only shall be demanded of or paid by each such claimant, 51 *G. 3. c. 72. s. 4.*

241. Every person who shall make such claim in *G. B.* without having first paid the duties in *Ire.* for the same articles, or for articles of the same descriptions with those for which exemption is claimed; and every person who shall make such claim in *Ire.* without having first paid the duties in *G. B.* for the same articles, or for articles of the same descriptions with those for which exemption is claimed; and every person guilty of any fraud or contrivance with intent to evade payment of any of the said duties made payable in *G. B.* or *Ire.* by the recited acts, either in making any such claim or obtaining any such exemption, or who shall deliver any false or fraudulent certificate with intent to obtain such exemption, or who shall make a second claim for the same cause, shall forfeit 100*l.*, *id. s. 6.*

242. In every case where the said penalty shall be incurred in *G. B.* the same may be recovered and applied as any penalty for any offence committed against 48 *G. 3. c. 55.* and 59 *G. 3. c. 104.* relating to the said duties payable in *G. B.* may be recovered or applied, in that part of *G. B.* where the offence is committed; and whosoever the said penalty shall be incurred in *Ire.* the same may be recovered and applied as any penalty for any offence committed against 48 *G. 3. c. 42.* or any other act in force in *Ire.* respecting the same may be sued for or applied in *Ire.*, *id. s. 7.*

243. Nothing herein shall affect any exemptions from the payments of the said duties allowed by statute to *M. P.*s ordinarily resident in *Ire.*, or persons holding offices or public employments in *Ire.* and being resident in *G. B.* for the purposes of assisting in execution of public business [see 52 *G. 3. c. 95. Sched. (M.) No. 1. pa. 1514.*] or alter the manner of claiming exemptions allowed by those acts, *id. s. 8.*

48 *G. 3. c. 55. Schedule (M.) No. 2. and 52 G. 3. c. 93. id. ibid.*

Further EXEMPTIONS from the several Duties in the Schedules marked (C.) (D.) and (E.)

Any sheriff of any county, or any mayor or other officer in any corporation or royal burgh, serving an annual office therein, who during such year of service shall have kept or shall keep any number of servants, carriages, or horses, greater than the number he was assessed to prior to the year of such service, and who has been assessed for such greater number for one year, shall be exempt from farther assessment for such greater number for any other year, though such year of service may have run into a second year of assessment.

48 *G. 3. c. 55. SCHEDULE (N.) and 52 G. 3. c. 93. id. ibid.*

I.—Form of CERTIFICATE to be delivered by members of volunteer corps.

I, — commanding officer of the —, do hereby certify, in pursuance of an act passed in the 48 *G. 3.* intituled an act [here insert the title of this act,] that the several persons herein named and described, are severally enrolled and serving in the said corps, and have duly attended at the muster and exercise of the said corps, for — days in the course of the year next preceding the date hereof, which muster rolls have been duly returned, testifying the same, pursuant to the said act.

Dated the — day of —.

(Signed) —, Commanding officer.

II.—Form of CERTIFICATE to be issued to every gamekeeper, being a servant, for whom the master or mistress, or the lord or lady or other proprietor of the manor or royalty (if in *Eng.*) [or lands, if in *Scot.*] shall be duly assessed to the duty on servants.

No. —. Game Duty Certificate (A.)

[To be used when the servant pays the duty.]

By *A. B.* clerk to the commissioners acting in the execution of the acts for assessed taxes for the division of *I.* in the county of *L.*

RECEIVED from *C. D.* residing in the parish [or, township] of [here name the parish or township] in the said county, an assessed servant of *E. F.* [here name the master or mistress] of [here name the residence of the master or mistress] (in exchange for this certificate,) a receipt under the hand of *G. H.* one of the collectors of assessed taxes for the said parish [or, township] of [here name the parish or township], for the sum of one guinea, as the game duty chargeable upon the said *C. D.* in respect of his deputation as gamekeeper of the manor or royalty of *K.* in the said county (if the certificate be granted in *Eng.*, or if in *Scot.*), in respect of his appointment of gamekeeper

of the lands of *K.* in the said county. Given in pursuance of an act passed in the 48 *G. 3.* and certified the — day of —, in the year of our Lord —.

(Signed) —, Clerk.

This certificate will expire on the — day of —.

III.

No. —. Game Duty Certificate (B.)

[To be used when the master pays the duty.]

By *A. B.* clerk to the commissioners acting in the execution of the acts for assessed taxes for the division of *I.* in the county of *L.*

RECEIVED from *E. F.* [here name the master or mistress] residing in the parish [or, place] of [here name the residence of the master or mistress] in the said county, on behalf of *C. D.* an assessed servant of the said *E. F.* (in exchange for this certificate), a receipt under the hand of *G. H.* one of the collectors of assessed taxes for the said parish [or, township] of [here name the parish or township] for the sum of one guinea, as the game duty chargeable upon the said servant in respect of his deputation as gamekeeper of the manor or royalty of *K.* in the said county, (if the certificate be granted in *Eng.*, or if in *Scot.*), in respect of his appointment as gamekeeper of the lands of *K.* in the said county. Given in pursuance of an act passed in the 48 *G. 3.* and certified the — day of —, in the year of our Lord —.

(Signed) —, Clerk.

This certificate will expire on the — day of —.

IV.—Form of CERTIFICATE to be issued to every gamekeeper not being an assessed servant to any person or persons.

No. —. Game Duty Certificate (C.)

By *A. B.* clerk to the commissioners acting in the execution of the acts for assessed taxes for the division of *I.* in the county of *L.*

RECEIVED from *C. D.* residing in the parish [or, township] of [here name the parish or township] in the said county (in exchange for this certificate), a receipt under the hand of *G. H.* one of the collectors of assessed taxes for the said parish [or, township] of [here name the parish or township], for the sum of 3 guineas, for the game duty chargeable upon the said *C. D.* in respect of his deputation as gamekeeper of the manor or royalty of *K.* in the said county, (if the certificate be granted in *Eng.* or if in *Scot.*), in respect of his appointment as gamekeeper of the lands of *K.* in the said county, the said *C. D.* not being an assessed servant to any person or persons. Given in pursuance of an act passed in the 48 *G. 3.* and certified the — day of —, in the year of our Lord —.

(Signed —, Clerk.

This certificate will expire on the — day of —.

V.—Form of CERTIFICATE to be issued to every person not being a gamekeeper.

No. —. Game Duty Certificate (D.)

By *A. B.* clerk to the commissioners acting in the execution of the acts for assessed taxes for the division of *I.* in the county of *L.*

RECEIVED from *C. D.* residing in the parish [or, township] of [here name the parish or township] in the said county (in exchange for this certificate) a receipt under the hand of *G. H.* one of the collectors of assessed taxes for the said parish [or, township] of [here name the parish or township] for the sum of 3 guineas for the game duty chargeable upon the said *C. D.* in his own right, throughout *G. B.* Given in pursuance of an act passed in the 48 *G. 3.* and certified the — day of —, in the year of our Lord —.

(Signed) —, Clerk.

This certificate will expire on the — day of —.

244. TO AMEND THE ACTS RELATING TO THE DUTIES OF ASSESSED TAXES, and to regulate the assessment and collection of the same, 48 *G. 3. c. 141.* [AMD. generally as to surcharges, by 50 *G. 3. c. 105., pa. 1517. pl. 245, &c., and as to No. V. by s. 11. of that act, pa. 1520, 253. (a)]*

245. After the period appointed for commencement of the rules contained in this clause, all appointments of assessors shall be made, and all notices required to be affixed on any place, or to be delivered to or served on any person for the purpose of returning or estimating the said duties respectively, shall be affixed, delivered, or served, and all assessments of the said duties, shall be returned, and made, and the said duties shall be collected, &c. subject to the following rules and directions, which shall be deemed a part of this act, as if they had respectively been inserted herein under a special enactment, *id. s. 1.*

No. I. RULES and DIRECTIONS for appointing Assessors of the Duties under the Management of the Commissioners for Affairs of Taxes, after Expiration of 1808.

First. The respective commissioners acting in execution of the several acts relating to the said duties respectively, shall appoint assessors for each parish, ward, and place within their respective divisions, before the commencement of each year for which such appointment shall be made, and shall do and complete all acts necessary to such appointment, so that the assessors to be appointed may enter on their office on the 6th April in each year, pursuing, in all other respects, the directions contained in

the said acts respectively in relation to such appointments; which appointments shall continue for the year to commence on that day, and until other assessors shall be appointed for the same parishes, wards, and places, and for the same duties respectively.

Second. In and for every parish, ward, or place, wherein assessors shall not be appointed before 6th April in each year, to serve for the year ensuing as aforesaid, the last appointment of assessors for the same parish, ward, or place (whether it shall have been or shall be made under any of the acts in force at the passing this act, or under this act), shall continue in force until other assessors shall be appointed for the same parish, ward, or place, and for the same duties respectively, according to the directions of the said acts.

Third. In case the assessor or assessors appointed for any former year shall be dead, removed from, or otherwise unfit or incapable to act for the parish, ward, or place for which appointed, and in default of such appointment of assessors as aforesaid for the year ensuing for the same parish, &c. and for the same duties respectively, then the last appointment of a collector of the same duties for such parish, &c. shall continue in force until assessors shall be appointed for the same parish, &c. and for the same duties respectively; and every such collector shall, during such continuance in his office, execute all matters and things directed to be done, performed, or executed by assessors; and all parts of the said acts, or of this act relating to and applied to assessors, shall be construed as applicable to, and be in like manner, and to the like intent, applied to such collectors; and the powers contained therein shall be as amply exercised by such collectors, as if expressly given to them.

Fourth. All penalties imposed by any acts in force at the time of passing this act, on assessors, for refusing or neglecting to take on themselves the office of assessor, or to perform their duty therein as prescribed by those acts, shall be imposed on assessors appointed according to this act, for neglecting to take on themselves the office of assessor, or perform their duty as prescribed by this act; and every such collector on whom the duty of assessor shall have devolved in pursuance of this act, shall be subject to the like penalties for the like neglect of duty.

Fifth. In every parish, ward, or place, where assessors shall not be appointed in pursuance of this act, or being appointed shall not have taken on themselves the office on or before the commencement of the ensuing year, or where the assessors or collectors for any former year on whom the duty of assessor shall have devolved, shall not have taken upon themselves the office of assessor on or before the commencement of such ensuing year, the surveyor of the district shall execute the duty of assessor for such parish, &c. until assessors are appointed who shall duly take upon themselves the said office.

Sixth. In every notice of continuance in office of any assessor or collector, the respective commissioners who shall cause it to be given shall require the attendance of such assessor or collector on a day, and at a place within the division to be named in such appointment or notice, there to receive and take charge of all notices and papers delivered to them respectively, for due execution of the said acts, as herein-after mentioned, which day shall not be later than 7 days after 5th April in each year; and in default of such notice given by such commissioners, the inspector or surveyor of the district may give the same, and require the attendance of such assessors, &c. at a day and place within the division to be named by the said inspector or surveyor for that purpose.

NO. II. RULES and DIRECTIONS for Service of Notices to Persons liable to be charged to the said Duties, or any of them.

First. All notices relating to the said duties, or any of them, requiring to be affixed on any place, or to be delivered to or otherwise served on any person for the purpose of returning or estimating the said duties respectively, shall be delivered by the respective surveyors of the districts in which such notices are required (or by the inspectors for the same districts, or by any other inspectors or surveyors of the same duties, duly authorized to take charge of such districts respectively, by any 3 or more commissioners for the assessed taxes) to the respective assessors appointed or acting in pursuance of this act, or to the respective collectors on whom the duty of assessor shall have devolved as aforesaid, for the purpose of serving the same on the respective persons liable to the said duties, in the manner required by the said acts.

Second. All such notices shall be delivered to such assessors or collectors on or as soon after 6th April in each year as the same can be done; and the delivery of such notices by such inspectors or surveyors, or any of them, shall be as effectual as if the same had been delivered by the commissioners of the division according to the directions of the said act.

Third. The assessors and collectors shall observe the directions of the inspectors and surveyors, in all matters touching the time and manner of fixing or delivering or otherwise serving such notices, and the persons on whom the same are to be served, such directions having been previously seen and allowed by the commissioners acting for the division in which the said inspector or surveyor shall act.

NO. III. RULES and DIRECTIONS for making and returning the Certificates of Assessment, or Certificates of Estimates, by Assessors acting under the said acts, and for making and collecting the First Assessments in each Year.

First. The assessors of the said respective duties shall deliver their certificates to the respective commissioners on or before the day which such commissioners shall appoint for that purpose, yearly, which day so to be appointed for the delivery of the certificates of assessment of the duties of assessed taxes, shall not be later than 20th June in each year of assessment, on which day the assessor shall also deliver to the commissioners all the returns or statements relative to the respective duties made to the assessors before the respective days so appointed; and all the returns and statements made by the parties to be charged and delivered after that day, shall be delivered to the respective commissioners.

Second. In all cases relating to the duties of assessed taxes, where the assessors shall not have received any return from any person or persons liable to the said duties, the assessors shall make a true assessment on such person, to the best of his or their information and judgment, of the real charge which ought to be imposed, subject to alteration by appeal or surcharge, in the manner directed by the acts relating to the said duties.

Third. The first assessments to be made of the said duties or any of them, for any year, shall be made according to the estimates or returns and assessments mentioned in the preceding rule, without including therein any matters of surcharge by the inspectors or surveyors; which first assessments respectively shall be separately collected, and shall be contained in the first duplicates to be delivered to the collectors and surveyors for that year, and shall be collected and levied in moieties on the days herein-after mentioned; that is to say, one moiety of the duties of assessed taxes, if not sooner paid or satisfied according to the directions of the said acts respectively, shall be collected or levied before 10th Oct. in each year of assessment, or within 21 days thereafter, and the other moiety thereof before the 5th April following, or within 21 days thereafter; provided that nothing herein shall be construed to alter the times or proportions at which the said duties are payable, according to the directions of the said acts respectively, or in any way to affect the provisions of the said acts for recovery of the said duties at such times and proportions as therein prescribed, and the latter shall be deemed payable quarterly at the times mentioned in the said acts, by four instalments; and it shall be lawful to demand, receive, or levy the same according to the said acts; any thing herein contained to the contrary notwithstanding.

Fourth. In order that due time may be given for hearing appeals against such first assessments, the respective commissioners shall deliver in all cases relating to the duties of assessed taxes, their first duplicates thereof to the respective collectors on or before 20th July in each year, with directions to cause public notice thereof to be given in the parish, ward, or place to which such duplicates relate, to which duplicates in the hands of such collectors all persons interested shall have access, and may examine them at any reasonable time in the day-time.

Fifth. All appeals against such first assessments shall be entered, and due notice thereof given within the respective times herein-after limited; that is to say, within 28 days after delivery of the duplicates of the first assessments to the respective collectors of the parishes, wards, or places, for which such assessments shall be made.

Sixth. All appeals against such first assessments of the duties of assessed taxes, in any year, shall be heard and determined between 20th Aug. and 10th Sept. following, and on such day or days within the time herein limited, as the commissioners of the division shall appoint, whereof they shall give notice in the manner in which such notices have usually been given in the several parishes, wards, and places in their division; provided that where the party assessed shall be prevented from appealing within the time herein limited, or from attending in person at the time limited for hearing his appeal, by absence, sickness, or other sufficient cause, to be proved before the respective commissioners on his oath or solemn affirmation, the commissioners may enter such appeal after the time herein limited, or postpone the hearing thereof for such reasonable time as shall be necessary, so that no delay shall be thereby occasioned in the payment or collection of the sums contained in the said first assessment.

Seventh. The said respective commissioners shall cause to be delivered to the respective collectors their duplicates of the first assessment, including in such duplicates, as well all such matters as have been appealed against and determined by the said commissioners, as all such matters as have been assessed and not appealed against; and all such duplicates shall be delivered on or before the 20th Sept. yearly, to which duplicates warrants shall be annexed for collecting the duties therein contained within the times respectively before prescribed.

Eighth. All such assessments not made on or before 20th Sept. in respect of the duties of assessed taxes, on or against which any appeal

shall be depending on those days respectively, shall, on the making or determining the same from time to time be added to such first assessments and to the respective duplicates thereof; and the duties therein, or the moiety thereof which ought to have been previously collected or paid shall be collected, levied, or paid, on or before such day or days as the respective commissioners shall order by their warrant annexed to the duplicates of such added assessments, such day not being later than 21 days after making such assessment, or determining the appeal thereon.

No. IV. RULES and DIRECTIONS for making and collecting the *Supplementary Assessments* in each Year.

First. If any inspector or surveyor shall have surcharged any person for any matter or thing for which a surcharge is allowed, he may deliver his certificate of surcharge, explicitly stating the particulars in respect to which such surcharge has been made to the respective commissioners of assessed taxes, at any time on or before the 15th *December* in each year of assessment for the whole of such year, and shall have delivered in the manner directed by the said acts, the duplicates thereof, and the same shall have been entered of record in H. M.'s exchequer, which certificates of surcharge shall be signed and allowed by two of the respective commissioners, under the restrictions, and subject to appeal under the conditions prescribed by the said acts respectively.

Second. All appeals against such surcharges relating to the duties of assessed taxes shall be heard and determined by the commissioners of the division, or any two or more of them, between 20th *January* and 20th *February* following; provided that in every case where the party surcharged shall have been prevented by absence or sickness, or other sufficient cause, to be proved before the commissioners on the oath or solemn affirmation of the said party, from appealing within the time herein limited, or from attending in person at the time limited for hearing such appeals, the respective commissioners may enter such appeal after the time herein limited, or postpone the hearing thereof for such reasonable time as may be necessary.

Third. The said certificates of surcharge, amended according to the determination of the respective commissioners, shall be sufficient authority to them, and they shall cause supplementary assessments to be made out of the said duties respectively, including therein all matters so surcharged, as well such matters as have not been appealed against, as those determined by the said commissioners, which shall be severally charged to the said duties respectively, according to the said certificates of surcharge, amended, in cases requiring amendment, according to the determination of the said commissioners, and also including therein the double duties or moiety, or parts thereof assessed, over and above the rates of duty prescribed by the said acts respectively, and also all fines and penalties imposed on any person or persons by the said respective commissioners within the year of assessment for offences committed against the said acts or this act; which double duties or moiety, or parts thereof, and penalties, shall severally and respectively be added to such supplementary assessments, and be collected therewith.

Fourth. The duties and sums of money contained in the supplementary assessments of each year, which shall be completed within the time herein limited, shall, if not sooner paid or satisfied according to the directions of the said acts respectively, be collected and levied at the respective times herein-before appointed for payment of the last instalment of the duties contained in the first assessments of the said duties respectively for that year; and each assessment thereof shall be collected, levied, or paid in one sum.

Fifth. In all cases where the said duties, or any of them, shall not have been ascertained and assessed before the respective days appointed by this act for payment of the last instalment thereof, the same respectively shall and may be assessed from time to time, until a complete assessment be made, and shall be collected, levied, or paid in one sum, within 21 days after notice of the amount contained in the assessment thereof.

Sixth. Every inspector or surveyor who shall wilfully make any false and vexatious surcharge of any of the duties contained in any of the said acts, or shall wilfully deliver to the respective commissioners for executing the said acts, or any of them, any false and vexatious certificate of surcharge of any of the said duties, shall be liable to forfeit to the party grieved any sum not exceeding 100*l.*, or treble the value of the sum claimed by such surcharge, over and above the rate of duty charged by the said acts respectively, to be recovered by action of debt, bill, plaint, or information, in any court of record at *Westminster*, for offences committed in *Eng.*, and in the court of great sessions for offences committed in *Wa.*, with full costs, and the party aggrieved may sue either for the said penalty of 100*l.*, or for the said treble value under this act, at his election; and the judge before whom such inspector or surveyor shall have been convicted of such offence in any such suit, or any part thereof, by indorsement on the *postea*; and the court before

whom such inspector or surveyor shall be convicted, by entry on the record, may certify their satisfaction with such conviction; and in every such case the said certificate shall be an authority to the commissioners of taxes, who shall cause to be paid by the receiver-general of the county, riding, or division wherein such conviction was had, out of any monies of the said duties respectively in his hands, such reasonable expenses as the plaintiff shall have incurred, over and above the costs of suit, the amount thereof being certified by the proper officer as taxed between attorney and client; and every such inspector or surveyor shall, after such conviction, be discharged from his employment.

245. TO REGULATE THE MANNER OF MAKING SURCHARGES OF THE DUTIES OF ASSESSED TAXES, and for amending the acts relating to them, 50 G. 3. c. 105.

246. From the passing of this act, the several surveyors and inspectors appointed by H. M. in pursuance of the assessed tax acts, to carry into execution the powers therein given to them, in that part of G. B. called *Eng.*, shall, in making any increase of duty either on the returns of parties or the estimates of assessors, or the assessments made by commissioners under the said acts, observe the following rules for their government, which rules, &c. shall be of like force and effect as if herein inserted under special enactment, 50 G. 3. c. 105. s. 1.

RULES and DIRECTIONS for making *Objections* and *Charges*, and for limiting the Times of making the same in certain Cases, in *Eng.*

First. Every surveyor and inspector appointed in pursuance of the said acts, or any of them, shall inspect and examine all and every the returns of lists, statements, declarations, accounts or estimates, made by any person chargeable to the said duties or any of them, or by any assessors of any of the said duties, according to the directions of any act before-mentioned, and also all the first assessments of the said duties or any of them, made for any parish, ward, or place for any year, as well before as after the respective commissioners acting in execution of the said acts respectively shall have signed and allowed the first assessments made for such parish, ward or place, for that year; and if he shall discover any error or wrong amount or computation of duty therein, or that any person who ought to be charged with the said duties or any of them shall have duly made a return as required by the said acts respectively, but shall have been omitted to be charged with the said duties, or shall be under-rated in the said first assessment, and that the said return doth contain matters sufficient whereby the said surveyor or inspector may rate such person in the said first assessment to the full duties chargeable on him, according to or by or from such return, they shall, before such allowance, correct and amend such assessments, and charge such person to the full amount and rate of duty at which he ought to be charged, according to his return so delivered.

Second. If any such surveyor or inspector shall, after any such assessment in respect of the duties of assessed taxes signed and allowed by the said commissioners, discover on survey or examination, or otherwise, that any person liable to the said duties or any of them, in respect of which such lists, statements, accounts, or estimates ought to have been delivered, hath not made any return as by the acts required, or hath omitted any person, or any article, matter, or thing, or any description of the same, which ought to have been returned, so that he shall not on account of such default or omission have been charged to the amount which ought to be paid by him, or that any exemption, allowance, or deduction, not allowed by the said acts, shall have been claimed in or by such return, such surveyor or inspector may certify the same in writing, with an account of every such default, omission, or claim, with the name or description of the person or thing not returned or omitted, to the best of his knowledge, and the full amount of the single duty by which the assessment should be increased, explicitly stating the particulars in respect of which such charge made, and to deliver the same to any two or more commissioners of assessed taxes, or to their clerk, in order to have such default, &c., and the under-rate occasioned thereby, rectified; and such commissioners shall, on delivery of such certificate, and on oath first made either by the inspector or surveyor, or any other credible witness who shall have served the same, that a notice to the effect herein-after mentioned was duly served, required to assign and allow the said certificate, and to cause supplementary assessments to be made according to such certificates, subject to appeal as in Rule 14th allowed.

Third. Every person in whose custody any such lists, statements, accounts or estimates shall be, shall, on request of any such surveyor or inspector as aforesaid, deliver the same into his custody for the purposes aforesaid, taking his receipt for the same; and every person in whose custody any such assessment shall be, shall, on the request of such surveyor, &c. produce the same; and the latter shall take charge thereof, until he shall have taken the copies of or extracts from the same, necessary for his and their better information.

Fourth. The inspectors and surveyors shall give to every person so

charged, or leave at his or her last or usual place of abode, in the district where such charge was made, or on the premises charged with the assessment, as the case shall require, and as directed by the acts relative to assessed taxes, notice in writing of such charge, and of the amount of duty to be included in the certificate thereof, and the particulars thereof; which charges such inspectors, &c. shall make, at or before such times as directed by the said acts or this act for delivery of the certificates of such charges to the said respective commissioners.

Fifth. In default of a meeting of the said respective commissioners before the time limited by the said acts or this act, for hearing of appeals from the charges of the said surveyor or inspector, or if the latter shall not have had notice of a meeting of the commissioners, they shall, at their first meeting to be held thereafter, sign and allow the said certificates, and afterwards hear and determine all appeals therefrom.

Sixth. The certificate delivered to the commissioners containing the day or days of service of the notice delivered to the party charged shall be deemed sufficient proof of the contents thereof, unless the contrary be shown on production of such notice to the said commissioners by the party charged; and no proof of the contents of any such notice shall be required by the commissioners to be given to them, either by a copy thereof or otherwise, previous to their signing or allowing the said certificates, nor on appeal therefrom, nor other proof in any matter relating to the same, except as aforesaid; and except the oath of the persons who shall have served such notices as herein-before directed, to be in form and effect following, viz.

'I, A. B., do swear, that a notice in writing was duly served upon each person mentioned in the above certificate, containing the particulars as set forth therein respectively, on the day or days mentioned in the said certificate.'

Seventh. No assessment made by any assessor of the said duties respectively, nor any charge made by any surveyor or inspector on such assessment, shall be affected by any mistake in the christian or surname or either of them, of any person liable to duty, or of any servant or person, or of any article or thing for which the person so charged shall be so liable, nor for any mistake in the amount of duty charged, nor by any variance between the notice and certificate of charge, whether it shall appear in or shall arise from the notice and certificate, or in either of them; but all such assessments and charges shall be effectual notwithstanding such mistake, &c., provided, that in cases of charge the notice thereof be duly served on the person intended to be so charged, and such notice and certificate do severally contain in substance and effect the several particulars on which such charge was made, which shall be heard and determined on the merits, as by those acts or this act directed.

Eighth. Any person to whom such notice of charge shall be given, on occasion of neglect to make any return as required by the said act or acts, at any time previous to that appointed for hearing appeals next after delivery of such notice, may make out and deliver to the surveyor or inspector who shall have delivered the notice of charge, a true and complete list, account, or estimate of all things required to be returned; so that he may from such estimate, be charged to the said duties respectively the full sum at which he ought to be charged, but to every such list or estimate shall be annexed a declaration in writing in the form and to the effect herein-after mentioned (*see Rules 9. & 11.*) and if the surveyor, &c. shall be satisfied with such list, &c. and declaration, he shall certify such return and declaration to two or more of the commissioners, with the amount of duty to be charged; who shall thereupon cause the assessment to be made according to such certificate, and the rate of single duty to be charged on the person making such return, without further trouble or delay; but if, on examination of such list or return, and declaration annexed thereto, such surveyor, &c. shall see just cause to object thereto, he shall thereupon certify such return and declaration annexed thereto, together with the cause of his objection, to 2 or more of the commissioners, who shall thereupon cause the assessment to be made according to such last-mentioned certificate in double the amount of the duty at which he shall be charged, and from which charge no abatement shall be made on any pretence, unless on appeal, as in Rule 14th directed; of which objection notice shall be given by the surveyor, &c. to the person to be charged thereby, together with the cause of objection to the said return and declaration; and the said commissioners shall determine the said objections on the merits, without further notice of appeal from the party so charged.

Ninth. Every such declaration, in cases where no return hath been previously made by the person so charged for the same year, shall allege and declare in substance, as follows; i. e. 'That the exhibitant was not at his dwelling house or other place of abode at the time appointed for the fixing, or delivery of general or other notices for making a return as required by the said act or acts, nor between that day and the time limited for making such return to the assessor, and that he hath not received or had any knowledge of any such notice; or, that he was disabled by sickness from making such return; or, that the non-delivery of such return was occasioned by the following mistake or accident,

without any intention to defraud the revenue; viz. [*here set forth the cause of such default;*] and that the return to which the declaration of the said exhibitant is annexed is a full complete return of all things required of the said exhibitant by the said act or acts, or by this act, to the best of his or her judgment and belief;—which declaration and return shall severally be signed by the party making the same, in his proper name and handwriting or sign, and attested by any one or more credible witnesses, who shall have seen the same party subscribe or sign the same, and shall attest the signature thereof in their proper names and handwriting respectively; provided every such witness shall be an inhabitant of the same ward, parish, or place where the said party shall reside, and who shall be rated in the assessment of the same duties for the same ward, &c.; or if in any place there shall be no inhabitant competent to be such witness, then the declaration shall be attested by some credible witness, rated as aforesaid, and residing in the next adjoining parish where the said party shall reside.

Tenth. Any person to whom such notice of charge shall be served on occasion of his having omitted in the return before made for the same year, any person, description, statement, account, or estimate, or any article, matter, or thing which ought to have been contained in such former return, or which shall be mentioned in such notice of charge not to be contained in such former return, or of having claimed any exemption or deduction not allowed by the said acts respectively, if he shall consent to such charge, to give notice in writing of such consent accordingly to the said surveyor, &c., who shall certify such consent, and the amount of the single duty which ought to be charged to the said commissioners; according to which certificate the party charged and consenting thereunto shall be assessed in the single duty, and such consent shall be deemed equivalent to an amended return and declaration as required by this act; or such person so charged, if he shall not so consent in manner aforesaid, may amend such former return, by delivering to the surveyor, &c. a supplementary list, account, or estimate, according to the directions of the said acts respectively, and as the case may require, to which a declaration in writing shall be annexed as herein-after mentioned; which surveyor, &c. may certify his satisfaction therewith, or objection thereto, to the respective commissioners; according to which certificate the party charged shall be assessed in the single duty if such surveyor, &c. shall be satisfied therewith, or in the double duty in the manner hereinbefore directed, where no previous return shall have been made, and as the case may require, subject to the like power of appeal, and like proceedings in all other respects as are before given.

Eleventh. Every such declaration shall allege and declare the cause of each omission made or mentioned in such notice of charge, to have been made in such former return, and also those of each claim of exemption or deduction, and also that the return is a complete return of all matters and things required of him by the said acts, to which the charge shall relate, to the best of his judgment and belief, and that such omission or claim was not made with intention to defraud the revenue; which said last-mentioned declaration and return shall respectively be signed and attested, as in Rule 9th.

Twelfth. No return or declaration shall be required of any article, matter, or thing, of which the party charged shall have made a due return for the same year, but the said party may give notice in writing to the said surveyor or inspector that he or she doth abide by such former return; or may make out and deliver a supplementary return and declaration, as before directed; which return and declaration, together with the return before made, subject nevertheless to the objection of the said surveyor or inspector in manner aforesaid, shall be deemed full and complete returns, if they shall together include all articles, &c. for which the party shall be chargeable; and no person shall be liable to the penalties contained in this act for any article, matter, or thing returned in manner aforesaid, so that he might have been fully charged to the duties chargeable thereon, but only for articles, &c. not returned by him in manner aforesaid.

Thirteenth. Any surveyor, &c. who shall wilfully make any false and vexatious charge of any of the said duties, or wilfully deliver, or cause to be delivered to the said commissioners, any false and vexatious certificate of charge of any of the said duties, or of objection to any supplementary return, or shall be guilty of any fraudulent, illegal, or unjust conduct in the prosecution of any such charge, or shall wilfully neglect the duty of his office, or in any manner offend against the laws for regulating the same, which shall be proved on certificate of the respective commissioners of the division where such offence shall be committed, or any 2 or more of them, or on the affidavit on oath or solemn affirmation, to be taken before any one such commissioner, of any credible person to the satisfaction of any 2 or more of the commissioners of taxes, or by confession: the latter, for any such offence, may suspend the payment to such surveyor, &c. of all or any reward, emolument, or advantage which he would be entitled to under the said acts, for any increase of duty or overplus above the rate of duty occasioned by his information or charge; or such part thereof as they shall deem just,

and finally may withhold, and direct the same to be paid by the receiver-general into exchequer, unless the treasury shall think fit to restore the same to such surveyor, &c., or to mitigate and lessen the sum so to be withheld and paid over; but nothing herein-before contained shall affect any action or suit for recovery of any penalties imposed by any former acts, against such surveyor, &c. for any such offence as aforesaid, or for any false and vexatious charge of any such duties; but all such penalties, and powers for recovery thereof, shall remain in force notwithstanding this act, or any thing done in pursuance thereof.

Fourteenth. Where any person thinking himself overcharged or over-rated by any charge or certificate of objection by any surveyor, &c. as aforesaid, or by any assessment to be made in pursuance thereof, shall have appealed therefrom to the said commissioners according to the directions of the said acts, the appellant shall, on the hearing of such appeal, in all cases where a list or estimate in writing shall or ought to have been delivered by him to the assessor, produce or cause to be produced before the said commissioners a true and complete list, &c. or estimate, as the case may require, to the best of the judgment and belief of the appellant, with a declaration in writing thereunto annexed, to the following effect; the appellant shall declare that the list, statement, account, or estimate to which the declaration is annexed, doth contain all matters and things required of the said appellant to be returned by him, for which he is chargeable by any acts, to the best of his judgment and belief; which return and declaration shall severally and respectively be signed by the appellant in his proper name and handwriting; and in default of production of such list, statement, account, or estimate, by or on behalf of appellant, with such declaration annexed, the commissioners shall confirm the charge or objection.

Fifteenth. On every charge allowed or confirmed by the commissioners, in the whole or in part, on which any increase of duty shall be made, the assessments thereupon shall be made in double the amount of duty charged in the supplementary assessments on occasion thereof, unless otherwise provided for by this act.

Sixteenth. Where an amended return, with a declaration annexed thereto, shall not be delivered to the surveyor, &c., and where no list, &c. or estimate with such declaration annexed shall be produced to the commissioners, on the hearing of such appeal, they shall not make any abatement or remission of the double duty, but it shall remain part of the annual assessment; unless the party charged shall have given notice of his consent to the charge of the surveyor, &c., or unless the commissioners are of opinion, that the surveyor, &c. was enabled to correct the first assessments of the said duties for that year, according to this act, by reference to the original return of the party so charged, in which cases the commissioners who shall have confirmed such charge, may at the same time remit and strike off the whole of the double duty.

Seventeenth. Upon every charge confirmed upon appeal, if the commissioners shall, after examination of the appellant, or by other lawful evidence produced on his behalf, as directed by the said acts respectively, be of opinion that the alleged default, neglect, omission, or claim of exemption, allowance, &c. hath been duly accounted for, and that the causes have been truly stated in any amended return and annexed declaration, and that appellant had a reasonable cause of controverting the said charge, and that the said default, &c. was not wilfully made, and with intention to defraud the revenue, the commissioners who shall have determined the said appeal, although they shall have confirmed the charge in part or in the whole, may at the same time remit and strike off the whole of the double duty.

Eighteenth. On every charge confirmed upon appeal, though no amended return is delivered to the surveyor, &c. as allowed by this act, if the commissioners shall, after examination of the appellant, or by other lawful evidence produced on his or her behalf, as directed by the said acts, be of opinion that the alleged default, &c. was not wilfully made, and with intention to defraud the revenue, the commissioners who shall have determined the said appeal, may at the same time remit and strike off any part of the said double duty, not exceeding one moiety thereof; provided if the appellant shall prove to the satisfaction of the said commissioners, that he hath been prevented from making such amended return within the time herein limited by absence, sickness, or other sufficient cause, and that such default, &c. was not wilfully made, and with intention to defraud the revenue, the commissioners may remit and strike off the whole of the said double duty.

Nineteenth. Nothing herein shall be construed to grant the double duty, or any part thereof, on any of the said duties, if the party charged shall not by the laws in force at and immediately before passing this act, be directed to return the article or thing on which the said duties shall be chargeable, and for which the said party was so charged.

Twentieth. Every increase of duty made by occasion of such charges, whether the whole of the double duty shall be remitted or not, and also the double duty, or such part thereof which shall not be remitted, shall be certified on the supplementary assessments made for each year under the hands of the said respective commissioners, or any 2 of them, to the

commissioners of taxes; and the latter may direct the receiver-general, who shall have received the said increase and double duty, to pay to the said surveyor, &c. out of the same in such proportions as they see fit, any sum of money not exceeding the rate settled by the treasury, or the high treasurer for the time being, as a reward for their labour and diligence in making such increase of duty; and the certificate of the commissioners of taxes or any three or more of them, shall be a warrant to the said receiver-general to pay the same.

Twenty-first. The determination of the commissioners of assessed taxes, upon any objection made by the surveyor or inspector of the said duties to the estimates or value delivered by the assessors of the property in any parish, ward, or place in which assessments after appeal shall be made, shall preclude the surveyor, &c. from afterwards making a further charge on the same property in the same parish, &c. in that year.

247. The several provisions in the preceding clause of this act, [Rule 8th] relating to charges in the single duty, shall be construed, so far as they respect the duties of assessed taxes in G. B. as aforesaid, as applicable to the provisions of 43 G. 3. c. 161. [and 46 G. 3. c. 65. Exp. 5th April, 1816, property tax act]; and any other acts for regulating the said duties respectively, and relating to surcharges in the double duty, and as if the said provisions relating to charges in the single duty had been expressly applied to those of the said acts respectively relating to surcharges in the double duty, and had been respectively enacted therein; and all provisions in the said acts repugnant to the provisions in the said clause, and for which other provisions are made herein, except such provisions, &c. therein as relate to surcharges in the double duty which are herein declared to be applicable to the provisions of this act, shall severally cease, 50 G. 3. c. 105. s. 2.

248. In case any commissioner or commissioners acting in execution of such acts or of this act, shall by information or other proceedings whatsoever, at suit or on behalf of H. M., his heirs, &c. be impleaded for any matter or thing they may do or determine, or may refuse or omit to do in or about the execution of any such acts, and on trial of such information or other process a verdict shall be given, or any order or rule of court made for such commissioner, or such information or other proceeding shall be discontinued or dismissed the court in which prosecuted, then such commissioner shall be entitled to full costs of suit, as between attorney and client; and the commissioners of taxes may direct the receiver-general of the county within which such commissioners shall act, and the receiver-general shall pay such taxed costs out of any money in his hands arising from the duties of assessed taxes, and allowed in the accounts of the receiver-general, *id.* s. 3.

249. The enactment, (*viz.* s. 29.) of 43 G. 3. c. 161. respecting giving notice of beginning or ceasing to keep the different subjects of taxation is *Rev.* *id.* s. 4.

250. In cases of charge by any surveyor or inspector, of any of the duties on servants, carriages, horses, mules, and dogs, and for using chair powder, or armorial ensigns, where it is proved on appeal to satisfaction of the commissioners of the division, that there was any doubt whether the article so charged was rateable within the said acts, and that the alleged default was not wilfully made and with intention to defraud the revenue, the commissioners may strike off the double duty so chargeable, *id.* s. 7.

251. Every person to be charged in pursuance of this act, by certificates of any surveyor or inspector, shall have full 10 days after service of notice of such charge, to deliver his amended return to such surveyor, &c. according to this act, and no certificate of such charge shall be signed or allowed by the commissioners, nor any appeal heard from such charge, before expiration of 10 days; and if the person so charged shall before expiration of the said period deliver a return and declaration as aforesaid, which the said surveyor, &c. shall object to, the latter shall be deemed a sufficient notice of appeal from such charge to the commissioners of the division, who shall hear and determine the matter thereof, according to this act; and if the person so charged shall not before expiration of such 10 days, deliver a return or declaration as aforesaid, the said commissioners, on the appearance before them of the person charged, or some person on his behalf, and the delivery to them of such list, and declaration as hereinbefore required on the day appointed for hearing appeals from the charges of such surveyor, &c., may hear and determine the matter of such charge, according to this act, notwithstanding the person so charged shall not have given previous notice of intention to appeal; provided that in default of the appearance of the party charged before the said commissioners, or some person on his behalf, on such days of appeal, or in default of production of such list or declaration as aforesaid, the certificate of such charge shall be confirmed by the said commissioners, *id.* s. 8.

252. Every person who in any such declaration shall wilfully and fraudulently declare any matter or thing which is false or untrue, shall, on conviction, be judged guilty of misdemeanor, and committed to the gaol of the county, riding, or shire where such offence shall be tried, for not exceeding 6 calendar months, and fined in such sum not exceed-

ing treble the amount of duty for which he has been charged, as the court shall think fit to order, 50 G.3. c.105. s.9.

253. Any indictment for such misdemeanor in making a false declaration as aforesaid, whether such declaration shall be made within G.B. or without, shall be laid, tried, and determined in the county, riding, or shire where such declaration shall be exhibited, to the respective commissioners of the duties to which it shall relate, *id.* s.10.

48 G.3. c.141. No. V.

RULES and DIRECTIONS for paying to the Receiver-General, and accounting for the Duties received by the Collectors.

First. The several collectors shall pay to the receiver-general or his deputy, all monies of the said respective duties which they shall have received or levied, by virtue of any of the acts herein mentioned, on the respective days herein appointed for payment of the said duties, or any of them, next after the receipt of the same, and shall, twice in each year, account with such receiver-general or his deputy in the manner herein-after mentioned, for all such duties; that is to say, for the duties of assessed taxes, they shall pay or account for one entire moiety thereof on the day to be appointed next after 10th Oct., and the remainder thereof on the day to be appointed next after the 5th April in each year; on which day so appointed for payment, the full and entire amount of duties, penalties, and sums of money contained in the said supplementary assessments of the said respective duties, shall also be paid to the receiver-general or his deputy, or accounted for to him or them herein-after directed; for which payments the latter shall give to such collectors receipts in writing, and for which receipts no stamp duty shall be chargeable, any statute to the contrary thereof notwithstanding: provided, that if any collector shall not at or before the respective times herein-before limited, have received or levied the said respective duties, or shall not then account to the receiver-general or his deputy for the same, in the proportions before directed, he shall deliver to the said receiver-general or his deputy, at the respective times appointed for such payments, or to the commissioners of the division, [See 50 G.3. c.105. s.11. *next pl.*] within 5 days after the respective times aforesaid, a schedule in writing, signed by such collector, containing the christian and surname of, and the respective sums then in arrear from each such defaulter, with an affidavit subscribed, to be made on the oath or affirmation of the said collector, (which oath may be taken before any one commissioner of the division) that the several sums contained in the said schedule have been demanded from, and are due and wholly unpaid from the respective persons charged therewith, either to such collector, or to any other person or persons for him, to the best of his knowledge and belief.

253. (a) Whenever any schedule of arrears shall be transmitted by the commissioners of assessed taxes, in relation to any duties therein mentioned, to the receiver general, and the commissioners for affairs of taxes are of opinion that the duties so in arrear might more conveniently be collected by the respective collectors of duties in their districts, according to the direction of the statutes, than by exchequer process, the latter commissioners may direct the receiver-general to return the schedules to the commissioners from whom he received them, who shall cause the duties in arrear to be levied under any power, and by any method prescribed in the acts respectively, without delay, 50 G.3. c.105. s.11.

Second. Every such schedule, being certified under the hand of the receiver-general or his deputy of the county or division where the said arrears accrued to the court of exchequer at Westminster, shall be received and taken as sufficient evidence of a debt due to H.M., and shall be a sufficient authority to the barons of the said court, or any one of them, to cause process to be issued against such defaulter named in the said schedules, to levy the whole sum in arrear and unpaid by such defaulter; and the sheriff or other officer to whom such process shall be directed, shall, without delay, cause the whole sum in arrear to be levied by due course of law as a debt to H.M. on record, with all costs attending the same, and shall pay the money so levied, after deducting the said costs, to the receiver-general or his deputy, and shall make return of the said process to the said court, according to the due course thereof; provided that every such schedule shall remain with the commissioners of the division for 40 days before the certificate thereof shall be transmitted to such court, during which period every such collector shall give due notice of such schedule to the several defaulters named therein, in such manner as the commissioners shall direct, under like penalty as imposed on collectors by the said several acts, or any of them, in other cases of neglect of duty; and every such defaulter within the like period may pay his arrears to the said collector, whose receipt shall be a sufficient authority to the said commissioners to discharge the arrears so paid from the said schedule; and the said commissioners, if they shall see cause, may issue fresh warrants to collect the said arrears, or any of them, within the said period of 40 days and during that period to use all or any the means prescribed by

the several acts relating to the said respective duties, for recovery of the said arrears, or direct them to be levied by the respective collectors under their former warrant, as shall be most expedient; and all warrants to be issued for that purpose may be directed either to the said collectors, or to the high constable, constables, or other peace officers, within the limits of their division, or any one or more of them, or to any other person whom the said commissioners shall think proper, with authority to levy by distress and sale, in the manner directed by the said acts respectively, the sums in arrear, with all costs attending the said process and execution thereof; and the sums so levied, after deducting the said costs, shall be paid to the receiver-general or his deputy, at such time and place as the latter shall appoint, and shall be discharged from the said schedule; and all high constables, constables, and other peace officers, within the said division, shall act in obedience to the directions of the said commissioners, and shall execute all such orders and process as shall be to them or any of them directed for the recovery of the said arrears: provided, that when the commissioners of the division shall certify to the commissioners for the affairs of taxes any reasonable cause for non-payment of, or for not proceeding to levy any part of the said arrears included in the said schedule, and that they have good reason to believe the same will be paid within a reasonable time, to be stated in such certificate, the commissioners of the division may retain the said schedule in their hands, for such further time as shall be necessary, and as shall be mentioned in their aforesaid certificate.

Third. In default of such schedule being delivered within the space of 3 days as aforesaid, either to the receiver-general or his deputy, or to the said commissioners, the receiver-general, to whom the payment of the said duties shall not have been made in the proportions herein prescribed, and at the times above mentioned, shall certify to the exchequer the amount of the duties remaining unpaid, to the best of his knowledge and belief, and the particular ward, parish, or place, and the division where such failure hath happened, together with the names of the collectors thereof; and such certificate under the hand of such receiver-general or his deputy, shall be a sufficient authority to the barons of the said court, or any one of them, to cause process by way of *distringas* to be issued out of such court against the said collector, upon which writ of *distringas*, the sheriff or other officer to whom the said process shall be directed, shall return such issues as such court or baron shall order, until a return of such schedule and arrears shall have been made to the said court, and immediate process shall thereupon issue for levying the said arrears out of and under the seal of such court, which levy shall not be remitted unless all the said duties in arrear shall be paid or satisfied before return of such process.

Fourth. On each half-yearly day of payment, as herein directed, the surveyor of the district shall, on notice thereof from the receiver-general or his deputy, attend with such of the duplicates of assessment as shall have been delivered to him, and as shall be required by the said receiver-general or his deputy, and shall assist him in adjusting the accounts of payments and of arrears, and shall also assist the collectors in making out their schedules of arrears to the best of his judgment.

Fifth. The duties contained in any schedule of arrears, as aforesaid, which shall be paid to such collector or collectors within 40 days before-mentioned, or within such further period as shall have been stated in the certificate of the commissioners for retention of such schedule as before-mentioned, shall be paid over to such receiver-general or his deputy, at such time and place as the said receiver-general shall appoint.

Sixth. Whenever any collector shall have advanced and paid to the receiver-general, or his deputy, any sum of money for or on account of the duties assessed on any other person, whether at his request or not, he may, in default of repayment to him or them at any time within 6 calendar months after such payment, levy the said duties by the like ways and methods as he might have levied the same before such payment thereof to such receiver-general or his deputy, and as if such duties had not been paid or satisfied.

254. This act, as to all matters contained in the rules of s.1. shall commence and take effect from 31st Dec. 1808., in respect of all assessments to be made for any year after 5th April 1809., 48 G.3. c.141. s.2.

256. In cases of surcharge under the said acts relating to assessed taxes, no list, affidavit, or oath shall be required of any article, matter, or thing, which the party surcharged shall prove to the satisfaction of the commissioners of appeal to have been duly returned before the day of the said notice, in any list delivered by the said party for the year for which such surcharge shall be made; and either the said return, or a certificate thereof, signed by 2 commissioners of the division where the return shall be made, shall be received conclusively as proof thereof; and the return or returns required by the said acts shall be deemed full, perfect, and complete returns, if the amended return, together with that return before made, shall include all articles,

matters, and things for which the party so surcharged shall be chargeable; and no person shall be liable to surcharge for any article, matter, or thing before returned by him or her, according to the directions of the said recited acts, or of this act, 48 G.3. c. 141. s. 3.

256. When the commissioners of any division shall have fixed the day or days of appeal against the surcharges made by any inspector or surveyor, under the said acts or any of them, and shall have caused the due notice thereof to be given, according to the directions thereof, and the said inspector or surveyor having like notice thereof, shall wilfully neglect to attend the meeting or meetings of the said commissioners, held in pursuance of such notices, whereby the commissioners shall be prevented in proceeding to hear such appeals, they may allow to each appellant attending such meeting, a reasonable compensation for such attendance, to be settled by the said commissioners, and paid to such appellants respectively by the receiver-general of the said duties, or his deputy, on production of the certificates of any 2 or more of the said commissioners testifying such allowance, *id.* s. 4.

257. H. M., his heirs and successors, or the treasury, or any 3 or more commissioners thereof, or the high treasurer, may appoint, for *Eng.* and *Wa.*, such person or persons, not exceeding 10 in number at any one time, as H. M. &c. shall think proper to be INSPECTORS-GENERAL for the special purposes of this act, herein-after specified; and may allow them such reasonable salaries, charges, and expences, as may be necessary for their pains in executing this act in the several particulars herein-after mentioned; and no person appointed inspector-general under this act shall be entitled to amend any assessment made under the said acts, or to surcharge any person or persons in respect thereof; nor shall any such person have, or receive, or claim any advantage or emolument from any assessment or surcharge to be made under any of the said acts, nor any other emolument than the salary and allowance authorized by H. M. &c., *id.* s. 5.

The Powers to be vested in the INSPECTORS-GENERAL.

First. They may visit from time to time each inspector and surveyor acting in the execution of the several acts relating to assessed taxes, within the limits of the circuit for which such inspector general shall be appointed, and examine the books, assessments, and duplicates, or certificates of assessment or surcharge in the hands or power of such inspector or surveyor; and also may enquire into his conduct in execution of his office, and into his fitness and capacity to execute the same, and report from time to time on the several matters aforesaid to the commissioners for the affairs of taxes; and every such inspector, &c. shall attend such inspector-general at such time and place, within his district, as the inspector-general shall appoint, and shall have given him 3 days notice of.

Second. Every such inspector-general may administer to any such inspector or surveyor, whenever he shall see occasion to examine him or them in any matter touching the execution of the said acts, an oath that he shall truly answer make to all such questions as shall be demanded of him; and the substance of such answer or answers as such inspector, &c. shall give, shall in his presence be reduced into writing, and read to him, with liberty to alter or amend the same in any particular; and he shall sign his assent to the same in his own name, and in his usual manner of writing or signing the same.

Third. It shall be lawful for every such inspector-general as aforesaid, whenever he shall see occasion, to report to the commissioners of the division on any matter or thing touching the execution of the said acts or this act in relation to any assessment in such division, or touching the conduct of any clerk to such commissioners, or of any assessor or collector, together with the opinion of such inspector-general thereon; and he shall transmit a duplicate of such last-mentioned reports to the commissioners for affairs of taxes; and whenever any inspector-general shall have reported to the commissioners of any division, any such matter or thing which, in his opinion shall require the particular consideration of the commissioners of such division, they may hold a meeting for that purpose, and shall hold it within a reasonable time after such report, at which meeting such inspector-general may attend for the purpose of explaining the matters contained in the said report, and of suggesting for their consideration the propriety of adopting such orders as may be agreed upon by the major part of the commissioners of such division who shall be present at such meeting.

Fourth. If any inspector-general, or commissioner for the division, who shall have been present at any meeting of commissioners at which the report of such inspector-general shall have been so considered, shall apprehend the determination made by the commissioners at such meeting on the said report, or any of the matters therein contained, to be contrary to the true intent and meaning of the said acts relating to the said duties respectively, or any of the said acts, such inspector-general and any one or more of the commissioners for the division, present at the time of such determination respectively, may require a case to be prepared, and signed by the said commissioners for the division; in

which case the said commissioners shall state specially the part or parts of the report of the said inspector-general, and the facts on which the question arose, together with their determination thereupon, and any other circumstances influencing them in such their determination, and which case they, or the majority then present, shall state and sign accordingly, and cause the same to be transmitted to the commissioners for the affairs of taxes, who shall forthwith submit the same to the judges of the courts of record at *Westminster*; and such judges, or any 2 or more of them, shall, with all convenient speed, return an answer to such case so transmitted, with their opinion thereon subscribed thereto, and what ought under all circumstances to be done therein; according to which opinion and directions so certified, the determination of the commissioners which shall have been so objected to, and which shall be stated in such case, shall be confirmed, reversed, altered, or amended, as the case may require, and any assessments depending on such determination of the said commissioners shall also be altered or confirmed according to the said opinion.

257. (a) None of the provisions of this act herein-before contained shall be construed to extend to that part of *G. B.* called *Scot.* 48 G.3. c. 141. s. 6.

258. The several parishes and places, or parts of parishes or places, set down in the 1st column of the following *schedule*, and which have been heretofore charged to the said respective duties, in the respective divisions mentioned in the 2d column of the said *schedule*, and set opposite thereto respectively, shall, from and after the passing of this act, be charged to the said respective duties in the divisions, and shall be subject to the jurisdiction of the commissioners, and persons acting under them, and to the inspectors and surveyors of the division mentioned in the 3d column of the said *schedule*, and set opposite thereto respectively [The *schedule* is entirely local.] Nothing herein extends to land tax or duties granted for service of any year, *id.* s. 13.

Compounding for Assessed Taxes.

259. TO RELIEVE PERSONS COMPOUNDING FOR THEIR assessed taxes from an annual assessment for 3 years [from 5th April, 1819, see s. 1.], 59 G.3. c. 51. [the benefit of this act is EXT. to certificates of composition, signed by the commissioners and parties compounding before 30th Nov. 1819, by 1 G.4. c. 73. s. 1.; and further EXT. as in next pl. by 1 & 2 G.4. c. 113. s. 1.; and AMD. by the rest of those acts.]

260. The assessments made, or to be made under the acts in force, at or immediately before passing of this act, (*viz.* 10th July 1821,) relating to the duties on *windows or lights*, and on *inhabited houses*, and the assessments made or to be made, relating to *such other assessed taxes* as may be comprised in any composition to be entered into under this act, for the year ending 5th April 1822, shall severally remain to the same annual amount in respect of every person compounding for annual payment of the assessment under this act for 6 years in respect of the duties on *houses, windows, and lights*; and for 5 years in respect of the *other assessed taxes*, to be respectively computed from 5th April 1822, 1 & 2 G.4. c. 113. s. 1.

261. The assessments for the year ending 5th April 1819 shall remain to the same amount, in respect of all persons who shall compound for the annual payment thereof, for 3 years, to commence from the said 5th April 1819, on the terms herein-after mentioned; and the commissioners, or any 2 in their respective divisions, may contract with any persons assessed for the said year ended on the 5th April 1819, and who shall apply for that purpose, for the composition of their assessed taxes, for the said period of 3 years; and all persons assessed shall be competent to enter into composition with the commissioners for their assessed taxes for 3 years, to commence from the said 5th April, on the same amount annually, together with an additional annual rate, for every 20s. of the amount assessed, to be ascertained in manner herein mentioned, except as herein-after provided, 59 G.3. c. 51. s. 1., [See now 1 & 3 G.4. c. 113. s. 2. as to renewal of these compositions.]

262. The duties assessed on *inhabited houses* and on *windows or lights*, in *sched.* (A.) or (B.), shall be compounded for separately from all other duties; [but see that both may now be done by a single contract, 1 G.4. c. 73. s. 7. *infra*, pl. 299.]; and where any such composition is made on the amount of the said duties, the proportion of the additional rate shall be 1s. for every 20s. of the amount assessed, and after that rate for any greater or less sum than 20s.; and where any such composition is made on the amount of any other of the duties, (except the *game duties*) the proportion of the additional rate shall be 1s. for every 20s. of the amount assessed, and after that rate for any greater or less sum than 20s., *id.* s. 2. [See note to last pl.]

263. All persons entering into any such composition, and paying the amount at the times herein specified, and doing all other acts required by this act, may make or open during the said term, free of duty, any additional number of *windows or lights*, and may also keep and use, free of duty, any additional articles of the same description, (though charged with progressive rates of duty, according to the number), as they were charged

in the assessment on which the composition has been made; and shall be exempt from any further compliance with any of the provisions relating to assessed taxes, and from all assessments thereon, during the 3 years; except where they shall be chargeable with the duties in respect of a dwelling-house, not comprised in the said composition; or in respect of any articles of a different description, or chargeable with duty under some other *schedule*, than they were charged in respect of, in the assessment on which the composition shall have been made; in which excepted cases, increased charges shall be made, and the forfeitures inflicted according to the provisions of the several acts, in relation to the said taxes now in force, as if no such composition had been made, 59 G.3. c. 51. s. 3.

264. But no composition shall be entered into under this act with any persons who have become chargeable in the present year, by reason of any different or additional establishment set up within the year ending 5th day of April 1819, to a greater amount of duty than hath been charged on them, in the said last year's assessment, without including as well the amount of duty so charged in the said assessment, as the increased amount of duty so becoming chargeable by reason of such different or additional establishment, nor in any such case where a *bonâ fide* return of such different or increased establishment shall not be made before the 1st July 1819, *id.* s. 4.

265. No person shall be chargeable under the acts now in force after expiration of the 3 years, for any part of the increased establishment not included in the composition entered into under this act, who shall give 6 months previous notice of his intention to discontinue the same, and who shall actually have ceased to keep the same one calendar month prior to the expiration of the said 3 years, *id.* s. 5.

266. When an establishment has consisted in part, of articles whereon a less duty hath been made payable by any act in the present session, it shall be lawful to enter into compositions under this act, on the amount of duty charged on other articles on the said last assessment, together with the amount of duty so made chargeable, by the said act of the present session, *id.* s. 6.

267. Every composition entered into under this act, in respect of the duties charged on a dwelling house from which the persons entering into the same shall remove during the term, shall cease on 5th April next after such removal; and every composition in respect of any other of the duties, with any persons who within the said term shall die, or become bankrupt or insolvent, or shall assign their goods, shall also cease on the 1st April next after such death, bankruptcy, insolvency, or assignment, *id.* s. 7.

268. Every composition entered into, subject to determination thereof as aforesaid, shall bind the persons entering into the same, their chattels, goods, and effects, to the payment (at the times and in the proportions herein specified) of the full amount of the sums payable upon the said composition, *id.* s. 8.

269. All persons so having compounded, and removing, and the executors, administrators, or assignees of such persons dying or becoming bankrupt or insolvent, and the assigns of any such persons assigning their estate, chattels, goods or effects, shall be bound to due payment of all sums in arrear, at the times of such removal, death, bankruptcy, insolvency, or assignment, or which shall be payable upon such composition for the year ending on 5th April next after such removal, &c.; and no goods belonging to any such persons shall be removed, nor shall any goods belonging to any such persons be liable to be taken by virtue of any execution or other process, unless the persons so having compounded, or their executors, administrators, or assignees, or the party to whom any such assignment shall be made, or by whom such process shall be sued out, shall, before the removal of such goods, pay to the collector (the same not having been paid to the bank, or the receiver-general, pursuant to this act) all arrears then due, or payable for the year ending 5th April next, after such removal, &c.; and in case of refusal to pay, the collectors shall distrain such goods, and proceed to the sale thereof, under the acts, till they have obtained payment of the said composition money, together with the costs attending such distress and sale, *id.* s. 9.

270. The monies payable by virtue of the compositions, shall be payable without demand, quarterly, at the same times, and in the same proportions, and to the same persons as the assessed taxes are now payable; but all persons so compounding, whose annual compositions are not less than 20l., may contract with the commissioners for payment of their composition money into the bank of Eng., or to the receiver-general for the county, by half yearly instalments, all which shall be made in equal proportions on 1st Oct. and 1st April in each year; and with respect to payments to be made to the receiver-general, to require a receipt acknowledging such payments, at the cost of the persons making the same, in such form as the commissioners of taxes shall direct; and in every such case the said receiver-general shall give the said persons a receipt as above, specifying therein the names of the persons compounding and the parish; which receipts shall be delivered over to the collectors of the parish, by indorsement under the hands of the persons compounding,

and shall be received by such collectors as cash, and allowed as such by every receiver-general, 59 G.3. c. 51. s. 10.

271. The bank of Eng. shall open an account with the treasury for each year, during the term limited, under the title of "The commissioners of the treasury on account of compositions of assessed taxes," and shall carry to the credit of such account all monies authorized by this act to be paid into the bank; and the cashier who shall receive any money tendered to him in payment, of not less than one moiety of the money annually payable on any composition, shall enter the same, and all such sums shall be entered under the names of the persons compounding, and the county and parish mentioned in the certificate of composition; and the said cashier shall give the person paying, a certificate of such payment, specifying the number of half-yearly instalments thereby discharged, and referring therein to the names of the persons so compounding, and the county mentioned in the certificate of composition; and any person may pay in advance any sum for one whole year, and require a certificate acknowledging such payments; and the cashier, on production of the certificate of composition, (all sums payable for any former year being first satisfied) shall make an allowance out of the sum so paid in advance, of 3 per cent. per ann.; and all such certificates made out by the cashier being indorsed and delivered by the persons compounding, to the collectors of the parish, shall be received by them as cash, and allowed to them in their accounts with the receiver-general, *id.* s. 11.

272. The assessors shall, as soon after the passing of this act as convenient, give such notice of this act to all persons charged to the said duties, for the year ending 5th April, 1819, as the commissioners for taxes shall direct, together with a printed form, to be used in applying to the commissioners, by all persons desirous of compounding in the form directed as above; and all persons desirous of compounding shall distinguish on such form the additional rate at which they are desirous to compound, and shall sign the same with their christian and surnames, and cause the same to be delivered, free of charge, to the clerk of the commissioners of the division, who shall number and file the same, and with all convenient speed mark the assessments on which such compositions are to be made, and shall summon the commissioners to meet at the usual place on some day, not later than 10 days after he has received notice of any such application to compound; and they shall meet within the time fixed, and so from time to time as often as such applications shall be made, and at such times as they deem necessary for execution of this act, *id.* s. 12.

273. The surveyors under the acts relating to assessed taxes shall, before any certificate of composition is executed by the commissioners, examine every application to compound, and also the assessments made on the persons applying for the year ended on 5th April, 1819, and also the returns of the same persons for the present year; and if on such examination he discovers that any person who applied to compound hath removed from the house charged in the last assessment, or hath returned any additional establishments as chargeable for the present year, so as to increase the amount of their assessment for the present beyond the amount in the preceding year, or hath not made any return, or hath made an undue return for the present year, the surveyor may certify the same to the commissioners, with his objections; and no composition shall be entered into in respect of the dwelling-house from which the person applying to compound, hath removed; nor with any persons who have not made due return of all articles chargeable on them for the present year; and in case such due return has been made, then no such composition shall be entered into, without adding to the amount of the last year's assessment the additional establishment chargeable in the present year, and calculating the additional rate payable under this act on such aggregate amount; and if any doubt shall arise, whether any composition may be made under this act, the commissioners may refer the matter to the commissioners of taxes, or such as H. M. shall appoint for that purpose, *id.* s. 13.

274. On every composition entered into, after 1st October 1819, there shall be paid one moiety of the annual amount payable on the same, within 10 days after the date of the certificate of composition; and no such composition shall be entered into after the 31st of the same month, [see *vid.* 1 G.4. c. 73. s. 1. and time *EXTD.* to compositions may be made from 5th April, 1822, for 5 and 6 years, see *pl.* 259.] nor after the persons applying for the same shall have received a notice of any increased charge upon their return for the present year, from the surveyor of the district, nor after any appeal from the amount of the first assessment for the present year, *id.* s. 14.

275. On all applications to compound, not objected to by the surveyor, the clerk to the commissioners shall compute the amount of duty charged, and shall fill up a certificate of the composition to be made thereon, on which the additional rate is to be charged; and whenever the applications to compound, which have been objected to by the surveyor, have been conceded by the commissioners, the clerks shall in like manner compute the amount of duty whereon the additional rate is to be charged, and fill up a like certificate, and

shall give notice to the persons applying, to attend the commissioners to sign the said certificates; and every such certificate shall be made in 3 parts, with counter cheques, and severally signed by the commissioners, and by the persons compounding, in the presence of their clerk, who shall attest the same; and two of the said parts shall be cut off indetwined from the third, and from each other, one of which shall be delivered to the person compounding, and the other to the office of the commissioners of taxes, and the third shall remain with the commissioners executing the same, 59 G. 3. s. 51. s. 15.

276. The sums payable under any composition under this act shall be raised, levied, and accounted for under the provisions of this act, and any acts in force in relation to assessed taxes; and this act shall be construed in such manner and to like effect, as if the several provisions in the said acts were expressly enacted in this act; except where other provisions are made under this act, for paying the compositions; and all powers contained in such acts, for levying the assessed taxes, shall be observed and put in execution, as if herein respectively re-enacted, *id.* s. 16.

277. All persons who now are commissioners for assessed taxes shall be commissioners for putting in execution this act; and the several present assessors, collectors, and clerks, surveyors, inspectors, and inspectors-general, shall respectively be assessors, &c. to put in execution this act, *id.* s. 17.

278. The treasury may allow additional salaries to the surveyors, and such incident charges and expences as shall necessarily attend the execution of this act; and every receiver-general and collector shall annually have the like poundage for what money they shall pay or account for, as under 48 G. 3. c. 55., and the clerk of the respective commissioners shall receive from the receiver-general the like poundage on the amount compounded for under this act, as he would have been entitled to under the said act, *id.* s. 18.

279. After the date and during the continuance of any certificate of composition under this act, all assessments under the said acts shall cease with respect to the persons so compounding, except as before excepted; and 3 abstracts of all certificates of composition shall, within 10 days after 1st Oct. in the present year, and in each subsequent year, within one calendar month after 5th July in such year, be prepared by the clerk to the commissioners, in form directed by the commissioners of taxes; and the commissioners shall yearly set their hands to the said abstracts, and deliver one, together with warrants for collecting the same, to the persons appointed to collect assessed taxes for that year, and one other to the surveyor of the district, and the third to be kept by such clerk for the use of the commissioners; and in case the collectors shall not receive the sums payable on the certificates of composition, according to the said abstract, or the receipt of the receiver-general, or certificates of the cashier of the bank, acknowledging the payment, they may distrain for the same, together with 1s. for every 20s. of the amount in arrear, to their own use, and all costs attending the same, *id.* s. 19.

280. Commissioners shall cause the amounts of the sums to be raised by such compositions, to be inserted in their annual duplicates of assessed taxes on parchment, in a column to be prepared thereon, under the head of "taxes to be compounded for," *id.* s. 20.

281. The monies arising by compositions under this act, shall be paid into exchequer, and carried to consolidated fund, *id.* s. 21.

SCHEDULES to which this Act refers.

Know all men, that we — of the commissioners acting in the execution of the acts in relation to assessed taxes, for the division of —, in the county of —, have contracted and agreed with —, of —, in the said county and division, in pursuance of an act passed in 59 G. 3. for the composition of — assessed taxes chargeable upon —, at and for the annual sum of —*l.*, being the amount of the said assessment, and an additional rate of —*l.* per cent. per ann. thereon, amounting together to the sum of —*l.*, to be paid in to the receiver-general of the said division by two instalments; viz. 1st instalment on or before 1st Oct. 2, on or before 1st April, in each year, during and until the full end and term of 9 years, commencing 5th April, 1819. The condition of the said composition is, that the above named — shall duly pay or cause to be paid to the receiver-general of the said division, or his lawful deputy or one of them, on or before the days before mentioned, without demand, the yearly sum of —*l.*, by two instalments in even portions, taking his receipt for the same on each payment, and delivering the said receipts to —, the collectors of —, or one of them, in discharge of such payment, otherwise the said composition shall be levied of the goods and chattels of the said —, or otherwise as the said act directs.

(Signed,) —, } Commissioners of the
—, Witness. } within division.
—, Clerk to the said commissioners. —, The party hereto.

Know all men, that we — of the commissioners acting in the execution of the acts in relation to assessed taxes for the division of —, in the —, have agreed with —, of —, in the said county and division, in pursuance of an act passed in 59 G. 3. for the composition of —, assessed taxes chargeable on —, at and for the annual sum of —*l.*, being the amount of the said assessment, and an ad-

ditional rate of —*l.* per cent. per ann. thereon, amounting together to the sum of —*l.*, to be paid into the bank of Eng. by two instalments; viz. 1st instalment, on or before 1st Oct.; 2d, on or before 1st April. The condition of the above composition is, that the above named —, shall duly pay, or cause to be paid to one of the cashiers of the bank of Eng., on or before the days before mentioned, without demand, the yearly sum of —*l.*, by two instalments, in even portions, taking the certificate of the said cashier for the same, on each payment, and delivering the certificate to — the collectors of —, or one of them, in discharge of such payment, otherwise the said composition shall be levied of the goods and chattels of the said —, or otherwise as the said act directs.

(Signed,) —, } Commissioners of the
—, Witness. } within division.
—, Clerk to the said commissioners. —, The party hereto.

Know all men, that we — of the commissioners acting in the execution of the acts in relation to assessed taxes, for the division of —, in the —, have contracted and agreed with — of —, in the said county and division, in pursuance of an act passed in 59 G. 3. for the composition of — assessed taxes chargeable upon —, at and for the annual sum of —*l.*, being the amount of the said assessment, and an additional rate of —*l.* per cent. per ann. thereon, amounting together to the sum of —*l.*, to be paid in to the collectors of the said —, by 4 instalments, viz. 1st instalment, on or before 5th July; 2d, on or before 10 Oct.; 3d, on or before 5th Jan.; 4th, on or before 5th April, in each year, during and until the full end and term of 3 years, commencing on 5th April, 1819. The condition of the above compositions is, that the above named — shall duly pay, or cause to be paid to the collectors for the said —, or one of them, on or before the days before mentioned, without demand, the yearly sum of —*l.*, by 4 instalments in even proportions, otherwise the said composition shall be levied of the goods and chattels of the said —, or otherwise as the said act directs.

(Signed,) —, } Commissioners of the
—, Witness. } within division.
—, Clerk to the said commissioners. —, The party hereto.

282. To EXTEND THE PERIOD ALLOWED TO PERSONS COMPOUNDING for their assessed taxes, and to give further relief in certain cases, 1 G. 4. c. 73.

283. All certificates of composition entered into, and signed by the commissioners, and parties compounding at any time after 31st Oct. and before 30th Nov. 1819, shall be valid, and of the same effect as those made within the time by 59 G. 3. c. 51. limited, *id.* s. 1.

284. Where the commissioners have received any offer to compound after 31st Oct., and on or before 30th Nov. 1819, and have not completed the contracts of composition before passing this act, viz. 24th July 1820, they being satisfied that the party offering to compound was entitled to compound before 31st Oct. 1819, shall enter into composition with such person according to 59 G. 3. c. 51. and this act, provided the certificates of such compositions respectively are executed by 2 or more commissioners and parties compounding, on or before 31st Dec. 1820, *id.* s. 2.

285. Where any persons assessed in the year ending 5th April 1819, for a carriage with 4 wheels as described in Sch. (D.) No. 1. of 48 G. 3. c. 55. and 52 G. 3. c. 93., shall have entered into a composition for the same under 59 G. 3. c. 51., or this act, and not for a carriage with less than 4 wheels, as in Sch. (D.) No. 2.; such persons may set up, keep and use, during the 3 years limited by 59 G. 3. c. 51., [commencing from 5th April 1819, *id.* s. 1.] any such carriage, or carriages, with less than 4 wheels, free of duty: and persons so assessed for any male servant as described in Sch. (C.) No. 1., who have compounded for the same under 59 G. 3. c. 51., or this act, may during the period of composition retain, keep or employ any male servant, or persons described in any other Sch. marked (C.) No. 2. or No. 3. free of duty: and persons so assessed in respect of any mare or gelding kept for riding or drawing any carriage chargeable with duty as in Sch. (E.), who shall have compounded for the same under 59 G. 3. c. 51., or this act, may keep during their compositions, any horse, &c. not exceeding 13 hands, and used for riding or drawing any such last mentioned carriage free of duty granted by 59 G. 3. c. 13.: and persons so assessed in respect of any greyhound chargeable with the duty of 20s., or any hound, pointer, setting-dog, lurcher, terrier or other dog chargeable with like duty of 14s. by Sch. (G.), who shall have compounded for such dog under 59 G. 3. c. 51., or this act, may keep any dog, or number of dogs of the above descriptions chargeable with the same duties, or either of them free of duty, and every such person so compounding as above, and hereby authorized to keep or use any articles herein described free of duty, shall be exonerated from all assessments under the acts relating to assessed taxes, as effectually as if such article had been of the same description, and included in the same Sch. with those on which the composition shall be made, any thing in 59 G. 3. c. 51. to the contrary notwithstanding, *id.* s. 3.

286. Every effective member of any volunteer corps of yeomanry having compounded for their assessed taxes under 59 G. 3. c. 51., or entitled to compound for the same under this act, shall, after 5th April 1819,

during continuance of such composition, be entitled to like exemptions in respect of his horse used in the corps, as if no such composition had been entered into, and whether it shall include any assessed horses or not; and also during continuance of such composition shall be entitled to the like privileges in respect of any additional horse or horses kept by them, or if such composition had been entered into in respect of one or more assessed horses, as in the *Sch.* hereto annexed, 1 G. 4. c. 73. s. 4. [*See Sch. (A.), First case, post.*]

287. The yearly sum payable on any composition entered into in G. B., on removal of the person so compounding to *Ire.*, and the yearly sum payable on composition entered into in *Ire.*, or removal of the person so compounding to G. B., shall be deemed in *Ire.* and G. B. respectively as a yearly assessment to the amount of duty payable on servants, horses and carriages respectively in that part of U. K. where such compositions are entered into, and which the party might by virtue thereof keep and use, *id.* s. 5.

288. Every composition entered into by commissioners of districts, in which the amount of taxes compounded for have been assessed wholly, or in part out of the jurisdiction of the commissioners parties to the composition, is declared as valid as if the whole amount of taxes contained therein had been assessed by them: and all assessments out of the district included in the certificate of composition shall be discharged in the respective districts where made by the commissioners acting for the latter respectively, on certificate of the commissioners before whom the composition is entered into: and all discharges heretofore made for such cause are valid, and all persons having acted therein indemnified; but in every case of composition to be executed after passing this act, two commissioners of taxes shall, by certificate countersigned by their secretary, certify the same to the commissioners of the districts in which such composition is intended to be made, and in which the taxes shall be assessed: on which certificate being transmitted to the above commissioners, they shall enter into such composition, or discharge such assessments respectively, *id.* s. 6.

289. In all cases where the commissioners of districts have allowed persons to compound for all the said duties by one certificate of composition without distinguishing the respective duties, any two commissioners, acting for the division in which such certificate of composition has been entered into, shall certify by indorsement on such certificate, and also in the abstract of such compositions, the particular duties charged in respect of such dwelling-house under 59 G. 3. c. 51. *Sch. (A.)* and (B.), with the amount of composition thereon, and shall distinguish the same from the rest of the duties so compounded, for which the instalments payable on each description of duty as if the same had been compounded for under separate certificates, as in 59 G. 3. c. 51. s. 2. *pl. 262.*; and all such single certificates shall be as effectual for all purposes as such separate certificates, *id.* s. 7.

290. Where by absence, sickness, or other reasonable cause, persons who have given notice to compound under 59 G. 3. c. 51., have been prevented from signing their respective contracts of composition, but have paid one or more instalments due thereon, he may sign such contract himself, or by any agent for that purpose appointed by writing under his hand, duly attested and certified to the commissioners acting for the district in which such composition is made; which appointment, or authority for such agent to sign the contract shall be free of stamp-duty, and being delivered to the above district commissioners or their clerk, shall be sufficient authority for the agent so appointed to sign such certificate of contract, and all contracts on which any instalment shall be paid, though not signed by the party or his agent, shall be binding on him as if duly signed according to this act: and all certificates of composition prepared on notices by the party compounding under 59 G. 3. c. 51., or this act, but not signed by the party or agent, and no instalment paid thereon for 8 months after 24th July 1820, shall be null and void, and the district commissioners shall restore the assessment, and cause the same to be levied as if no notice of composition had been given: and if any such composition, or a portion thereof, has been made on an assessment out of the jurisdiction of the commissioners parties to the composition, the latter shall certify the same to the commissioners of taxes, with the amount of taxes so contracted for, and the district of assessment, who shall certify the same to the commissioners of the district of assessment, who, on receipt thereof, shall cause the assessment to be restored as well for the year in which the composition was made as for the subsequent and all future years, and to be collected together with the other assessed taxes, *id.* s. 8.

291. In default of payment of the respective instalments on any composition entered, or to be entered into under 59 G. 3. c. 51., or this act, on the respective days of payment specified in the respective certificates of contracts for such compositions; and of neglect of the collectors to distrain under the commissioners' warrant for that purpose, every such collector immediately on default of payment of any instalment shall deliver to the commissioners of the district in which such composition shall have been made, or to the receiver-general acting for

the said duties or his deputy, a schedule, in writing, containing the particulars of default, with an affidavit subscribed and verified by such collector before any commissioner acting for such duties, that the amount of such instalments to be contained in such schedule is due and unpaid to such collector or other person, to the best of his belief; and every such schedule being certified under the hand of the receiver-general, or his deputy, of the county or division where the arrears accrued to the court of exchequer at Westminster, shall be received as sufficient evidence of a debt due to H. M., and shall be a sufficient authority to the barons of such court, or any one of them, to cause process to be issued against each defaulter named in the schedule to levy the whole sum in arrear and unpaid by him; and the sheriff or other officer to whom such process is directed, shall, without delay, cause the whole sum in arrear to be levied by due course of law, as a debt to H. M. on record, with all costs attending the same, and shall pay the monies so levied after deducting the costs to the receiver-general or his deputy, and make due return of the process of the court, 1 G. 4. c. 73. s. 9.

292. The provisions and rules contained in the following schedule, shall be deemed part of the act, *id.* s. 10.

SCHEDULE A. Cases of relief to effective members of corps of yeomanry cavalry.

FIRST CASE. [*see s. 4., pl. 286.*] Every effective member of such corps, who at the time of entering into, or giving notice to enter into composition for his assessed taxes under 59 G. 3. c. 51., or 1 G. 4. c. 73. who shall not by reason of such service have been assessed for any horse, mare or gelding in the year ending 5th April, 1819, may exercise the like privileges in keeping additional horses, &c. free of duty during the time he shall continue such effective member, and shall provide such horse, &c. horses, &c. in such service as if he had been assessed, and made composition for the same horse or horses, &c. on payment annually of 1s. for every 20s. of the duty so exempted.

SECOND CASE. — Every effective member of any such corps who shall keep one horse, mare or gelding, and no more, and who hath not been assessed for any other article mentioned in the acts relating to assessed taxes (his dwelling-house excepted), may within three calendar months after the passing of this act, enter into composition in respect of such one horse, mare or gelding, on payment annually of the sum of 3*l.* computed from 5th April, 1819, during the period of such computation, and his continuing in the said corps as such effective member.

THIRD CASE. — Every person who hath entered, or shall enter into composition for his assessed taxes under the said act, or this act, and who hath afterwards, or shall become an effective member of any such corps, shall be entitled to the like exemptions for any horse, mare or gelding used or provided by him, in like manner as if on such composition had been entered into by him, all which privileges, immunities and exemptions, shall be granted and allowed according to the following rules.

FIRST RULE. — The amount of composition payable in pursuance of the provisions in the first of the said cases, shall be ascertained and settled by two of the commissioners acting for the assessed taxes in the same district in which the composition shall have been made, and certified by them under their hands by endorsement on the certificate or contract of such composition on the production thereof, and of the certificate of effective service as provided by the said acts relating to the assessed taxes, and which certificate, the said commissioners, for their respective districts are hereby required and authorized to indorse and sign accordingly; and the sum so charged, and added to the amount of the said composition in and by such certificate; and to the abstract thereof, shall and may be levied and recovered by the same instalments, and in like manner as the amount of composition inserted in the body of the said contract, and in addition thereto.

SECOND RULE. — The amount to be charged in the second case before mentioned, shall be inserted in each annual assessment for the same parish or place in which the exemption shall have been claimed, and shall be collected therewith, and levied and accounted for as in other cases of assessed taxes.

THIRD RULE. — The respective commissioners acting in execution of the said acts in their respective districts shall and are hereby authorized and required, on production of the certificate of effective service for any one year, in the manner prescribed by the schedule marked (E), in the acts relating to assessed taxes, and the certificate of contract and composition by such person or persons by certificate under the hands of any two of the said commissioners, to be endorsed on the said last mentioned certificate, to remit and deduct from the annual amount payable on such contract, but nevertheless for the particular year only in and for which such certificate of effective service shall have been produced, and such exemption shall have been acquired, a sum equal to the amount of duty for any such horse, mare, or gelding, horses, mares, or geldings, in respect of which such exemptions shall have been so acquired, and to discharge the amount from the abstract of composition prepared by the said commissioners, in like manner as they would have discharged the same from the annexed assessment, for such particular year of exemption, in case such compositions had not been entered into, and in all cases where such exemptions shall have been claimed and established for and in respect of the year ending 5th Apr. 1820, and the instalments on such composition shall have been paid for that year, it shall be lawful for the said commissioners to certify the amount of duty so discharged by reason of the said exemption for the said year, with the cause thereof, to the commissioners for the affairs of

taxes; and in that case it shall be lawful for the said commissioners to order and direct the receiver-general of the county, riding, or division in which such composition shall have been entered into, to repay the same to the party, which order shall be an authority to such receiver-general to make such payment, and the same shall be allowed in his accounts.

293. To CONTINUE SEVERAL ACTS FOR RELIEF OF persons compounding for assessed taxes from an annual assessment, for a further term; and to amend the acts relating to assessments and compositions of assessed taxes, 1 & 2 G. 4. c. 113. [See s. 1., *ante*, pl. 260.]

294. The several compositions entered into under 59 G. 3. c. 51. and 1 G. 4. c. 73. on the duties on windows or lights, and on inhabited houses, may be renewed under this act for 6 years, computed from 5th April 1822, and the several compositions entered into under the above acts on the other duties of assessed taxes, may, in respect of those herein enumerated, be renewed under this act for 5 years, to be computed from 5th April 1822, in the manner and subject to the terms and exceptions herein prescribed, *id.* s. 2.

295. Every new contract of composition entered into under this act, in respect of a dwelling-house, shall contain in its body a schedule of the number of windows or lights therein, and the annual rent or value thereof, and every such new contract so entered into in respect of the other assessed taxes, shall contain in the body the number of servants, carriages, horses, and other articles of each such establishment, which several contracts shall be made according to the form set forth in the schedule to this act, *mutatis mutandis*, *id.* s. 3.

296. No composition shall be entered into or renewed under this act, for any assessed taxes, other than those on dwelling-houses mentioned in 48 G. 3. c. 55. Sch. (A.) and (B.) and the other assessed taxes on the following articles, forming the establishments of the person so compounding, and kept, and used for his own use, and not for the use or profit of any other, or to be lent or let to hire; viz. the duties on servants mentioned in 48 G. 3. c. 55. Sch. (C.) and 52 G. 3. c. 23. Sch. (C.) No. 1. and No. 2.; on carriages mentioned in Sch. (D.) No. 1, 2, & 4.; on horses, mares, and geldings, mentioned in Sch. (E.) No. 1. and 3. and (F.) No. 1., whether such horses, &c. are subject to the rates mentioned in the said acts, or to any reduced duty by any subsequent acts, on dogs, mentioned in Sch. (G.) on persons in respect of hair powder, mentioned in 48 G. 3. c. 55. Sch. (I.) and on persons in respect of using or wearing armorial bearings or ensigns, mentioned in that act, Sch. (K.); and every such composition comprising any other duty than those enumerated, shall be void in respect of such other duties, and the party shall be subject to assessment for the latter, as if no such composition had been entered into, according to the laws in force relating to such assessments, *id.* s. 4.

297. Every person not having compounded under the said acts, who shall be duly assessed for the year ending 5th Apr. 1822, to the duties chargeable under the acts of assessed taxes, is hereby declared competent to compound for the duties assessed on his dwelling-house for 6 years, and for his other assessed taxes in last pl. enumerated, for 5 years respectively, to commence from 5th Apr. 1822, on the same amounts annually, as shall be assessed on him, for the year ending 5th Apr. 1822, with an additional annual duty of 1s. for every 20s. of the respective amounts so assessed, and after that rate for any greater or less sum than 20s., so as not to include in such additional duty any fraction of 1d., *id.* s. 5.

298. No composition shall be entered into or renewed under this act with any person in trade, in respect of any articles kept for the purpose of trade, nor on any assessment charged on 2 or more persons in partnership in trade; nor on any carriages, horses, mares, geldings, or other articles let or used for hire, *id.* s. 6.

299. Every person having compounded for the duties on his dwelling-house, windows and lights, under the recited acts, continuing to reside therein, is hereby declared competent to renew his composition under this act, for the same dwelling-house, on the same amount, and under the same terms as expressed in the contract of his former composition, *id.* s. 7.

300. Every person, except as herein-after excepted, who hath compounded under the recited acts for any of the other duties of assessed taxes in s. 4. pl. 296. enumerated, is hereby declared competent to renew his former composition, as to so much and such part as relates to the duties on the articles in s. 4. pl. 296. on the amount of duty charged on the same, and comprized in the said former compositions respectively, together with the additional duty of 5 per cent. also charged therein in respect of the said articles, which several sums shall form the aggregate amount on which any such composition under this act may be renewed, and the terms of such renewal shall be a further duty of 1s. for every 20s. of the said aggregate amount, and so after that rate for any greater or less sum than 20s., so as not to include any fraction of 1d. in such further duty, and the duties on articles not herein enumerated nor compounded for as above, shall continue to be assessed as if this act had not been made, *id.* s. 8.

301. Every person hereby declared competent to renew his former composition under this act, and desirous so to do, shall, on or before 5th Apr. 1822, in Eng., and on or before the term of Witsunday in the same

year in Scot., deliver to the commissioners of the district in which such person shall reside, or to their clerk, the contract of his former composition, or a true copy or certificate thereof, under the hands of any 2 commissioners acting for the division in which it was entered into, annexing thereto a notice according to the form in the schedule hereto annexed, declaring his intention to renew the same; and in case such composition includes any articles not to be compounded for under this act in s. 4. enumerated, then the person so desirous of renewing his composition, shall insert in such notice a schedule of the number of articles contained in such composition as are not to be compounded for; all which articles, and the duty thereon, shall be excluded from such renewed composition, and the commissioners may renew the same on the enumerated articles only, according to the terms and provisions of this act, 1 & 2 G. 4. c. 113. s. 9.

302. If any person having compounded under the said acts, has reduced his establishment since entering into such composition, whereby he may be chargeable with less assessed taxes for the year commencing 5th Apr. 1822, than the duty compounded for, and shall by reason thereof be desirous of waving the said composition, and of entering into a composition *de novo*, he may so do, on giving notice in writing of such his intention to the surveyor of the said duties acting for the district in which he resides, within 3 calendar months after passing this act, viz. 10th July 1821, annexing to such notice a true and complete return of the greatest number of articles chargeable with duty, as kept by such person after 5th Apr. 1821, so that an assessment may be duly made for the year to commence 5th Apr. 1822, on all the articles chargeable for that year; and the commissioners (subject to the examinations in the manner hereinafter provided, for compositions with persons under this act, who have not compounded under the recited acts), may enter into composition under this act, with the person giving the above notices on the amount of such assessment, with the additional duty hereby granted thereon, to all intents as if they had not compounded under the former acts, *id.* s. 10.

303. Nothing herein shall empower any person to renew his composition as above, who, since its commencement hath come into possession of any estate, real or personal, on the death of any person, by descent, gift, or settlement, or by any devise or legacy, or under the statute of distributions, or by marriage, and hath thereon retained any servants, carriages, horses, or other articles comprised in any composition entered into or renewed under this act, or hath kept any servants, &c., of the same description and chargeable to the like duties by the acts of assessed taxes, to an extent exceeding the total amount of such composition in 25 per cent. in lieu of the like articles kept by the person so dying, or part thereof; but nothing herein shall authorize the said commissioners to contract for renewal of any composition, under the terms last before mentioned, with any person who has compounded under the recited acts on a less amount of duty than ought to have been included in such composition; but after he has made a *bona fide* return of the greatest number of servants, &c. according to the laws in force for the year to commence 5th Apr. 1822, in order to an assessment thereon for that year, and who shall be duly assessed for that year to his assessed taxes, may contract for composition *de novo* with such person on the amount assessed for that year on him in respect of the articles in s. 4. together with the additional duty granted by s. 8. pl. 300. on the amounts of other assessments compounded for under this act, *id.* s. 11.

304. Every person assessed to the duties on his dwelling-house, for the year ending 5th Apr. 1822, and who has opened or made, or shall open or make any additional windows or lights therein after 5th Apr. 1821, and having made such addition, shall deliver a statement as in s. 28. required, of the number of windows, &c. opened, &c. in his dwelling-house after 5th Apr. 1821; also, every person who shall have removed or shall remove from his dwelling-house, at any time within the year ending 5th Apr. 1822, and shall not be assessed for that year for the dwelling-house into which he shall have removed during that year, but who shall deliver a statement as above, of the number of windows, &c. therein, and the rent or annual value thereof at which it is chargeable to the said duties, are hereby declared competent to compound for the said duties on the amount chargeable on such dwelling-house by such assessment as shall be made thereon, for the year commencing from 5th Apr. 1822, *id.* s. 12.

305. Every person who has begun to keep, use, or employ any servants, carriages, horses, or other articles in s. 4. pl. 296. enumerated, or any additional number thereof, in the year ending 5th Apr. 1822, and who shall deliver a statement as in s. 28. required, of the number of such servants, &c. so that an assessment may be duly made thereon for the year to commence from 5th Apr. 1822, is hereby declared to be respectively competent to compound under this act, on the amount charged by such assessment to be made for the said year to commence on 5th Apr. 1822, on the same terms as if he had been so assessed for the preceding year, *id.* s. 13.

306. Nothing in this act shall be construed to extend any composition under it to any part of any increased establishment set up by any person

who hath compounded under the recited acts, which shall in pursuance of 59 G. 3. c. 51. s. 5. *pl.* 265. or any other act, be discontinued, and which would not have been assessable on the said person on the year to commence after 5th Apr. 1822, by virtue of that act, 1 & 2 G. 4. c. 113. s. 14.

307. Nothing herein shall extend any renewed composition under this act, to any articles of a different description than is authorized by the composition entered into under the recited acts, which have been set up or kept since making the said composition; but every such person shall be assessed for the same, as if the former composition had not been renewed; but any such person who has been assessed for such additional articles for the year ending 5th Apr. 1822, or shall be assessed for the same for the subsequent year, and who shall renew his former composition, may also compound for such additional articles, on the amount of such assessment, and the additional rate granted by this act, s. 8. *pl.* 300. by entering into a separate contract for the said articles so assessed, *id.* s. 15.

308. Every person who has compounded under the recited acts for the articles of his establishment, and has removed from the division where the former composition was entered into, and who shall desire to renew his composition under this act, in respect of the same, shall deliver to the commissioners of the division where he resides, the contract of his former composition, or a true copy or certificate thereof, under the hands of any 2 of the commissioners entering into the said contract, annexing thereto a notice according to the form in the schedule hereto annexed, declaring his intention to renew the same; and the commissioners may renew the same, according to this act, in like manner as if the former composition had been entered into by the commissioners of the division where it is intended to be renewed, *id.* s. 16.

309. Every person entering into any composition according to this act, and paying the amount of sums compounded for at the times in the proportions and manner specified in the recited acts and this act, and doing all other things required by the same, shall be entitled to the like privileges of opening, making, or keeping open, free of duty, after 5th Apr. 1822, any additional number of windows or lights in the dwelling-house comprized in his contract of composition, or of setting up and keeping, after 5th Apr. 1822, any additional articles composing his establishment, for his own use, but not otherwise, as the compounders under the recited acts were entitled to according to the said acts, or either of them, and not otherwise provided by this act; and shall be exempt from all assessments on such additional windows, &c. and articles during the respective terms in such composition; provided no person compounding under this act for the duties on any carriages with 2 wheels, and not on any carriage with 4 wheels, shall be entitled to set up, keep or use any carriage with 4 wheels free of duty; but no person who shall compound for any dog or dogs other than hounds, shall set up or keep free of duty any hound or hounds; nor shall any person compounding for any less number of hounds than ten, keep free of duty any additional number; provided also, that the privileges in this clause mentioned, shall not extend to any dwelling-house not comprized in the said composition, nor to any article of such establishment, especially excluded by this act from every composition to be made under it, in which excepted cases increased charges may be made, and the penalties incurred under any of the acts for assessed taxes, may be sued for, and recovered according to the said several acts, as if no such composition had been made under this act, *id.* s. 17.

310. The compositions to be entered into under this act for the duties on windows or lights, or on inhabited houses, though entered in the same contract shall be deemed separate contracts from those entered into in respect of the duties on servants, carriages, horses, or other articles aforesaid, which may be compounded for under this act; and every such composition for the duties on any dwelling-house, in respect of the windows or lights, or as an inhabited house, shall be entered into with the commissioners acting for the parish or place where it is situate, and not elsewhere; and every such composition, in respect of the servants, &c. as above, forming the establishment of the same person in any part of Eng., shall be entered into with the same commissioners and in one contract; and the same in Scot.; provided that every person assessed for any servants, &c. as above, for the year ending 5th Apr. 1822, in 2 or more places in G. B., or assessed for that year, or having compounded under the recited acts, in a different place than where he is entitled to compound under this act, shall deliver to the commissioners to whom such application to compound is made, a certificate under the hands of the surveyors of the district where he shall be so assessed, or have compounded under the recited acts, containing the particulars of such assessment or composition in every such other division or place, according to forms devised by the commissioners of taxes pursuant hereto; and every composition entered into or renewed contrary to the above provisions shall be vacated and made of no effect, by the judgment of the commissioners of taxes, as to compositions made in Eng., and of the barons of exchequer in Scot., as to compositions made in Scot., on due proof before them by like certificate of any such assessment for the said year, or of any composition under the recited acts, which respectively have not been certified to the commissioners, parties to the latter, nor

comprized therein, unless it be proved to their satisfaction respectively, that the same has arisen by mistake; in which cases, the said barons and commissioners of taxes respectively, may consent that a new composition shall be entered into, to take effect from 5th Apr. 1822; but nothing herein shall preclude any person from compounding for the duties on their dwelling-house, without compounding for his other assessed taxes, and *vice versa*, 1 & 2 G. 4. c. 113 s. 18.

311. Every person compounding as above under this act, shall be freed from any penalty contained in the acts of assessed taxes, imposed on persons for non-performance of any thing required by the said act, to be done by persons chargeable to the duties contained therein, during the term herein limited, except that every such person who, in his returns made under the assessed tax-acts, shall conceal any servant or servants, carriage, &c., horse, &c., or other article herein enumerated, whereby he has escaped assessment for such servant, &c., for the year ending 5th Apr. 1822, or who in his statements, lists, &c. to be delivered under this act, shall conceal any such article, so that the same shall not be comprized in his composition under this act, shall be liable to the like penalty as if he had not compounded under this act, and had continued liable to assessment under the acts of assessed taxes, *id.* s. 19.

312. If any person who shall not compound under this act shall, after 5th April 1822, occupy any dwelling-house, or keep for his own use, any article chargeable with any duty under the assessed tax-acts which hath been compounded for by any other person, or been set up, or kept by such other person under his composition, or under pretence thereof, the same dwelling-house or other article aforesaid, continuing to belong to the person so compounding, and which hath not been compounded for by the person so occupying the same, or keeping the said article chargeable as above, nor under his composition; every such person so occupying any dwelling-house, or keeping for his own use any such article, shall be liable to assessment in respect of the house, during the time of his occupation thereof, and also for any such article, in like manner and amount as if the same had belonged to him, and as if no composition had been made by such other person; and on due proof before the commissioners that the same hath been done with intent to defraud the revenue, shall be assessed in treble the amount of duty payable as aforesaid, *id.* s. 20.

313. Every person who shall by fraud or covin procure the assessment on which any contract of composition shall be entered into under this act, to be made on a less amount of duty than ought to be charged on him, or by any means in this act mentioned, shall procure any contract of composition under this act to be entered into, or any such contract entered into under the said recited acts to be renewed under this act, on a less amount of duty than ought to be included in the contract under it, every contract so entered into or renewed under this act shall be void; and the offender shall forfeit 50*l.*, to be recovered and applied as any penalty contained in the acts of assessed taxes may be sued for, &c. *id.* s. 21.

314. No composition for assessed taxes shall be entered into or renewed under this act, with any person who has resided out of G. B. before the passing of this act, for a temporary purpose only, and who has ceased to be assessed to the said duties, or has been assessed to a less amount during such his residence out of G. B., and who is assessed to the said duties on a less amount than before his departure from G. B., for the said year ending 5th April 1822, nor with any person who shall be out of G. B. at the time of executing this act, *id.* s. 22.

315. Any person residing within G. B. may, in case of sickness, or other reasonable cause, with consent of the said respective commissioners, execute such contract in presence of one or more collectors of assessed taxes, acting for the place where he resides; and every such collector shall testify the execution of such contract, by signing it in the presence of the party so contracting; and any person duly assessed in G. B., for the year ending 5th April 1822, and entitled to compound under this act, but residing in Ire. at the time of executing the contract of composition by the respective commissioners under this act, may execute the same by his lawful attorney duly constituted; the power of attorney being first delivered to the said commissioners for that purpose, which contract so executed shall be valid, *id.* s. 23.

316. Every composition entered into under this act, in respect of servants, carriages, horses, or other articles before enumerated, with any person hereinafter described, shall cease at the following times; viz. if any person compounding under this act shall afterwards come into possession of any estate, real or personal, or become entitled to the rents or profits of any such estate, on the death of any person, whether by descent, gift, or settlement, or in pursuance of any devise or legacy, or under the statutes of distribution, and shall thereupon retain any servants, carriages, &c., or other such articles aforesaid, forming the establishment of the person so dying, or shall keep any other servants, &c. or other such articles of the same description, and chargeable to like duties by the acts relating to assessed taxes, in lieu of the like articles kept by the person so dying, or who at any time after he comes into possession of, or is entitled to the rents or profits of any such estate by any the

above means, and during the term of such compositions, begin to keep any greater number of servants, &c., or other articles, than hath been compounded for by him, the duties on which increased number, according to the acts relating to assessed taxes, amount to one-fourth of the amount of duty so compounded for, then the compositions shall cease at the end of the year of assessment, according to the acts for assessed taxes in which such increase of establishment took place; also, if any person shall intermarry after entering into any composition under this act, and the husband shall by such marriage come into possession, or to the use of the rents or profits of any estate, real or personal, belonging to his wife before marriage, whether on such marriage the husband acquires any interest in law or equity in such estate or not, or whether it is vested to the sole use of the wife or not, in case he shall on such marriage keep any servants, &c., or other articles kept by his wife before marriage, or in case the wife shall after such marriage retain her former establishment, or any part thereof, or in case the husband or wife shall on such marriage begin to keep any other servants, &c. or other articles of the same description, and chargeable to the like duties, in lieu of the wife's establishment before marriage, or any part thereof, or so that the separate establishment of either husband or wife, or their joint establishment, would have been assessable on the husband if no composition had been entered into, to an amount of duty exceeding 1-4th of such composition, then the composition entered into under this act by any or either of such persons so intermarrying and keeping such establishment, shall respectively cease at the end of the year of assessment in which the increased establishment began to be kept; but the commissioners in every such case, after such person has made a *bonâ fide* return of the greatest number of servants, &c., and other articles of his establishment charged with duty according to the laws of taxes, for the year next after determination of such composition, in order to assessment thereon for that year, and who shall be duly assessed for that year to his assessed taxes, may contract, *de novo*, with any such person for the remainder of the term then unexpired on the amount so assessed on him for that year, together with the additional duty hereby granted on the amounts of other assessments to be compounded for under this act, 1 & 2 G. 4 c. 113. s. 24.

317. The commissioners for executing the acts of assessed taxes shall be commissioners for executing this act, and the powers herein contained, in all places in G. B.; and the several assessors, collectors, surveyors, inspectors, and inspectors-general for the time being, appointed to put in execution these acts, shall respectively be assessors, &c., to execute this act within the limits of the places to which they are appointed; and the commissioners and other persons authorized by the recited acts, to contract for such compositions, or to do any other thing for carrying them into execution, shall respectively contract for the composition to be entered into under this act, and do all other things required to be done in execution of this act, within their respective jurisdictions; and all their powers shall be revived for the respective terms in s. 1. *pl.* 260., and s. 2. *pl.* 294. limited, and shall belong to this act as part thereof, *id.* s. 25.

318. All provisions contained in the recited acts, though expressly applied to the compositions made under them, shall respectively apply to compositions under this act, and (except where other provisions are substituted hereby) shall be practised in ascertaining the amount on which composition is to be made, and the additional rate to be imposed thereon, and in doing all other things necessary for executing this act, and shall belong to this act, as part thereof; and where other provisions are substituted by this act, in lieu of any provisions, &c. or things contained therein, the same respectively shall be practised in such manner, and to the like effect in all respects, as if the said acts and this act had been incorporated, and as if this act had expressly made void the several parts of the said acts, in lieu whereof any part of this act is substituted, *id.* s. 26.

319. Where the recited acts contain any limitation of time for doing any act therein required, their powers shall be used for doing the like things required by this act, observing therein the period of time expressed in this act, *id.* s. 27.

320. Every person hereby declared competent to compound under this act, and desirous so to do, shall, on or before 5th April 1822, in Eng., and on or before the term of *Whitsunday*, in the same year in Scot., deliver, free of charge, to the surveyor of the respective districts acting for the places where he resides, a notice in writing according to the form in the schedule hereto annexed, declaring his intention to take the benefit of this act, which notice shall be signed and bear date on the day of signature by such person, (or some authorized agent on his behalf, residing in such district, and declaring therein the place of his residence), in presence of one or more assessors or collectors for the same parish or place where the person intending to compound resides, or in presence of such surveyor, who respectively shall attest such signature by signing it with his proper name; and shall contain the number and description of the articles on which such person intends to compound, which notices shall be in form in the schedule hereto annexed; and all such notices may be retained in the hands of the

surveyor, until the expiration of 2 calendar months after delivery thereof; and every such surveyor shall carefully examine each assessment and contract of composition entered into under the recited acts, relating to the person so applying, and also the notice delivered by the latter, under the said acts, to discontinue any increased establishment set up under such contract, or any part thereof, and after such examination thereof shall, from time to time, within the said period of 2 calendar months, deliver the same to and therewith certify to the respective commissioners authorized by this act to contract for such compositions for the places where such applications have been made, either his satisfaction with or objections to the notices delivered in such cases, together with the particular article omitted, and the amount of duty on which such composition ought to be made; and no composition shall be entered into in any of the cases so objected to, till a full return is made of all the articles chargeable with duty, on which the composition ought to be made under this act; and every composition entered into contrary to this act shall be void, and the person entering into the same shall be liable to assessment, according to the acts of assessed taxes, as if no composition had been entered into, and to the charge of the respective surveyors, to be made subject to the provisions of these acts, 1 & 2 G. 4. c. 113. s. 28.

321. In every case where, by any mistake, the just amount of duty on which the person compounding ought to compound, or the additional rate thereon shall not be duly inserted or calculated in the contract of composition, the commissioners of taxes, and the said barons respectively, by certificate under the hands of any 2 or more of them, directed to the commissioners of the division by whom such composition was made, may cause the same to be amended, or a new contract made and executed, as seems to them expedient, to obviate such mistake, conformably to the true meaning of this act; and the commissioners to whom such certificate is directed shall cause it to be amended accordingly, *id.* s. 29.

322. After 10th July 1821, the respective commissioners acting in execution of the several acts of assessed taxes, and of those relating to the several compositions for the same, shall cause the several amounts of the duties compounded for, and the additional duty charged by this act, in each place within their respective divisions, to be inserted in their annual duplicates of assessments on parchment, in such form as the commissioners of taxes shall devise, as if the same amounts had been severally charged by assessment, and shall place the respective amounts payable in each parish, &c. opposite the names of the collectors of the same parish, &c. that the several collectors in each parish, &c. may be answerable for the same amounts as if they had been to be raised by assessment under the said acts, *id.* s. 30.

323. The monies to become payable by the compositions entered into or renewed under this act, shall be paid to the collectors of contracts, or to one of them, at or before the times respectively herein directed to be expressed in such contracts; and all provisions in the acts of assessed taxes for raising, and accounting for these taxes, shall be applied for raising, and accounting for the monies to arise under this act, as if they had continued in the assessment; and the persons assessed, or compounding in each such parish, &c. shall be severally answerable for the default of the collector of each such parish, &c. under the acts of assessed taxes, in proportion to the amount of their composition, and the remainder of the assessments for such parish, &c., *id.* s. 31.

324. The like schedules as are required by the acts of assessed taxes, in default of the payment of the monies arising by assessment, shall be delivered of persons defaulting in payment of monies to arise by such compositions, which last-mentioned schedules shall in all cases be delivered to the respective receivers-general, or their deputies, on their next receipt after each day of payment, with an affidavit subscribed, to be made on the oath or affirmation of the said collector, that the several sums contained therein have been demanded, and are due from the persons charged therewith, either to such collector, or other person for such collector, to the best of his belief, which oath the receiver-general, or deputy, shall administer and subscribe; and shall forthwith certify the same to the court of exchequer at *Westminster*, in order that process may thereon be issued against such defaulter without delay, *id.* s. 32.

325. In default of any such schedule being delivered to any receiver-general, or his deputy, at such his receipts as aforesaid, or within 3 days thereafter, he at the same time that he shall certify the default of the collectors in non-delivery of schedules under any acts of assessed taxes, shall, by the same certificate, and every receiver-general by himself or deputy, shall certify also to the exchequer the amount of the monies to arise by the said compositions, and remaining unpaid, to the best of his belief, and the particular parish, &c. and the division, where such failure hath happened, together with the names of the collectors of the parishes, &c., *id.* s. 33.

326. After 10th July 1821, every certificate under the hand of any receiver-general, or his deputy, of any default of any collector of the assessed taxes, or of the monies arising from compositions under the recited acts or this act, for non-delivery of a schedule as directed by them, shall be a sufficient authority to any one or more barons of the

court of exchequer, to cause immediate process to be issued out of the office of H. M.'s remembrancer of the said court against the collector, on which writ, the sheriff or other officer to whom the said process shall be directed, shall levy issues after the rate of 1s. for every 20s. of the sums so unpaid or unaccounted for by the said certificate, and shall pay the monies so levied, after deducting the costs, to be settled and allowed by the commissioners of taxes, to the receiver-general or his deputy; and the sheriff shall make immediate return of the process to the court according to the due course thereof: but any 2 or more commissioners of taxes, after payment of the duties in arrear so certified, may cause such issues, or such part thereof as they think reasonable, and whenever they are satisfied that the default so certified was not wilful, to be remitted and paid to the collector on whom the same was levied, after deducting thereout the costs attending such process and levy, to be settled and allowed by the said commissioners, 1 & 2 G. 4. c. 113. s. 34.

327. All the monies arisen from fines, penalties, issues, and forfeitures, or shares thereof, respectively recovered, or received under the acts relating to assessed taxes, or any of them, or under the recited acts relating to compositions for the duties, or which, after 10th July 1821, shall be levied, or received under these acts or this act, shall be paid by all sheriffs, under-sheriffs, or other persons who shall receive or recover the same respectively, into the hands of the receiver-general of the said duties and compositions, or to his deputy acting for the county, &c. or place within which such fines, &c. or shares thereof, respectively, have arisen and been received or levied, or shall arise and be levied, within 10 days after they respectively shall receive any order for that purpose under the hands of any 2 or more commissioners of taxes, or to such other receiver-general of assessed taxes, or compositions for assessed taxes, to be named in such order, as the said commissioners last mentioned shall direct, *id.* s. 35.

328. All the monies arising by compositions entered into under either acts, (the necessary charges of raising and accounting for the same excepted) shall from time to time be paid into the receipt of exchequer at Westminster, to the account of assessed taxes in G. B., and shall be made part of the consolidated fund of the U. K., *id.* s. 36.

329. The treasury of the U. K. of G. B. and Ire., may order 3 or more commissioners of inland excise and taxes in Ire., to make contracts and agreements with any person in Ire., who shall have made any composition for 3 years, from 6th Jan. 1820, under the recited act, for the taxes on dwelling houses, for the fire hearths or places for firing or stoves, and of the windows therein, and in the outhouses, offices, and edifices appertaining thereto, and on male servants and other male persons, and on horses, mares, and geldings, and on carriages, race horses, and dogs, for 6 years, from 6th Jan. 1825, and may so make contracts for any term not exceeding 7 years, from 6th Jan. 1822, with any person charged for the year ending 5th Jan. 1822, with the taxes, or any of them, and who shall apply to the commissioners of inland excise and taxes, for making a composition for the taxes, which such person shall be liable to pay; and all such compositions shall be continued and made on and under the like terms in all respects, as directed by 59 G. 3. c. 51. *pl.* 259. with respect to compositions under that act; and all rules, and provisions, with respect to any such composition made before 10th July, 1821, and such other provisions as shall be required by the treasury, shall be applied with respect to compositions made under this act, during the term for which such compositions shall be made as aforesaid, as fully to all purposes as if such provisions had been enacted in this act, *id.* s. 38.

330. The schedule shall be deemed part of this act; and the commissioners of this act may use the form, as well where the composition comprises all the duties or part thereof, only striking out all such parts as may not relate to the duties not intended to be included therein, *id.* s. 39.

The SCHEDULE to which this Act refers.

No. I.

NOTICE to be used by persons desirous of compounding for their Assessed Taxes.

To — surveyor, acting for the parish of —, in the division of —, in the county of —, and to the commissioners acting for the said division.

TAKE NOTICE, That I am [or, we are] desirous of compounding for assessed taxes under the powers, conditions, and provisions of an act passed in the second year of the reign of George the 4th, on — dwelling house and establishment in the said — of —; the particulars of which are as follows, viz.

Dwelling house situate in the said parish	Number of Windows
	Amount of Rent - £.

ESTABLISHMENT.		Number.
Servants - - - - -	Schedule C. No. I.	
Servants - - - - -	Schedule C. No. II.	
4 Wheel Carriages - - - - -	Schedule D. No. I.	
2 Wheel Carriages - - - - -	Schedule D. No. II.	
Taxed Carts - - - - -	Schedule D. No. IV.	
Horses for Riding - - - - -	Schedule E. No. I.	
Race Horses - - - - -	Schedule E. No. III.	
Dogs - - - - -	Schedule G.	
Hair Powder - - - - -	Schedule I.	
Armorial Bearings - - - - -	Schedule K.	

And that — will attend to execute and receive the contract of — composition, when required by the commissioners.

Witness, —,
Assessor or Collector of the }
above-named parish.

Signed the — day of —, 182 .

No. II.

NOTICE to be used by persons desirous of renewing their former Composition.

To the commissioners acting for the division of —, in the county of —.

TAKE NOTICE, That I am [or, we are] desirous of renewing — former compositions for — assessed taxes, under the powers, conditions, and provisions of an act passed in the second year of the reign of George the 4th; and that — will attend to execute and receive the contract of — composition when required by you: and you will further take notice, that the following articles, not allowed to be compounded for by the said act, are included in — said former composition.

Articles included in former Compositions.	Nos.	Duty.
Persons in — employ charged under Schedule C. No. III.		
- - - - - Do. No. IV.		
- - - - - Schedule D. No. III.		
- - - - - Do. - No. V.		
Articles kept for the purpose of trade, charged under - - -		
- - - - - Do. - No. VI.		
- - - - - Do. E. No. II.		
- - - - - Do. F. No. I.		
- - - - - Do. II.		

Witness, —,
Assessor or Collector of }
the parish of —.

Signed the — day of —, 182 .

No. III.

NOTICE to be used by persons entitled to compound on a lesser establishment than is comprised in their former composition.

To — surveyor acting for the parish of —, in the division of —, in the county of —, and to the commissioners acting for the said division.

TAKE NOTICE, That I [or we] have, before the 6th day of April, 1821, laid down — part of — establishment, on which — have compounded under the act of 59 G. 3. enumerated in the following schedules, and — desirous of compounding for the reduced establishment now kept by —, and on which — compounded, also enumerated in the said schedule.

ESTABLISHMENT laid down since the former Composition.		No. ceased to keep before the 6th April, 1821.	Retained and now kept.
Servants - - -	Schedule C. No. I.		
Servants - - -	Schedule C. No. II.		
4 Wheel Carriages - - -	Schedule D. No. I.		
2 Wheel Carriages - - -	Schedule D. No. II.		
Taxed Carts - - -	Schedule D. No. IV.		
Horses for Riding - - -	Schedule E. No. I.		
Race Horses - - -	Schedule E. No. III.		
Dogs - - -	Schedule G.		
Hair Powder - - -	Schedule I.		
Armorial Bearings - - -	Schedule K.		

And that — will attend to execute and receive the contract of — composition when required by the commissioners.

Signed the — day of —, 182 .

Witness ———,
Assessor or collector of the
above-named parish. }

FORM of renewed Contract of Composition for Assessed Taxes.

Windows - Number -	Amount of duties.	Know all men, that we, 2 of the commissioners acting in the execution of the acts in relation to assessed taxes for the division of —, in the county of —, have contracted and agreed with A. B. of —, in the said division, in pursuance of an act passed in the second year of the reign of His present Majesty, for the renewal of the composition of — assessed taxes, as stated in the margin hereof; namely,
Rent - Amount £		
Total amount of duties -		
Composition duty of 5l. per cent.		
Total amount of composition		
ESTABLISHMENT.		
Nos. Schedules.	Amount of duties.	Upon — dwelling house, with the appurtenances therewith occupied, situate in the said parish, on the amount expressed therein:—and also upon servants, horses, and other articles of — establishment, on the amount expressed therein, together with the additional rate granted by the said act.
Servants - C. No. I.		
Servants - C. No. II.		
4 Wheel Carriages D. No. I.		
2 Wheel Carriages D. No. II.		
Taxed Carts - D. No. IV.		Which several amounts are to be paid to the collectors of the said parish by 2 instalments; viz.
Horses for Riding E. No. I.		
Race Horses - E. No. III.		
Dogs - G.		
Hair Powder - I.		
Armorial Bearings K.		1st instalment on or before the 10th day of October. 2nd instalment on or before the 5th day of April.
Composition duty of 5l. per cent. under act of 59 G. 3. c. 51. }		
Total amount of duties -		
Composition duty of 5l. per cent. by 2 G. 4. c. 73. }		
Total amount of composition for establishment -		
Ditto for house -		And so yearly during the respective terms of 6 years and 5 years, from the 5th day of April, 1822, mentioned in the said act.
Total amount of composition £		

The condition of the above composition is, that the above named — shall duly pay or cause to be paid to the collectors for the said —, or one of them, on or before the days above mentioned, upon demand, the yearly sum of —, by 2 instalments, in even portions, taking their or his receipt in writing for the same; otherwise the said composition shall be levied of the goods and chattels of the said —, or sued for and recovered by any of the ways and means by which the monies due on assessments may be sued for and recovered.

Witness ———,
Clerk.

———, } Commissioners of the
———, } within division.
———, } The party hereto.

Witness ———,
Clerk.

N. B.—With the consent of the commissioners, the collector of the parish may witness the signature of the party to the contract.

FORM of Contract of Compositions under the Act of the 2 G. 4. c. 73.

Windows - Number -	Amount of duties.	Know all men, that we, 2 of the commissioners acting in the execution of the acts in relation to assessed taxes for the division of —, in the county of —, have contracted and agreed with —, of —, in the said division, in pursuance of an act passed in the second year of G. 4., for the composition of — assessed taxes, as stated in the margin hereof, and additional rate.
Rent - Amount £		
Total amount of duties -		
Composition duty of 5l. per cent.		
Total amount of composition £		
ESTABLISHMENT.		
Nos. Schedules.	Amount of duties.	Which several amounts are to be paid to the collectors of the said — by 2 instalments; viz.
Servants - C. No. I.		
Servants - C. No. II.		

FORM of Contract of Compositions, &c. continued.

4 Wheel Carriages D. No. I.	1st instalment on or before the 10th day of October. 2nd instalment on or before the 5th day of April.
2 Wheel Carriages D. No. II.	
Taxed Carts - D. No. IV.	
Horses for Riding E. No. I.	
Race Horses - E. No. III.	
Dogs - G.	And so yearly during the respective terms of 6 years and 5 years, from the 5th day of April, 1822, mentioned in the said act.
Hair Powder - I.	
Armorial Bearings K.	
Total amount of duties -	
Composition duty of 5l. per cent.	
Total amount of composition for establishment -	
Ditto for House -	
Total amount of composition £	

The condition of the above composition is, that the above-named — shall duly pay or cause to be paid to the collectors for the said —, or one of them, on or before the days above mentioned, upon demand, the yearly sum of —, by 2 instalments, in even portions, taking their or his receipt in writing for the same, otherwise the said composition shall be levied of the goods and chattels of the said —, or sued for and recovered by any of the ways and means by which the monies due on assessments may be sued for and recovered.

Witness ———,
Clerk.

———, } Commissioners of the
———, } within division.

Witness ———,
Clerk.

———, } The party hereto.

N. B.—With the consent of the commissioners, the collector of the parish may witness the signature of the party to the contract.

TAYLORS.

1. FOR REGULATING THE JOURNEYMEN TAYLORS within the weekly bills of mortality, 7 G. 1. St. 1. c. 13. [AMD. 8 G. 3. c. 17. PUBLIC clause, id. s. 11.]

2. All contracts, covenants, or agreements, in writing or not, entered into by or between any persons exercising the mystery of a taylor or journeyman taylor, in making up men's or women's work in London and Westminster, or within the weekly bills of mortality, for advancing their wages, or lessening their usual hours of work, are hereby declared to be illegal and void; and if any taylor, journeyman taylor, or other such person, within such limits, shall keep up, act in, enter into, or sign, seal, or be knowingly concerned in any such contract, &c. he shall, on conviction, on the oath of one witness before 2 justices, upon any information exhibited, or prosecution within 3 months after the offence committed, be by order of such justices committed either to the house of correction, there to be kept to hard labour for not exceeding 2 months, or to the common gaol for the like term, without bail, if they see cause, 7 G. 1. St. 1. c. 13. s. 1.

3. The hours for work for all journeymen taylor, servants, and apprentices to taylor, and other persons employed as taylor within such limits, shall be from 6 in the morning until 8 at night; and there shall be paid unto every journeyman taylor or other such person the wages following, viz. from the 25th March to 24th June, any sum not exceeding 2s. per diem, and for the rest of the year 1s. 8d. per diem, id. s. 2. [Virtually REP. and other regulations made, 8 G. 3. c. 17. s. 1.]

4. The hours of work in the day for servants or journeymen employed as taylor, within the city of London and 5 miles thereof, shall be from 6 in the morning until 7 in the evening, with an interval of one hour only; and there shall be paid to such servants or journeymen for their work during such hours the wages following, viz. any sum not exceeding 2s. 7d. per diem, except during the space of one calendar month from the publication of any order for a general mourning by the earl marshal in the London Gazette, and during that time any sum not exceeding 5s. 1d., 8 G. 3. c. 17. s. 1. [But see s. 6. pl. 15.]

5. If any master taylor, or other person exercising the mystery of a taylor within the city of London or 5 miles thereof, shall pay or suffer to be paid, in money or otherwise, to any servant or journeyman in the business of a taylor, any greater wages than as aforesaid, or such other wages as shall be ordered under this act; or if any such servant or journeyman within such limits shall in any way receive any greater wages than as aforesaid, he shall, on conviction, before 2 justices for the county, city, or place, either by confession, or on oath of one witness on information made, or prosecution commenced within 3 months after the offence committed, be committed to the house of correction by warrant under the hands and seals of such justices, there to be kept to hard

labour, or to the common gaol for not exceeding 2 months, or less than 14 days, 8 G.3. c.17. s.2.

6. Any 2 justices within such limits, on information on oath made that there is reason to suspect that any master or journeyman taylor within such limits, hath paid or received greater wages than as aforesaid, may, at the request of such informant, issue their summons in writing signed by them, requiring the clerk, foreman, apprentice, or servant, or other person employed by such suspected person, or any other person, to attend such justices at a time and place specified in the summons; and if any person so summoned shall not attend, and proof is made of the service of such summons, either personally, or by leaving it at the last or usual place of abode of such person, any 2 justices, acting for the county or place, (no excuse for non-attendance being made) may issue their warrant under their hands and seals, to apprehend and bring him before 2 justices, to be examined touching the premises; and if he refuse to be examined, he shall be committed to the house of correction till he submits, *id.* s.3.

7. In case any taylor or other such person, within such limits, shall have, retain, or employ any journeyman or other person, not being an apprentice, he shall pay him after the same rate, 7 G.1. St.1. c.13. s.3.

8. Any 2 justices within such limits shall, upon complaint made for non-payment of wages, summon before them the party offending; and for non-payment of such wages, or sufficient satisfaction given to the party grieved, may issue their warrant for levying such wages by distress and sale of the offender's goods, rendering the overplus to the owner, and for want of such distress may commit the offender to the common gaol, until he give satisfaction to the party for the same, *id.* s.4.

9. The justices in quarter sessions within such limits may, on application made, take into their consideration the plenty or scarcity of the times, and other circumstances necessary to be considered, and may alter the wages and hours for work, and may appoint what wages shall be paid to journeymen taylor and servants retained and employed by taylor within such limits, and what hours they shall work, and shall make such alterations therein from time to time as they think fit; and such justices shall, within 14 days next after such sessions, cause such rates and alterations to be printed and published in such manner as they think fit, at the expence of the party desiring the same; and after the publication thereof, all taylor, and their journeymen and servants within such limits, shall observe the same upon pain of imprisonment for not exceeding 2 months on conviction of such offence, after knowledge of such rates or alterations made thereof, upon any prosecution commenced within 6 days after the offence committed, *id.* s.5.

10. The mayor, aldermen, and recorder of London, at their general or quarter sessions shall, on application made, alter, regulate, and appoint the wages to be paid to journeymen taylor and servants employed as taylor in making up men's and women's work within the city of London, or 5 miles thereof, and the hours of work, and shall, within 14 days after such order made, cause the same to be printed and published in such way as they think fit, at the expence of the applicant, and after publication all taylor and their journeymen, &c. within such limits, shall observe the same, the 7 G.1. St.1. c.13. notwithstanding, 8 G.3. c.17. s.4.

11. Advertising such order of sessions 3 times in any 2 two daily newspapers, published in London or Westminster, shall be deemed good notice of publication under this act, *id.* s.5.

12. If any person actually employed as a journeyman taylor or servant in the mystery of a taylor within such limits, as in s.1. pl.2. shall depart from his service before the end of the term for which he was hired, or until his work is finished, or not being retained, shall refuse to work (after request made by any master taylor for the wages and hours limited, or to be limited, as in s.5. pl.9.) unless for some cause to be allowed by 2 justices, then such offender shall be sent to the house of correction, to be kept to hard labour for not exceeding 2 months, 7 G.1. St.1. c.13. s.6.

13. Penalty on paying or receiving greater wages than hereby allowed, *id.* s.7. [Virtually REP. 8 G.3. c.17. s.2. pl.5.]

14. This act shall not hinder the paying or receiving any more or other wages, which shall be agreed on for working extra hours, *id.* s.8.

15. This act shall not extend to fix or regulate wages or hours of work of servants in such business *bonâ fide* retained as foremen, or to prevent the paying or receiving other wages (not exceeding 6d. by the hour in times of general mourning, and 3d. by the hour at other times), which shall be agreed on for working extra hours, so as such overwork be not at one time less than one hour, and be *bonâ fide* done by such journeyman or servant, and so as such retainer or agreement is not made in fraud, or to elude the regulations of this act with respect to wages and hours of working, 8 G.3. c.17. s.6. [But see s.1. pl.4.]

16. Persons aggrieved by any order made by 2 justices may appeal to the quarter sessions for the city, division, parish, or place, on giving 6 days' notice thereof, and the justices there shall finally hear and determine the same, and may award costs to either party, 7 G.1. St.1. c.13. s.9.

17. Any person convicted before 2 justices as aforesaid may appeal to the next general or quarter sessions for the place where conviction had, giving immediate notice of such appeal, and finding security to the satisfaction of such justices for being personally present at such sessions, and for prosecuting the appeal with effect, and abiding the judgment of the court; and the justices at such sessions shall finally determine the same, and may award costs to either party; and if the conviction is confirmed, the appellant shall be committed to prison for the time specified in such conviction, and till such costs be paid, 8 G.3. c.17. s.8.

18. Any person convicted of any offence against this act, and who shall suffer for the same accordingly, shall not be otherwise punished for such offence, 7 G.1. St.1. c.13. s.10.

19. If any master taylor, or other person, as in s.2. pl.5. inhabiting within such limits shall in any way employ any servant or journeyman, or other person, using the business of a taylor in making up men's and women's work out of such limits, as in pl.2. with intent to evade this act, and shall give or pay to such servant, &c. any greater wages than as aforesaid, he shall forfeit 500l. to be sued for by action of debt in any of the courts of record at Westminster, wherein no essoin, &c. and only one imparlance shall be allowed, and the ordinary costs shall be paid, and such forfeiture shall go in moieties to H. M. and the party suing, 8 G.3. c.17. s.7.

20. Actions against any justice, constable, or other person, for any thing done under this act, shall be commenced within 6 calendar months after the thing done, *id.* s.9.

21. In actions for any thing done under this act the defendant may plead the general issue, and give this act and the special matter in evidence, and if the plaintiff is nonsuited, discontinues, or forbears prosecution, or has judgment against him, the defendant shall have full costs, with usual remedy to recover the same, *id.* s.10.

TENURES.

(STATUTES repealed and expired.)

1. RELIEF OF THE HEIRS OF TENANTS BY KNIGHT-SERVICE, in *capite*, 9 H.3. M. C. c.2. [REP., 12 C.2. c.24. s.1.]

2. NO WASTE SHALL BE MADE IN THE LANDS OF HEIRS IN ward, 9 H.3. M. C. c.4. [Wardship abolished, 12 C.2. c.24. s.2.]

3. AID TO MAKE H. M.'s SON A KNIGHT, OR TO MARRY HIS daughter, 3 E.1. c.36., 25 E.3. St.5. c.11. [Both REP., 12 C.2. c.24. s.1.]

4. PRIORITY OF FROFFMENT GIVETH TITLE OF WARDSHIP, 13 E.1. (Stat. West. Sec.) c.16. [REP. virtually by 12 C.2. c.24. s.1.]

5. ESCHEATORS SHALL COMMIT NO WASTE IN WARDS' LANDS, 28 E.1. c.18. [EXT. to H. M.'s wards, 14 E.3. St.1. c.13. QU. REP. 12 C.2. c.24. s.1.]

6. FOR TENURES HOLDEN *in capite*, 1 E.6. c.4. [ABOLISHED, 12 C.2. c.24. s.1.]

7. H. M.'s TENANTS GOING TO HIS WARS, 14 E.4. c.1. [REP., 12 C.2. c.24. s.1.]

8. FOR REMOVING SUCH AS HAVE THE CUSTODY OF CASTLES and fortresses on the borders, and beyond the seas, 2 & 3 E.6. c.16. [EXP.]

9. VILLENAGE MAY BE PLEADED AND A VILLAIN SEIZED THOUGH a *libertate probanda* be depending, 25 E.3. St.5. c.18. [semb. EXP.]

10. FOR PUNISHING THE MISBEHAVIOUR OF VILLAINS and land-tenants in villenage, 1 R.2. c.6. [semb. EXP.]

11. VILLAINS FLYING INTO CITIES, AND SUING THEIR LORDS, shall not be thereby enfranchised, 9 R.2. c.2. [semb. EXP.]

(STATUTES in force.)

1. DOING OF CASTLE WARD, 9 H.3. M. C. c.20.

2. No constable shall distrain any knight to give money for keeping a castle, if he himself will do it in his proper person, or by another man; and if in the army, he shall be quit of castle ward so long as he remains there, *id.* *ibid.* [QU. REP., 12 C.2. c.24. s.1.]

3. TENURE OF H. M. IN SOCCAGE, AND OF ANOTHER BY KNIGHTS' service. Petit serjeanty, 9 H.3. M. C. c.27.

4. If any hold of us by fee-farm, or by socage, or by burgage, and hold land of another by knights' service, we will not have the custody of the heir, nor his land, which is of the fee of another by reason of that tenure; neither will we have the custody of such fee-farm, or socage, or burgage, except that fee-farm owe knights' service; we will not have custody of the heir, or of any land which he holds of another by knights' service, by occasion of petit serjeanty which he holds of us by rendering knives, arrows, or the like, *id.* *ibid.*

5. LANDS SHALL NOT BE ALIENED TO THE PREJUDICE OF THE lords' service, 9 H.3. M. C. c.32. [AMD. 18 E.1. cc.1—3.]

6. No freeman shall give or sell to any one more of his land than that the residue may suffice to do to the lord of the fee the service due to him, 9 H.3. M. C. c.32.

7. Every freeman may sell his land at his pleasure, so that the

feoffee shall hold of the same chief lord of the fee by like services and customs, 18 E. 1. c. 1. *West. 3. Quia Emptores Terrarum*. [NOTE. This did not extend to tenants in *capite*: but they are restrained from like alienation without H. M.'s licence, 17 E. 2. S. 2. c. 7. *Stat. Prerog. Reg.*; and of serjeanties aliened without his licence, H. M. hath used to rate them at a reasonable extent made thereof, *id. ibid.*; and all subinfeudations of tenants in *capite* previous to 1 E. 1. were confirmed, 34 E. 3. c. 15.]

8. If any tenant sell any part of his land or tenements, the feoffee shall hold immediately of the chief lord, and be charged with so much service as pertains to the latter, according to the quantity sold, and so much service shall cease from the hands of the feoffor, 18 E. 1. c. 2.

9. But such sales or purchases of lands shall in no wise be made, so that they come into mortmain, contrary to 7 E. 1. S. 2. and this statute extends only to lands sold to be held in fee-simple, *id. c. 3.*

10. IF LAND HOLDEN IN SOCAGE BE IN CUSTODY OF THE relations of the heir, because he is within age, they shall make no waste, sale, or distinction of the inheritance, but shall safely keep it to his use, so that when he comes to lawful age, they shall answer to him for its issues by lawful account, saving such guardians their reasonable costs, 52 (or 54) H. 3. c. 17. [CONF. as to the above, 12 C. 2. c. 24. s. 9. and REP. as to the rest, *id. s. 2.*]

11. THE MODE OF DOING HOMAGE AND FEALTY, 17 E. 2. S. 3. *Stats. at Large*, 8vo. ed. p. 379. [This act appears obsolete.]

12. A freeman's homage to his chief lord for tenements holden of him; the like to a mesne lord, *id. s. 1.*

13. A freeman's fealty to his lord for tenements holden of him; the like for a villuin, *id. ss. 2, 3.*

14. FOR TENURE OF LANDS OF 40s. BY THE YEAR OR UNDER, 37 H. 8. c. 20. (and recital in s. 1.)

15. All manors, lands, tenements, rents, revenues, parsonages, tithes, and other hereditaments not being at the time of the making of any letters patent heretofore made, above the yearly value of 40s. and all houses, messuages, colleges, curtilages, orchards, yards, and gardens, whereunto no other lands, &c. were appertaining, not being H. M.'s houses, by whatever title they came unto H. M. heretofore given by H. M. to any person or corporation since 27th April, in the 27th of H. 8. by letters patent, whereby any estate of inheritance passed from H. M., to hold the same of H. M. by fealty only, and not in *capite*, or in socage, or free burgage, or by fealty only in free and common socage, and not in *capite*, or by any words of such effect, or to hold the same by fealty as of his Grace's honours, manors, lands, &c. or by fealty only, as of his Grace's honours, &c. and not in *capite*, or words to the like effect, shall, from the date of such letters patent, be deemed to be holden in socage or burgage, and not in *capite*, according to the words contained in such letters, *id. s. 2.*

16. FOR PREVENTION OF VEXATIOUS PROCEEDINGS TOUCHING the order of knighthood, 16 C. 1. c. 20. (and recital in s. 1.)

17. No person shall be distrained or compelled by any writ or process of chancery, or exchequer, or otherwise, to take on him the dignity of knighthood, nor shall suffer any fine or molestation for default therein, and every writ or process, and all proceedings contrary to this act, shall be void, *id. s. 2.*

18. FOR TAKING AWAY THE COURT OF WARDS AND LIVERIES and tenures, in *capite*, and by knights' service, and purveyance, and for settling a revenue on H. M. in lieu thereof, 12 C. 2. c. 24.

19. The court of wards and liveries, and all wardships, liveries, primer seins, ouster-le-mains, valuers, and forfeitures of marriages by reason of any tenure of H. M. or of any other by knights' service, and all mean rates and other gifts, grants, and charges incident to such wardships, &c. shall be taken away and discharged; and all fines for alienations, seizures, and pardons for alienations, tenure by homage, and all charges incident to wardship, livery, primer seisin, or ouster-le-main, or tenure by knights' service, escuage, and also *aide pur file marrier*, and *pur fair fitz chevalier*, and all other charges incident thereto, shall be taken away and discharged; and all tenures by knights' service of H. M. or of any other person, and by knights' service in *capite*, and by socage in *capite* of H. M., and the consequents thereof, shall be taken away, and all tenures of honours, manors, lands, tenements, or hereditaments, or any estate of inheritance at common law, held of H. M. or other person, or body politic or corporate, shall be turned into free and common socage, *id. s. 1.*

20. And the same shall for ever stand discharged of all tenure by homage, escuage, voyages royal, and charges for the same, wardships, incident to tenure by knights' service, and valuers and forfeitures of marriage, and all other charges incident to tenure by knights' service, and of *aide pur file marrier*, and *aide pur fair fitz chevalier*; and all conveyances and devises of the manors, &c. shall be expounded to be of such effect as if the same manors, &c. were holden in free and common socage only, *id. s. 2.*

21. All tenures to be created by H. M. on any gifts or grants of any manors, lands, &c. of any estate of inheritance at common law, shall be

in free and common socage, and not by knights' service, or in *capite*, and shall be discharged of all wardship, &c. as in s. 2. *pl. 20.*, 12 C. 2. c. 24. s. 4.

22. Nothing herein shall take away any rents certain, heriots or suits of court incident to any former tenure now taken away or altered by this act, or other services incident to tenure in common socage due to H. M. or mean lords, or other private person, or the fealty and distresses incident thereto, and such relief shall be paid in respect of such rents, as in case of a death of a tenant in common socage, *id. s. 5.*

23. Nothing herein shall take away any fines for alienation due by particular customs of particular manors and places, other than fines, for alienations of lands and tenements, held immediately of H. M. in *capite*, *id. s. 6.*

24. Nothing herein shall take away tenures in *frankalmoign*, or subject them to other services than they now are, nor alter tenures by copy of court roll, or any services incident thereto, nor take away the honorary services of grand serjeanty, other than of wardship, marriage, value of forfeiture of marriage, escuage, voyages royal, and other charges incident to tenure by knights' service, and other than *aide pur fair fitz chevalier*, and *pur file marrier*, *id. s. 7.*

25. This act shall not infringe any title of honour feudal or other, by which any person may have right to sit in the House of Lords, as to his title of honour, sitting in parliament, or privilege of peerage, *id. s. 11.*

TENURES BY THE CURTESY.

26. ALIENATION OF LAND BY TENANT by the curtesy, though with warranty, shall be void against the heir, 6 E. 1. (*Stat. Glouc.*) c. 3. [EXPL. *Stats. at Large*, 8vo. ed. 136.]

27. If a man aliene any land that he holds by the law of Eng., his son shall not be barred by the deed of his father (from whom no heritage to him descended) to demand and recover by writ of *mort d'ancestor* of the seisin of his mother, although his father's deed binds him and his heirs to warranty; and if any heritage descend to him from his father, then he shall be barred for the value of such heritage. And if in time after any heritage descend to him from his father, the tenant shall recover against him of the seisin of his father by a judicial writ that shall issue out of the rolls of the justices before whom plea was pleaded, to resummon his warranty, as in cases where the warrantor says that nothing descended to him from him by whose deed he is vouched; and in like manner the issue of the son shall recover by writ of *cozenage*, *aie* and *besaie*; and the heir of the wife shall not be barred of his action after the death of his father and mother by his father's deed, if he demanded by action the inheritance of his mother by writ of entry which his father did aliene in the time of his mother, whereof no fine is levied in H. M.'s courts, 6 Ed. 1. (*Stat. Glouc.*) c. 3.

28. The 6 E. 1. c. 3. shall run for such lands aliene after statute published, and for lands of a wife aliene by her husband, whereof no fine was levied in court, EXPL. *Stat. Glouc.* 6 E. 1. *Stats. at Large*, 8vo. ed. 136.

29. STATUTUM DE TENENTIBUS PER LEGEM ANGLIÆ, *Stat. Incert. Temp.* xix. *Stats. at Large*, 8vo. ed. 413.

30. Cum quis terram cum uxore in maritagio ceperit, si ex eadem sua heredem, filium vel filiam, clamantem auditum intra quatuor parietes habeat, si vir uxorem suam supervixerit, sive heres vivat, sive non, ipsi viro remanebit maritagium illud, post mortem viri ad donatorem vel ad ejus heredem reversurum: si autem nullum ex uxore sua habuerit heredem, tunc post mortem uxoris ad donatorem vel ad ejus heredem revertetur. Si enim donata esset aliqua terra sic in maritagium, vel alio modo, quod cum recipiatur homagium, tanquam ad donatorem de cetero vel ad ejus heredem licite posset reverti, ut supradictum est. Illud judicium erit de secundo viro, quod dictum est de primo, si heres reliquerit primo, sive non, *id. ibid.*

THAMES POLICE. (See POLICE.)

(STATUTES repealed and expired.)

1. FOR THE MORE EFFECTUAL PREVENTION OF depredations on the river Thames and its vicinity, and to amend 2 G. 3. c. 28., 39 & 40 G. 3. c. 87. [CON. 47 G. 3. Sess. 1. c. 37. s. 1., 54 G. 3. c. 187. s. 1., and until the end of the session 1821, 1 G. 4. c. 66. all EXP.—NOTE. The provisions of the 47 G. 3. Sess. 1. c. 37. are incorporated in the 1 & 2 G. 4. c. 118., which see, POLICE, *pl. 13.*]

2. TO REVIVE, AND CONTINUE, AND AMEND several acts for the more effectual prevention of depredations on the river Thames and its vicinity, 54 G. 3. c. 187. [CON. till 5th July, 1821, and then REP. 1 G. 4. c. 118. s. 1. which see, POLICE, *pl. 13.*]

(STATUTES in force.)

1. TO PREVENT THE COMMITTING OF THEFTS AND FRAUDS by persons navigating bum-boats and other boats upon the river Thames, 2 G. 3. c. 28. *Public clause*, s. 28. [AMEND. 1 & 2 G. 4. c. 118. s. 42.]

2. If any person shall use, let out to hire, lend or navigate, or shall

be aiding in using or navigating upon the river *Thames* any bum-boat, or other boat, for the purpose of selling, bartering, exchanging or exposing to sale, to and amongst the seamen and labourers employed in vessels, any liquors, slops, tobacco, brooms, or any fruit, greens, gingerbread, or other such like ware; or shall sell, barter, exchange, or expose to sale as aforesaid, any sort of liquor, or any slops, tobacco, brooms, or any fruit, greens, gingerbread, or other such like ware or things, in or from any bum-boat or other boat (except such as shall be entered in the office of the master, wardens and assistants of the guild of the *Trinity*, as in s. 2. *pl.* 3. mentioned, and shall be used and navigated for the purposes aforesaid, in the day-time, between sun-rising and sun-setting only); or if any person shall take in exchange, or by way of barter, or shall unlawfully receive, or procure to be delivered to them, any ropes, cordage, tackle, apparel, furniture, stores, materials, or any part of any cargo or loading of any ship or vessels in the said river; all and every such persons shall, upon conviction before any justice or justices of peace within any county, city, division, liberty or place adjoining such river, upon the oath of one or more credible persons, be deemed guilty of a misdemeanor; and any person may apprehend and detain all persons then on board such boat, and also seize, search and detain such boat, with the tackle, &c. and loading thereof; and the person so apprehended shall be (as soon as convenient) conveyed before such justice; and such boat, with the said tackle, &c. and loading, shall, upon such conviction, be forfeited, and disposed of as in s. 17. *pl.* 18. directed, 2 *G. 3. c.* 28. s. 1.

3. Every bum-boat, or other boat whatsoever, used for the purposes aforesaid, upon the said river, between *London-bridge* and the *Lower Hope Point*, shall be entered by the owner at the *Trinity House* in *Water-Lane, London*, specifying the name and abode of such owner; to the intent that the master, wardens and assistants may register such entry, and deliver in writing to such owner a number to be marked on every such bum-boat or other boat; and every such owner shall cause the number delivered to be marked, together with his christian and surname, and place of abode, upon such part of his boat, in such manner as such master, wardens and assistants shall direct, *id.* s. 2.

4. Every time the property of such bum-boat or other boat shall be altered, the new owner shall make a fresh entry, and cause the number delivered to be marked on the boat, with his christian and surname, and place of abode, as before directed at first entering, *id.* s. 3.

5. Such master, wardens and assistants, shall receive and register every such entry in a book, and deliver out a number in writing to such owner to be marked on such boat in such manner as shall be directed; for the registering which entry, and delivering out such number, 5s. shall be paid; and such master, wardens and assistants, shall make such orders, rules and regulations as they think proper for ascertaining the part of such boat on which the number, and the names and abode of the owners shall be marked, and in what manner, and of what dimensions the figures and letters shall be made, and how the same shall be renewed and kept legible; and all such orders, &c. after one publication thereof in the *London Gazette*, and printed copies of the same being affixed at *Iron Gate, the Hermitage, Execution Dock, Shadwell Dock, Rotherhithe Old Stairs, Deptford, Ratcliffe Cross and Blackwall*, shall be observed by every owner of such boats so entered, *id.* s. 4.

6. Such master, wardens and assistants, or such person as they shall appoint under their corporation seal, and all owners or masters of vessels in such river, or such persons as such owners and masters, or any seven or more of them, by writing under their hands and seals, shall for that purpose nominate (and which they may do), may stop, search and detain any boat which there shall be reason to suspect has any ropes, cordage, tackle, apparel, furniture, stores, materials, or any part of any cargo or lading, stolen or unlawfully procured out of any vessel in such river; and also may apprehend any person who may be reasonably suspected of having or conveying any such goods, stores or things in such boat; and such person so apprehended shall be (as soon as may be) conveyed before one or more justices for county, &c. adjoining such river; and if such person shall not produce the party from whom he bought or received such things aforesaid, or some credible person to depose, upon oath, the sale or delivery thereof, or shall not give an account to satisfaction of such justice how he came by the same, then such person so apprehended shall be deemed guilty of a misdemeanor; and such boat, with her tackle and loading, shall, upon such conviction, be forfeited and disposed of as in s. 17. *pl.* 18. directed, *id.* s. 5.

7. Every constable, headborough and beadle, and every watchman (during duty), shall and may apprehend and detain all persons who may be suspected of having or carrying any ropes, cordage, tackle, apparel, furniture, stores, materials or any part of any cargo or lading, stolen or unlawfully procured out of any vessel in such river *Thames*, and also shall seize and detain such things as aforesaid, and shall, as soon as may be, convey the person before one or more such justice; and if such person shall not produce the party from whom he bought or received the same, or some credible person to depose upon oath the sale or delivery there-

of, or shall not give an account to the satisfaction of such justice how he came by the same, then the said person shall be deemed guilty of a misdemeanor, 2 *G. 3. c.* 28. s. 6.

8. Any justice, upon information on oath, by any credible person, that there is cause to suspect that any merchandises (suspected to have been stolen or otherwise unlawfully come by) are concealed in any place, may, by warrant under his hand and seal, cause every such place to be searched in the day time; and if any such merchandises or things shall be found therein, may cause the same to be deposited in some place of safety; and also may cause the person in whose house or other place the same are found, to be brought before him, or any other justice for same county, &c.; and if such person shall not give an account to the satisfaction of such justice how he came by the same, or shall not within some reasonable time to be set by such justice, produce the party from whom he bought or received the same, then the person in whose house or other place the same shall be found, shall be deemed guilty of a misdemeanor, *id.* s. 7.

9. Upon any person being convicted of either of the last misdemeanors, the justice before whom such person was convicted may cause such merchandises or things to be deposited in custody of the churchwardens or overseers of the poor of place where so first deposited, who are to receive the same, or in any other convenient place, for not exceeding 30 days; and may order such churchwardens or overseers, if within the bills of mortality, to insert immediately an advertisement in some newspaper; and if in any other parish, to cause notice to be immediately given by some public crier, and by affixing on the church or chapel door a notice in writing, describing such merchandises or things, and where deposited, to the end that persons having lost any such, or any reputable person on their behalf, may claim the same, within 30 days from such notice; and in case any person shall, within the 30 days, prove his property in such things, upon oath, to satisfaction of one or more such justices, then such justice shall order restitution to be made to the owner, after paying the charges of seizing, removing, depositing, and giving public notice, and also reasonable compensation to the person giving information; such charges and compensation to be settled by such justices; but if, at the end of the 30 days (notice having been given), no proof shall be made, such things shall be sold by such churchwardens or overseers with whom deposited; and after deducting the charges settled, the remainder of the money arising from such sale shall be given, one moiety to the person so apprehending or giving such information, and the other to the poor of the parish where goods so first deposited, *id.* s. 8.

10. Every person to whom any goods, stores or things belonging to ships or vessels shall be brought and offered to be sold, pawned or delivered, shall, (there being cause to suspect that such things were stolen, or unlawfully come by,) apprehend, secure and carry before a justice for county, &c. where the same were so brought, the person so bringing or offering the same, and in the mean time secure such things; and such person so apprehended shall be dealt with, and such things shall be deposited and disposed of in the same manner as if he had been apprehended by the constable, headborough, beadle, or watchman, as aforesaid, *id.* s. 9.

11. Every person deemed guilty of the misdemeanors aforesaid, shall, for every such misdemeanor, forfeit for the first offence 40s., for the second 4l., and for every subsequent offence 4l., all which forfeitures shall be levied by distress and sale of the goods of the offender, rendering to him overplus after charges of distress and sale deducted, by warrant under hand and seal of any one or more justices before whom such offender was convicted; which forfeiture shall be paid one moiety to the person apprehending or giving information as case may be, and the other to the master, wardens, and assistants of such corporation, to be distributed among the poor decayed seamen and their widows, under the care of such corporation; and if such forfeitures shall not be paid nor sufficient distress found to levy same, then such justice shall commit such offender to the common gaol, or other prison or house of correction, without bail &c., for one month for the first offence, for the second 2 months, and for every subsequent offence, until such offender shall be discharged by quarter sessions, *id.* s. 10.

12. Every conviction for such misdemeanors shall be certified by convicting justice, to the next quarter sessions, to be filed of record, and shall be drawn up on parchment, and be in this form, viz.

‘*Middlesex*, } Be it remembered, that on the — day of — in the year — *A. D.*
to wit, } was convicted before — of the justice of the peace for the
county, city, division, liberty, or place aforesaid [as the case shall be], of a mis-
demeanor in one or more of the instances before mentioned, [specifying the
same, particularly in the words by which the same is or are described in and
by this act, or in any other form of words to the like effect.] Given under —
hand and seal the day and year aforesaid.’

Which conviction, in the same or like words, shall be good, and not quashed for want of any other form, nor liable to be removed by *certiorari*, but shall be deemed final, *id.* s. 11.

13. Every person who shall buy or receive any part of the cargo or

loading of, or any goods, stores, or things, of or belonging to any ship or vessel in the said river, knowing the same to be stolen or unlawfully come by; or shall privately buy or receive any such goods, stores or things, or any part of such cargo or loading, by suffering any door, window, or shutter, to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same at any time in a clandestine manner, from any person whomsoever, shall, being thereof convicted (although the principal felon or offender have not been convicted,) be transported for fourteen years to any of H. M.'s plantations in *America*, 2 G.3. c.28. s.12.

14. If any person shall cut, damage, or spoil any cordage, cable, buoys, buoy-rope, headfast, or other fast, fixed to any anchor or moorings belonging to any vessel at anchor or mooring in the *Thames*, or any rope used for mooring or rafting masts or timber, or shall be aiding therein, with an intent to steal, such person shall, being convicted thereof on the oath of two or more credible witnesses, be transported to some of H. M.'s plantations in *America* for 7 years, *id.* s.13.

15. If any person out of prison, by stealing or unlawfully receiving any part of a cargo, &c. from any vessel in such river, shall afterwards discover two or more persons who shall have bought or received any stolen or unlawfully procured goods, stores, or things, or any part of any cargo or lading of any ship or vessel in such river, knowing the same to be stolen or unlawfully procured, so as 2 or more of the persons discovered shall be convicted, every person so discovering shall have the pardon of H. M. for all such felonies by him committed before such discovery made, which pardon shall be likewise a bar to any appeal for such felony, *id.* s.14.

16. If after the publication of any orders, rules, and regulations by such master, wardens, and assistants, any person shall row or navigate, within the limits aforesaid, any boat herein before directed to be entered, marked and numbered, not being so entered, marked and numbered, or having a false mark or number, or not having the real name and abode of the owner inscribed thereon, or not having such names and figures kept legible, in such manner as directed by such orders, &c. in each of such cases every such person, being thereof convicted before one or more justices for county, &c. adjoining such river, upon his own confession, or the oath of one or more persons, shall, for every offence, forfeit 40s.; one moiety to the person who shall give information of and prosecute to conviction such offender, and the other to such master, wardens, and assistants, to be applied as aforesaid; and any person, upon discovery of any such offence, may seize and detain such boat, with all her tackle, &c., and shall thereupon, within 48 hours after seizure, give information to any one or more such justices, who shall hear and determine same as soon as may be; and if such forfeiture shall not be paid within 24 hours after conviction, then the same shall be raised by sale of the boat and tackle, &c.; and every justice shall issue his warrant to the constable or peace officer, to cause sale to be made thereof, with all her tackle, &c. with all speed, for raising the money forfeited, rendering overplus to offender, after charges of detaining and selling such boat deducted, *id.* s.15.

17. Such master, wardens, and assistants shall, on complaint made to them by any credible persons, of any thefts, robberies, frauds, or other illegal practices being carried on, or suspected so to be in any boat so numbered and marked, summon the owner to appear at the *Trinity House, Water Lane*, or other usual place of meeting at a time appointed, at which time and place such master, wardens, and assistants, or any 5 of them, shall inquire into the complaint in a summary way; and in case the complaint shall be proved, and they or the majority present think fit, they may take away and totally abolish the said number given to such boat, and also for the future refuse to enter any boat of such owner, *id.* s.16.

18. Where any person shall be convicted of any offence under this act by which is incurred the forfeiture of any boat, with her tackle, &c. and concerning which, after conviction, no provision is hereby made, any such justice as aforesaid, on conviction had, may cause such boat, with her tackle, &c. to be totally burnt, and destroyed, within 6 days next after conviction, by warrant under hand and seal, directed to the constable or other peace officer of place where conviction had; which officer shall thereupon cause such boat, &c. to be burnt and destroyed, *id.* s.17. [See now 1 & 2 G.4. c.118. s.43. *POLICE. pl.55.*]

19. Any person by this act, and without any other warrant, may apprehend any offender against this act, and, with all speed, convey such offender to a constable or other peace-officer, in order to be conveyed before some justice for place where offence committed, *id.* s.18.

20. In case any person acting in execution of this act shall be obstructed, every person so obstructing, and all such as act in their assistance, shall, being thereof convicted at quarter sessions for county adjoining such river, upon oath of two or more persons, be transported to any of H. M.'s plantations in *America* for 7 years, *id.* s.19.

21. In all actions and other proceedings had in pursuance of this act, any member of such corporation, or any inhabitant of the parish

where offence committed or conviction made, shall be admitted to evidence, and be deemed a competent witness, 2 G.3. c.28 s.20.

22. In all cases where an oath is directed by this act to be taken, it shall be lawful for any justice for place where matters arise, to administer the same without fee, *id.* s.21.

23. Actions against any justice, or such master, wardens, and assistants, or other officer or person, for any thing done in pursuance of this act, shall be laid in *Middlesex* or *London*, and shall be commenced within 6 months next after cause of action accrued; and defendants in such actions may plead the general issue, and give this act and the special matter in evidence, and that same was done in pursuance thereof; and if it shall so appear, or if the action is brought after the time limited, or is laid in the wrong place, the jury shall find for the defendant; and if the defendant has a verdict, or plaintiff is nonsuited, or discontinues after appearance, or if the defendant has judgment on demurrer, the defendant shall have treble costs, *id.* s.22.

24. Every person guilty of any offence by 2 G.3. c.28. declared a misdemeanor, may be punished at the discretion of the justice or justices by or before whom he is convicted, either with the punishment by that act appointed, or with the punishment hereby appointed for misdemeanors under this act, 1 & 2 G.4. c.118. s.42. [See *POLICE.*]

25. To AMEND 2 G.3. c.28. so far as relates to the seizure of excisable commodities, 43 G.3. c.115. [Ext. by similar enactments to customable and prohibited goods, 49 G.3. c.65. ss.7—11. (See the rest of this act, *JUSTICES OF PEACE, pl.132.*)]

26. All coffee, tea, cocoa-nuts, chocolate, tobacco, snuff, wine, brandy, rum, geneva, or other spirits, or any other goods, &c. subject to the excise duty, stopped or taken by any police or peace officer, or other person under the 2 G.3. c.28. and 39 & 40 G.3. c.87., [which is *EXP.* and see the new act, 1 & 2 G.4. c.118. *POLICE, pl.13.*] for having been unshipped, smuggled, or run on shore, or manufactured without payment of the duty, or for being removed without permit, or for any other cause of forfeiture, shall be taken to the chief office of excise within 24 hours after so stopped, in order that the same and the person in whose custody they were found, may be prosecuted, 43 G.3. c.115. s.1.

27. In case any such articles shall be stopped by any such persons, on suspicion of having been feloniously stolen or received, such detaining person shall lodge them at the police office, or the police office nearest the place where stopped, there to remain until produced upon the trial of the offenders, *id.* s.2.

28. But such officer or persons so detaining such articles, on suspicion of being stolen, shall, within 24 hours after, give notice thereof in writing at the chief office of excise, and shall permit the proper excise officer to take an account of the same, *id.* s.3.

29. When any person charged with feloniously stealing or receiving any such articles has been tried for such felony, all such articles shall be deposited with such chief office, to be prosecuted for such cause of forfeiture as they may be liable to, or to be restored on payment of the duties due to the legal proprietor, or otherwise dealt with as the case may require, *id.* s.4.

30. All such articles which shall be so detained, and not conveyed within the times aforesaid to such chief office, shall be forfeited, and may be seized or re-seized by any excise officer, and the party neglecting to convey the same, shall forfeit 20l., *id.* s.5.

31. Every person who shall molest or oppose, &c. any officer of excise in the execution of the powers hereby given, shall forfeit 200l., *id.* s.6.

32. Penalties hereby inflicted, may be recovered, levied, or mitigated, as other excise penalties may be, or by action of debt, &c. or information in the courts of record at *Westminster*, and may go one moiety to H. M., and the other to the informer, *id.* s.7.

33. All goods, wares and merchandizes, which by any act now in force, or hereafter to be made, are liable to the duties of customs, and not of the excise, on importation, or which are prohibited to be imported, or worn or used in this country, or which are subject to forfeiture, for being unshipped without the presence of an officer of customs, or for any other cause relating to the customs, and which are stopped or taken, shall be carried to the custom-house warehouse in *London*, within 48 hours after such detention, in order that such goods, and the persons in whose custody the same were found, may be prosecuted as the case requires, 49 G.3. c.65. s.7.

34. And in case any such goods, &c. so liable to the customs, and not the excise, or which are so prohibited to be imported, or subject to forfeiture for being unshipped, without the presence of an officer of customs, or for any other cause relating to the customs, shall be shipped or taken by any police or peace officer or other person, on suspicion of having been feloniously stolen or received, such officer, &c. may lodge the same in the office of the *Thames* police or the police office nearest to the place where found, there to remain for production on the trial of any person charged with having so stolen or received the same, *id.* s.8.

35. Every such officer or person, who shall detain such goods, &c. on such suspicion, shall, within 48 hours after such detention, give notice thereof in writing to the commissioners of customs, together with the particulars thereof, 49 G. 3. c. 65. s. 9.

36. When any person so charged with feloniously stealing or receiving of any such goods, &c. has been tried for the felony, all such goods, &c. shall be deposited in the custom-house warehouse in London, to be prosecuted for such cause of forfeiture as they may be liable to, or to be restored on payment of such duties as are due thereon to any person who can prove himself the legal owner thereof, or to be otherwise dealt with as the case requires, *id.* s. 10.

37. In case any such goods, &c. which are so liable to the payment of the customs and not excise duties, or which are prohibited to be imported, used, or worn in this country, or are subject to forfeiture for being unshipped without the presence of an officer of customs, or for any other cause relating to the law of customs, and which shall be so detained, &c., and not conveyed to and deposited in such warehouse, in the manner and within the time in ss. 7. 9. *pl.* 33. 35. directed, the same may be seized or re-seized by any officer of customs, and the party neglecting so to deposit the same, shall forfeit 20*l.*, to go one moiety to H. M., and the other to the party suing for the same, *id.* s. 11.

THAMES RIVER.

(STATUTES repealed.)

TO PREVENT EXACTIONS OF THE OCCUPIERS of locks and weirs upon the river Thames westward, and ascertaining the rates for water carriage upon the said river, 6 & 7 W. 3. c. 16. [AMD., REV., and CON., 3 G. 2. c. 11., 22 G. 2. c. 46. s. 1., but all REP., 24 G. 2. c. 8. s. 26. *Local act.*]

(STATUTE in force.)

1. FOR THE PRESERVATION OF THE RIVER Thames, 27 H. 8. c. 18.

2. If any do any thing to the annoying of the Thames, making shelds, by mining, digging, casting of dung or rubbish into the river, or take away any boards or other thing from the banks, except to repair it, or undermine any bank or wall upon the water side, he shall forfeit 100*s.* to H. M. and mayor and commonalty of London, to be recovered by such mayor, &c., Proviso for taking of ballasts for ships in the shelds near the Thames, which any person may take away, *id.* *ibid.* [See further 54 G. 3. c. 159. *Ports, pl.* 13.]

THEATRES AND PLACES OF PUBLIC ENTERTAINMENT.

1. TO RESTRAIN ABUSES OF PLAYERS, 3 J. 1. c. 21.

2. If any person shall, in any stage-play, interlude, show, may-game or pageant, jestingly or profanely speak or use the name of God, or of Christ Jesus, or of the Holy Ghost, or of the Trinity, he shall forfeit 10*l.*, to go one moiety to H. M., and the other to the party suing in any court of record at Westminster, wherein no essoin, &c., *id.* *ibid.*

3. FOR THE MORE EFFECTUAL PREVENTING THE UNLAWFUL playing of interludes within the precincts of the 2 universities of Eng., and the places adjacent, 10 G. 2. c. 19. s. 1., *PUBLIC clause*, s. 6. [See the rest of this act, *WINE.*]

4. All persons, who shall for gain, in any playhouse, booth, or otherwise, exhibit any stage-play, interlude, show, opera, or other theatrical or dramatical performance, or act any part or assist therein, within the precincts of the universities of Oxford or Cambridge, or 5 miles thereof, shall be deemed rogues and vagabonds; and the chancellor or vice-chancellor of either of such universities, or his deputy, may commit any such person to the house of correction, within either of the counties of Oxford or Cambridge, to be kept to hard labour for one month, or to the common gaol of such counties or towns without bail for one month; any licence of the chancellor, &c. of either of such universities, or of any law to the contrary notwithstanding, *id.* *ibid.*

5. TO EXPLAIN AND AMEND SO MUCH OF 12 A. St. 2. c. 23., as relates to common players of interludes, 10 G. 2. c. 28. [AMD. 25 G. 2. c. 36. ss. 2—4. (which is MADE PERP., 28 G. 2. c. 19. s. 1.) See s. 1. OFFENCE, &c. *pl.* 17.; ss. 5—10. DISORDERLY HOUSE; s. 11. FELONY *pl.* 78.; ss. 12—14. VAGRANT. The 12 A. St. 2. c. 23. is REP. 13 G. 2. c. 24. 17 G. 2. c. 5. See VAGRANT.] [REP. as to Bath 8 G. 3. c. 10., Birmingham 47 G. 3. s. 2. c. 44., Bristol 18 G. 3. c. 8., Chester 17 G. 3. c. 14., Edinburgh 7 G. 3. c. 27. s. 19., Glasgow 45 G. 3. c. cxlii., Kingston upon Hull 9 G. 3. St. 2. c. 17., Liverpool 11 G. 3. c. 16., Manchester 15 G. 3. c. 47., Margate 26 G. 3. c. 29., Newcastle upon Tyne 27 G. 3. c. 50., Norwich 8 G. 3. c. 28., York 9 G. 3. St. 2. c. 17.]

6. Every person who shall for gain act or represent any interlude, tragedy, comedy, opera, play, farce, or other entertainment of the stage, or any part therein, in case such person shall not have any legal

settlement in the place where the same shall be acted, without authority of letters patent from H. M., or without licence from the lord-chamberlain, shall be deemed a rogue and a vagabond within the act 12 A. St. 2. c. 23., 10 G. 2. c. 28. s. 1.

7. If any person, having or not having a legal settlement, shall, without such authority or licence, act or represent for gain, any interlude, &c. such person shall forfeit 50*l.*, and in case the 50*l.* shall be paid or recovered, such offender shall not for the same offence suffer any of the penalties inflicted by the said act, *id.* s. 2.

8. No person shall for gain, act or represent any new interlude, &c. or any new act, scene, or other part, added to any old interlude, &c. or any new prologue or epilogue, unless a copy thereof be sent to the lord-chamberlain 14 days before the representing thereof, with an account of the place where, and the time when the same is intended to be first represented, signed by one of the masters or managers of such playhouse, &c. *id.* s. 3.

9. The lord-chamberlain, when he shall think fit, may prohibit the representing any interlude, &c. as in s. 1. *pl.* 6. or any part thereof, or any prologue or epilogue; and in case any person shall for gain, act or represent any new interlude, &c. before a copy thereof shall be sent as aforesaid, or shall for gain act or represent any interlude, &c. contrary to such prohibition; every person so offending, shall forfeit 50*l.*, and every licence or authority by which the managers set up such playhouses or company shall cease, *id.* s. 4.

10. No persons shall be authorized by any letters patent, or by the licence of the lord chamberlain, to act or represent for gain any interlude, &c. in any part of G. B.; except in the city of Westminster, and in such places wherein H. M. shall in person reside, during such residence only, *id.* s. 5.

11. The pecuniary penalties inflicted by this act, for offences committed within Eng., Wa., and Ber., shall be recovered by bill or information in any of the courts at Westminster; and for offences committed in Scot., by action or summary complaint before the court of session or judiciary, or for offences committed in any part of G. B. in a summary way before 2 justices of peace, by the oath of one witness, or confession of the offender, to be levied by distress and sale of goods; and for want of distress the offender shall be committed to any house of correction, for any time not exceeding six months, to be kept to hard labour, or to the common gaol of the county, &c. for any time not exceeding 6 months; and any persons aggrieved by the order of such justices, may appeal to the next quarter sessions, whose order therein shall be final; and the penalties for any offence against this act shall belong, one moiety to the informer, the other to the poor of the parish where the offence was committed, *id.* s. 6.

12. If any interlude, &c. shall be represented in any place where wine, beer, ale, or other liquors are sold or retailed, the same shall be deemed to be represented for gain, *id.* s. 7.

13. No person shall be prosecuted for any offence against this act, unless the prosecution is commenced within 6 calendar months after the offence committed; and every suit brought against any justice for any thing done under this act, shall be commenced within the like period; and the defendant may plead the general issue and give the special matter in evidence; and if a verdict is found for the defendant, or if the plaintiff is nonsuited or does not prosecute his action, the defendant shall have treble costs, *id.* s. 8.

14. Any house, room, or garden, or other place kept for public dancing, music, or other entertainment of the like kind in London and Westminster, or 20 miles thereof, without a licence had at the last preceding Michaelmas quarter sessions for the county, city, or liberty (and such sessions may grant such licences), signified under the hands and seals of 4 of the justices present, shall be deemed a disorderly house or place; and such licence shall be signed and sealed by such justices in open court, and afterwards publicly read by the clerk of the peace, together with the names of the subscribing justices; and no such licence shall be granted at any adjourned sessions, nor shall any fee be taken for it; and any constable or person authorized by warrant under the hand and seal of any justice for the county, &c. where such house or place is, may enter into the same, and seize any person found therein, to be dealt with according to law; and every person keeping such house, &c. without such licence, shall forfeit 100*l.* to any person that will sue for it, and be punished as the law directs in cases of disorderly houses, 25 G. 2. c. 36. s. 2.

15. In order to give notice what places are licensed under this act, there shall be kept up in some place over the door or entrance of such house, &c. and so licensed in large letters, these words, *viz.* LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE TWENTY-FIFTH OF KING GEORGE THE SECOND; and no such house, &c. although so licensed, shall be open for any of such purposes before 5 in the afternoon; and the affixing up of such inscription, and the limitation as to time, shall be inserted in, and made conditions of such licence; and in case of breach of such conditions, the licence shall be forfeited and be revoked by the

justices in their next quarter sessions, and shall not be renewed, nor shall any new licence be granted to such person, or to any other in his behalf, 25 G. 2. c. 36. s. 3.

16. This act shall not extend to the theatres royal *Drury-Lane*, and *Covent Garden*, or the *King's Theatre* in the *Haymarket*, nor to such performances and public entertainments as may be carried on under letters patent or the licence of the crown, or the lord-chamberlain, *id. s. 4.*

17. Penalties hereby inflicted may be sued for by action of debt, &c. [to be brought within 6 calendar months after the offence done, 28 G. 2. c. 36. s. 14.] in any of the courts of record in *Westminster*, wherein it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of—*l.*, being forfeited by an act, intituled, (*setting forth the title of this act*.) and if the plaintiff recovers, he shall have full costs, *id. ss. 13, 14.*

18. TO ENABLE JUSTICES OF THE PEACE TO LICENSE theatrical representations occasionally, under the restrictions therein contained, 28 G. 3. c. 30.

19. The justices, in general or quarter session, may grant a licence to any person, making application by petition, for the performance of such tragedies, comedies, interludes, operas, plays, or farces, as shall be represented at either of the patent or licensed theatres in *Westminster*, or as shall in manner prescribed by law, have been submitted to the inspection of the lord-chamberlain, at any place within their jurisdictions, or within any city, town, or place, within the limits of the same, for not exceeding 60 days, to commence within the then next 6 months, and to be within such four months as shall be specified in the licence, so as there be only one licence in use at the same time within the jurisdiction so given, and so as such place be not within 20 miles of *London*, *Westminster*, or *Edinburgh*, or 8 miles of any patent or licensed theatre, or 10 miles of the residence of H. M., or of any place within the same jurisdiction, at which, within 6 months preceding, a licence under this act shall have been had and exercised, or within 14 miles of either of the universities of *Oxford* and *Cambridge*, or within 2 miles of the outward limits of any city or place, having peculiar jurisdiction; and so also as no licence shall have been had and exercised at the same place within 8 months then next preceding, *id. s. 1.*

20. No such licence shall be granted by such justices to be exercised within any city or place, having peculiar jurisdiction, unless proof shall be made that the majority of justices acting for such peculiar jurisdiction, have, at a public meeting, signed their consent to such application, or unless an express condition shall be therein inserted, that the same shall not be valid until approved by the majority of such justices at a meeting holden expressly for taking the same into consideration, *id. s. 2.*

21. No such licence shall be granted by the justices within any city, town, or place, unless notice shall have been given by the person applying for such licence, at least 3 weeks before such application, to the mayor, bailiff, or other chief civil officer of such city, of his intending to make such application, *id. s. 3.*

THREAD.

1. FOR THE BETTER REGULATION OF THE MANUFACTURE OF ounce thread, 28 G. 3. c. 17.

2. The reel used in reeling or making up nuns or ounce thread, shall be one yard or 36 inches in circumference, and persons using other reels than as aforesaid, shall, on conviction, forfeit the reels so used, which shall be broken or destroyed, and pay to the informer *5l.*, to be levied as in *s. 4. pl. 5.* mentioned, *id. s. 1.*

3. All ounce thread manufactured in *G. B.*, shall be made up in hanks, ounces, quarters, and pounds, avoirdupois weight, each hank containing 30 threads or rounds of such reels of the same quality and fineness; and each ounce containing a particular number of such hanks entire of the same quality and fineness and no broken parts of a hank, and each quarter containing 4 such ounces of the same quality and fineness, and each pound, 4 such quarters of the same quality and fineness; and the cover of each package of such thread, shall be marked with a stamp shewing the contents thereof to be ounce thread, and the number of hanks in each ounce, and the manufacturer's name and abode; and no person shall reel or make up such thread, other than as aforesaid, or sell or expose to sale any ounce thread manufactured in *G. B.* but such as is so reeled, made up, and stamped; and any person who shall reel or make up any such thread other than as aforesaid, or who shall knowingly sell or expose to sale, any such thread of the manufacture of *G. B.* so reeled and made up, other than as aforesaid, and is convicted thereof, as by *s. 4. pl. 5.* mentioned, shall forfeit to the informer the thread so reeled and made up contrary to this act, and *10l.* for each pound avoirdupois, to be levied as in *s. 4. pl. 5.* mentioned, *id. s. 2.*

4. Such person who shall imitate or counterfeit the mark or stamp used by any manufacturer of such thread, in order to make the thread

stamped therewith pass for the manufacture of the person whose stamp is counterfeited, or who shall sell, or expose to sale, any thread so marked with a counterfeited stamp, knowing the same to be counterfeited, and shall be convicted as in *s. 4. pl. 5.* mentioned, shall forfeit such stamp to be destroyed; and also for the use of the person whose stamp is so counterfeited the thread so falsely stamped, and *10l.* to be levied as in *s. 4. pl. 5.* mentioned, 28 G. 3. c. 17. s. 3.

5. Any 2 justices for the county, city, riding, place, &c. where any offence against this act is committed, or the offenders reside, or are found, may, on information exhibited, or complaint made in writing, summon the party accused, and also the witnesses on either side, and examine into the matter; and on proof thereof made, either by confession or the examination of the party accused, or by oath of 2 witnesses, give judgment for the penalties as hereby directed, and may issue their warrant to execute such sentence, and for levying the penalties by distress and sale, if not redeemed within 10 days, on the offender's goods, rendering overplus to him, first deducting the charge of such distress and sale; and in case no such goods can be found, they may commit the offender to the prison of the county, &c. for 3 months, unless the penalties be sooner paid; and persons aggrieved by the judgment of such justices may, on giving security to make good the sentence, and to pay such costs as shall be ordered, in case the judgment is affirmed, appeal to the quarter sessions for such county, &c. and the justices there may summon and examine witnesses on oath, and finally determine the same; and if judgment is affirmed, they may order the appellant to pay such costs as to them seems meet, *id. s. 4.*

6. Such 2 justices and the quarter sessions may mitigate such penalties as to them seems meet, provided they be not reduced below one half and the full costs, *id. s. 5.*

7. If any person summoned as a witness before such justices touching such matters on either side shall neglect to attend, having no excuse to be allowed by such justices, he shall forfeit to the prosecutor *5l.* to be levied as in *s. 4. pl. 5.* directed, besides being compelled to appear and give evidence by means of another summons under like penalty, or any other means practised in law in similar cases, *id. s. 6.*

8. When any thread is seized under this act, and it is alleged that such thread is of foreign manufacture, the *onus probandi* shall lie on the owner thereof, and if he fail in such proof, the thread shall be forfeited, and the owner liable to the penalty, *id. s. 7.*

TITHES.

1. OF ACTIONS AGAINST THE CLERGY FOR TAKING OF TITHES 1 R. 2. c. 14.

2. Whenever any person of holy church is drawn into plea in the secular court for his own tithes taken by the name of goods taken away, and makes an exception, or alleges that the source of the business is only for tithes due, in such case a general averment shall not be taken without shewing the special matter how the same was a lay chattel, *id. ibid.*

3. THE STATUTE OF PROVISIONS 13 R. 2. St. 2. c. 2. EXTENDED to bulls to be discharged of tithes, 2 H. 4. c. 4. [AMD. 7 H. 4. c. 6. see PROVISORS.]

4. Of religious and seculars who put bulls to be discharged of tithes in execution, or shall purchase any such bulls, process shall be made against them by warning of 2 months by writ of *præmunire facias*; and if they make default, they shall incur the pains in the statute of *præmunire*, 16 R. 2. c. 5. contained, 2 H. 4. c. 4.

5. No person shall put in execution any bulls to be discharged of tithes pertaining to any parish church, prebend, hospital, or vicarage, on pain that persons disturbing any persons of holy church, so that they cannot take their tithes, shall incur the pains in 2 H. 4. c. 4. contained, 7 H. 4. c. 6.

6. HOW FARMERS OF ALIENS' POSSESSIONS SHALL PAY THEIR tithes, 5 H. 4. c. 11.

7. Tithes of lands belonging to aliens shall be paid duly by the occupiers, although the lands are seized into H. M.'s hands, *id. ibid.*

8. CONTAINING AN ORDER FOR TITHES THROUGHOUT THE REALM, 27 H. 8. c. 20. [QU. Is this act in force? see *s. 4. pl. 12.*]

9. All H. M.'s subjects of *Eng.*, *Wa.*, and *Calais*, according to the ecclesiastical laws and ordinances of the church of *Eng.*, and of the parish or place where they dwell, shall pay their tithes; and for subtractions of such tithes, offerings, or other duties, the parson or other party grieved may by due process of such ecclesiastical laws convent the offenders before the ordinary; and in case the ordinary of the diocese, or his commissary, or the archdeacon, or his official, or any competent judge for any contempt, contumacy, disobedience, or other misdemeanor of the defendant, make information to H. M.'s council, or to the justices of peace for the shire, to assist such ordinary, &c. to reform such person, such council or 2 such justices shall attach the person against whom such information is made, and commit him to ward, till he has found

surety, to be bound by recognizance or otherwise before H. M.'s counsellor or justice to the use of H. M., to give due obedience to the process of the ecclesiastical court of this realm wherein the suit depends, 27 H. 8. c. 20. s. 1.

10. This act shall not extend to the city of London, *id.* s. 2.

11. Every person party to such suit may have his action, demand, or prosecution, appeals, prohibitions, and other lawful defences and remedies according to the ecclesiastical law, *id.* s. 3.

12. This act shall be in force only until H. M. and 32 others named by him have under 27 H. 8. c. 15. (which is now Exp.) ratified the ecclesiastical laws of the realm, and the tithes shall then be paid according to such laws, *id.* s. 4.

13. FOR THE TRUE PAYMENT OF TITHES AND OFFERINGS, 32 H. 8. c. 7. and recital in s. 1. [CONF. 2 & 3 E. 6. c. 13. s. 1.]

14. All persons shall truly set out and pay their tithes and offerings according to the custom of the place, and if they do not, and any person shall withhold the same, then the party being ecclesiastical or lay person, having cause to demand the same, may convent the offenders before the ordinary or other competent minister of the place according to the ecclesiastical law, who having the parties and their procurators before them, shall examine and determine such cause ordinarily or summarily, according to the course of the ecclesiastical laws, 32 H. 8. c. 7. s. 2.

15. And if any of such parties do appeal from the sentence of such ordinary, &c. such judge shall award to the other party reasonable costs, and compel the appellant to pay the same by censures and other compulsory process, taking surety of the appellee to restore such costs, in case such appeal is adjudged against him, and so every ordinary or other judge under this act shall award costs to the other party upon appeal made in any suit for subtraction or detention of tithes or offerings, or in any other suit concerning tithes, *id.* s. 3.

16. If any persons, after sentence definitive given against them, obstinately and wilfully refuse to pay their tithes or duties, or such sums of money wherein they be condemned for the same, 2 justices of peace of the shire, whereof one of the *quorum*, shall, upon information, certificate, or complaint, made in writing by the ecclesiastical judge that gave the sentence, cause the party refusing, to be attached and committed to the next gaol, till he shall have found surety to the use of H. M. to perform the sentence, *id.* s. 4.

17. No person shall be sued or compelled to pay tithes for any manors; lands, &c. which by law are not chargeable with such tithes, *id.* s. 5.

18. This act shall not bind the inhabitants of the city of London to pay their tithes and offerings within the city otherwise than as before this act, *id.* s. 6.

19. Where any persons which shall have any estate of inheritance, freehold, term, right, or interest, in any parsonage, vicarage, portion, pension, tithes, oblations, or other ecclesiastical or spiritual profit, made temporal, or admitted to be in temporal hands by law, shall be disseised, or otherwise put from their lawful inheritance or interest by any person claiming title to the same; the persons so disseised, or put from their right, their heirs, wives, and such other to whom such injury shall be done, shall have their remedy in H. M.'s temporal courts, or other temporal court, as the case shall require, for the recovery of such inheritance or interest, by writs of *præcipe quod reddat*, assise of *novel disseisin*, *mort d'ancestor*, *quod ei de forceat*, writs of dower, or other writs original, as the case requires; and writs of covenant, and other writs for fines and other assurances of any such parsonage, vicarage, portion, pension, or other profit, called ecclesiastical or spiritual, shall be devised and granted in the chancery, as hath been used for lands; and judgments given and fines levied of tithes shall be of like force as of lands, *id.* s. 7.

20. Provided that this act shall not give remedy or suit in the courts temporal, against any person which shall refuse to set out his tithes, or detain his tithes or offerings, but the same shall be in the spiritual court, *id.* s. 8.

21. FOR THE TRUE PAYMENT OF TITHES, 2 & 3 Ed. 6. c. 13. [AMD. 53 G. 3. c. 127. s. 5.]

22. Every of H. M.'s subjects shall justly, without fraud, set out and pay all manner of their predial tithes in kind as they happen, as have been of right paid within 40 years before this act, or of right or custom ought to have been paid. And no person shall carry away any such or like tithes which have been paid within such 40 years, or of right ought to have been paid, in the places titheable, before he hath justly set forth for the tithe, the 10th part of the same, or otherwise agreed for such tithes with the parson, vicars, or other owner, or farmer thereof, under pain to forfeit treble value of the tithes so taken away, 2 & 3 Ed. 6. c. 13. s. 1.

23. Whensoever the said predial tithes shall be due, every party, to whom such tithes ought to be paid, or his servant, may see their tithes truly set forth, and the same quietly may carry away; and if any person carry away his corn or hay, or other predial tithes, before the tithe be set forth, or willingly withdraw his tithes of the same, or of such other

things whereof predial tithes ought to be paid, or do stop the parson, vicar, owner, or their farmers, to view and carry away their tithes, by reason whereof the tithe is lost or impaired; upon proof thereof made before the spiritual judge, or any other judge, to whom heretofore he might have made complaint, the party so withdrawing or stopping shall pay the double value of the tithe so taken, lost or carried away, besides costs, to be recovered before the ecclesiastical judge, according to the ecclesiastical laws, 2 & 3 Ed. 6. c. 13. s. 2.

24. Every person which shall have any beasts or cattle titheable, depasturing in any waste or common ground, whereof the parish is not certainly known, shall pay their tithe for the increase of such cattle to the parson, owner, or their farmers, of the parish or place where the owner of such cattle inhabiteth, *id.* s. 3.

25. No person shall be sued, or compelled to pay tithes for any manor, lands, &c. which by law, or by any privilege or prescription, are not chargeable with such tithes, or that be discharged by any composition real, *id.* s. 4.

26. All such barren heath or waste ground, other than such as be discharged of tithes by act of parliament, which before this time have paid no tithes by reason of barrenness, and shall be improved and converted into arable ground or meadow, shall, after 7 years after such improvement, pay tithe for the corn and hay growing upon the same, *id.* s. 5.

27. If any such barren, waste, or heath ground, hath before this time been charged with tithes, and the same be hereafter improved and converted into arable ground or meadow; the owners shall, during 7 years after the improvement, pay such kind of tithe as was paid for the same before the improvement, *id.* s. 6.

28. Every person exercising merchandizes, bargaining and selling, clothing, handicraft, or other art or faculty, being such persons, and in such places, as within these 40 years have used to pay personal tithes, or of right ought to pay, other than such as be common day-labourers, shall yearly at or before *Easter*, pay for his personal tithes, the 10th part of his clear gains, his charges and expenses, according to his estate or degree to be deducted, *id.* s. 7.

29. In all such places where handicraftsmen have used to pay their tithes within these 40 years, the same custom shall continue, *id.* s. 8.

30. If any person refuse to pay his personal tithes, the ordinary of the diocese where the party is dwelling, may call the party before him, and examine him by all lawful means, other than the party's own oath, concerning the payment of such tithes, *id.* s. 9.

31. All persons, which by law ought to pay their offerings, shall yearly pay their offerings to the parson, vicar, proprietor, or their deputies or farmers, of the parishes where they dwell; and at such 4 offering days, as heretofore within 4 years hath been accustomed, and in default thereof pay for their said offerings at *Easter* following, *id.* s. 10.

32. This act shall not extend to any parish on the sea-coasts, the commodity whereof consisteth chiefly in fishing, and have used to satisfy their tithes by fish, but that every such parish shall pay their tithes as they have of ancient time within these 40 years accustomed, and shall pay their offerings as in s. 10. *pl.* 31., *id.* s. 11.

33. This act shall not extend to the inhabitants of the city of London and Canterbury, or the suburbs of the same, nor to any other town or place that hath used to pay their tithes by their houses, otherwise than as before this act, *id.* s. 12.

34. If any person subtract any manner of tithes, obventions, profits, or other duties before mentioned, he shall be sued in H. M.'s ecclesiastical court by the party grieved; and the parson, vicar, owner, or other their farmers, shall not sue such withholders of tithes, or other such duties, before any other judge than ecclesiastical; and if any archbishop, bishop, chancellor, or other judge ecclesiastical, give any sentence in such causes, and (no appeal nor prohibition hanging) the party condemned do not obey the sentence, such judge ecclesiastical may excommunicate the party disobeying; in which sentence of excommunication, if the party wilfully endure 40 days, upon publication thereof in the parish church where the party is most abiding, the judge ecclesiastical may at his pleasure signify to H. M., in chancery, the condition of such party excommunicate, and thereupon require process *de excommunicato capiendo*, *id.* s. 13.

35. If any party for any cause before, by s. 13. *pl.* 34. limited to be determined in the court ecclesiastical, sue for any prohibition in H. M.'s court, the party, before any prohibition shall be granted, shall deliver to some of the judges of the court the copy of the libel in the ecclesiastical court, subscribed with the hand of the party; and under the copy of the libel shall be written the suggestion, whereof the party demandeth the prohibition: and in case the suggestion by two witnesses be not proved in such court within six months after the prohibition shall be granted, the party that is hindered by such prohibition, shall, upon his request have a consultation, and shall also recover double costs and damages, to be assessed by such court, and recovered by action of debt, &c. or information, in any court of record, wherein no essoin, &c., *id.* s. 14.

36. This act shall not give any minister or judge ecclesiastical any

jurisdiction to hold plea of any matter contrary to the statute, 13 E. 1. (*West. Sec.*) c. 5. statutes of *articuli cleri*, (9 E. 2.) *circumspecte agatis*, (13 E. 1.) *silva cædua*, (45 E. 3. c. 3.) the treatise *De regia prohibitionibus*, (1 E. 5. S. 2. c. 11.) nor against the statute 1 E. 3. S. 2. c. 10. nor yet hold plea in any matter whereof H. M.'s court ought to have jurisdiction, 2 & 3 E. 6. c. 13. s. 15.

37. Where such custom hath been in many parts of *Wa.*, that of such goods as hath been given with the marriage of any person their tithes have been exacted by the parsons and curates, no such tithes of marriage goods shall be exacted, *id.* s. 16.

38. No action shall be brought for the recovery of any penalty for not setting out tithes, nor any suit instituted in any court of equity or ecclesiastical court to recover the value of any tithes, unless such action is brought within 6 years from the time the tithes became due, 57 G. 3. c. 127. s. 5.

39. FOR THE MORE EASY RECOVERY OF SMALL TITHES, 7 & 8 W. 3. c. 6. [CON. 10 & 11 W. 3. c. 15. MADE PERP., 3 & 4 A. c. 18. AMD. 53 G. 3. c. 127. ss. 4. 6.]

40. For the more easy recovery of small tithes, where the same do not amount to above the yearly value of 40s. from any one person; every person shall truly set out and pay all small tithes, and compositions for the same, with all offerings, oblations, and obventions, to the rectors, vicars, and other persons to whom they shall be due, according to the rights, customs, and prescriptions used within the parishes of *Eng.*, *Wa.*, and *Ber.*; and if any person shall subtract, or fail in the payment of such small tithes, offerings, &c. 30 days after demand, the persons to whom the same shall be due, may make their complaint in writing unto 2 justices of peace within that place where the same shall grow due; neither of which justices shall be patron of the church whence the tithes arise, nor interested in such tithes, &c., 7 & 8 W. 3. c. 6. s. 1.

41. The power of justices of peace in regard to tithes, not exceeding 40s. annual value given by 7 & 8 W. 3. c. 6. s. 1. shall extend to tithes, not exceeding 10 $\frac{1}{2}$ l., from one person in all such cases, and one justice may receive the original complaint, and summon the party to appear before 2 justices, as in the said act set forth, 53 G. 3. c. 127. s. 4.

42. If any complaint shall be brought to 2 justices of peace concerning small tithes, offerings, &c. they shall summon in writing, under their hand and seal, by reasonable warning, the person complained of; and after his appearance, or default of appearance, such summons being proved upon oath, such justices shall proceed to hear and determine the complaint; and upon the proofs produced, shall in writing adjudge the case, and give such compensation upon such tithes, &c. as they shall judge reasonable, and also costs not exceeding 10s., 7 & 8 W. 3. c. 6. s. 2.

43. If any person shall neglect, by 10 days after notice, to pay any such sum, as upon such complaint shall by 2 justices be adjudged, the constables and churchwardens of the parish, or one of them, shall by like warrant of such justices distrain the goods of the party, and after detaining them 3 days, in case the sum adjudged together with reasonable charges be not in the mean time paid, shall make public sale of the same, and pay the complainant his demand, and such costs for such distress as such justices think fit, *id.* s. 3.

44. All justices, in the examination of matters offered to them by this act, may administer an oath to any witness, *id.* s. 4.

45. This act shall not extend to any tithes, &c. within *London*, nor to any other city or town corporate where the same are settled by act of parliament, *id.* s. 5.

46. No complaint concerning any small tithes, &c. shall be determined by justices of peace, unless the complaint be made within 2 years after the same tithes, &c. become due, *id.* s. 6.

47. Any person aggrieved by any judgment given by 2 justices, may appeal to the next quarter sessions, and the justices there may finally determine the matter; and if the justices then present find cause to confirm such judgment, they shall give costs against the appellant, to be levied by distress and sale of his goods; and no proceedings by virtue of this act, shall be removed or superseded by *certiorari*, or other writ, unless the title of such tithes, &c. be in question, *id.* s. 7.

48. Where any person complained of for subtracting small tithes, &c. shall before the justices insist upon any prescription, composition or *modus decimandi*, agreement or title, and deliver the same in writing to the justices subscribed by him, and shall then give to the party complaining security to the satisfaction of such justices, to pay all such costs and damages, as upon a trial at law shall be given against him, in case such prescription, &c. shall not be allowed; the justices shall forbear to give judgment in the matter, and the persons complaining shall be at liberty to prosecute such persons for their subtraction in any other court, *id.* s. 8.

49. Every person who shall by virtue of this act obtain any judgment, or against whom any judgment shall be obtained, before justices out of sessions for small tithes, &c. shall cause such judgment to be inrolled at the next quarter-session; and the clerk of the peace shall,

on tender thereof inrol the same, and he shall not ask for the inrolment any fee exceeding 1s.; and the judgment so enrolled, and satisfaction made by paying the sum adjudged, shall bar such rectors and other persons from any other remedy for the same tithes, &c., 7 & 8 W. 3. c. 6. s. 9.

50. If any person against whom such judgment shall be had, shall remove out of the county, &c. after judgment, and before the levying the sum adjudged, such justices who made the judgment, or one of them, shall certify the same to any justice of such other county, wherein such person shall be inhabitant; which justice shall, by warrant under hand and seal, directed to the constables or churchwardens of the place, levy the sum adjudged upon the goods of such person, as if he had not removed, *id.* s. 10.

51. The justices who shall hear and determine any such matters, shall give costs, not exceeding 10s. to the party prosecuted, if they find the complaint false and vexatious; which costs shall be levied as in s. 7. *pl.* 47. aforesaid, *id.* s. 12.

52. If any person shall be sued for any thing done in execution of this act, and the plaintiff discontinue, is nonsuit, or has a verdict against him, such person shall recover double costs, *id.* s. 13.

53. Any person who shall begin any suit for recovery of such small tithes, &c. in the court of exchequer, or in any ecclesiastical court, shall have no benefit by this act for the same matter, *id.* s. 14.

54. FOR THE BETTER ASCERTAINING THE TITHES of hemp and flax, [3 W. & M. c. 3. EXP.] 11 & 12 W. 3. c. 16. [CON. 6 A. c. 28. MADE PERP. 1 G. 1. S. 2. c. 26. s. 2.]

55. All persons who shall sow any hemp or flax, in any parish in *Eng.*, *Wa.*, or *Ber.*, shall pay to every parson, vicar or impropriator of such parish, 5s., and no more yearly for every acre of hemp and flax sown before the same is carried off the ground, and so in proportion for a greater or less quantity, 11 & 12 W. 3. c. 16. s. 1.

56. This act shall not charge any lands discharged by any *modus decimandi*, ancient composition, or otherwise, *id.* s. 2.

57. FOR MORE EASY RECOVERY OF CHURCH RATES AND TITHES, 53 G. 3. c. 127. ss. 4—12. for *Eng.*, 54 G. 3. c. 68. ss. 4—14. for *Ire.* [See rest of these titles and statutes, *ante*, COURTS, ECCLESIASTICAL, *pl.* 32.]

58. Two or more justices of peace in *Eng.* and *Ire.*, shall hear and determine all complaints touching tithes, offences, ecclesiastical dues or compositions, subtracts, &c. where the same do not exceed 10 $\frac{1}{2}$ l. from any one person, in all such cases, and by all such means, and subject to all provisions by appeal or otherwise given for small tithes, &c. not exceeding 40s. by 7 & 8 W. 3. c. 6. s. 1. *Eng.*, *pl.* 39. and by 1 G. 2. c. 12. *Ire.*, and 13 & 14 G. 3. c. 41. *Ire.*; but one justice shall be competent to receive the original complaint, and to summon the parties to appear before 2 or more justices, as in *pl.* 40., 53 G. 3. c. 127. s. 4. *Eng.*, 54 G. 3. c. 68. s. 4. *Ire.*

59. No action shall be brought for recovery of any penalty for not setting out tithes, nor any suit instituted in any court, ecclesiastical or of equity, to recover the value of any tithes, unless within 6 years of the tithes becoming due, s. 5. of both acts.

60. Recital "That by 7 & 8 W. 3. c. 34. s. 4. and 1 G. 1. S. 2. c. 6. s. 2. and 7 G. 3. c. 21. *Ire.*, (MADE PERP. 12 G. 3. c. 10. s. 9. *Ire.*) where a quaker refuses to pay or compound for his great or small tithes, or to pay church rates, 2 or more H. M.'s justices shall hear and determine the same, if not exceeding 10 $\frac{1}{2}$ l. value," their power is extended to 50 $\frac{1}{2}$ l.: and one justice may receive the original complaint, and summon the parties to appear before 2 or more justices, as in *pl.* 40. s. 6. of both acts.

61. Where person rated to church or chapel rate, or parish cess, (the validity of which has not been questioned in ecclesiastical court,) shall refuse to pay same, any justice of the county, city, or town, where the church is situate, on complaint of the churchwardens, who ought to receive the same, may convene by warrant such person before 2 or more justices, and examine on oath, administered by them, into the merits of the complaint, and by order under their hands and seals, may order payment of any sum so due, not exceeding 10 $\frac{1}{2}$ l., besides costs, ascertained by the justices; and on refusal or neglect to pay according to such order, any one of such justices by warrant under hand and seal may levy the money thereby ordered to be paid, with the above costs, as well as those of distress, being first allowed as above, by distress and sale of the goods of offender, his executors or administrators rendering him the overplus: and any person grieved by the judgment of 2 or more such justices, may appeal to the next quarter sessions for the county, &c. wherein the church, &c. for which the rate was made, is situate, and if the justices present, or a majority, find cause to affirm the judgment, it shall be decreed by order of sessions, with costs, to be levied by distress and sale of appellant's goods: provided that where such appeal is made as above, no distress warrant shall be granted till after its determination, and that nothing herein shall alter the jurisdiction of ecclesiastical courts to hear and determine causes touching the

validity of any church or chapel rate, or from enforcing payment thereof, if exceeding 10*l.*, from the party proceeded against: if the validity of such rate, or liability of the person from whom it is demanded, be disputed, and the party give notice thereof to the justices, they shall forbear giving judgment thereon, and the person demanding the same may proceed to recovery of their demand by due course of law; but nothing herein shall affect parliamentary regulations respecting church or chapel rates, of any particular parishes or districts, 53 G.3. c. 127. s. 7. *Eng.*, 54 G.3. c. 68. s. 7. *Ire.*; or for rebuilding and repairing churches, contained in 12 G.1. c. 9. *Ire.*, 54 G.3. c. 68. s. 7. *only*.

62. The chairman of the sessions of peace for the county of *Dublin*, may hear in a summary way by civil bill all actions on monitions, from metropolitical and consistorial court of the diocese of *Dublin*, for non-payment of sums in which the parties are condemned therein for predial tithes, growing in such county, and costs of suit according to 7 G.3. c. 21. s. 6. (*Ire.*) without limitation of amount, 54 G.3. c. 68. s. 8. [The *Irish* acts recited as to such jurisdiction in the sessions in *Ire.*, are 2 G.1. c. 11., 7 G.3. c. 21., 27 G.3. c. 40., 36 G.3. c. 25., 39 G.3. c. 16.]

63. If any proctor of the arches court of *Canterbury*, or other ecclesiastical courts in *Eng.*, or in court of prerogative, or in the ecclesiastical courts of *Armagh*, *Dublin*, or others in *Ire.*, shall act as such, or suffer his name to be used in any suit, the prosecution or defence of which belongs to his office of a proctor, or in obtaining probates, letters of administration, or marriage licences, for benefit of any person, not being a proctor, or shall suffer such person to participate in the profits, he shall be struck off the roll of proctor, and be disabled from acting as such, or suspended therefrom, at will of the court, except allowances to widows or children of deceased proctors, by their surviving partners, and except agreement between proctors and articulated clerks executed before the act, 53 G.3. c. 127. s. 8. *Eng.*, 54 G.3. c. 68. s. 9. *Ire.*

64. Every person acting as proctor in his own or another's name for fee, or with a view to participation of profit, without admission and enrolment, shall forfeit 50*l.*, 53 G.3. c. 127. s. 9. *Eng.*, 54 G.3. c. 68. s. 10. *Ire.*

65. Nothing herein shall extend to any salary agreed to be paid by a proctor to a clerk, *bond fide*, serving in his office at the time of passing this act, and having so served the 7 years next preceeding, 53 G.3. c. 127. s. 10. *Eng.*, 54 G.3. c. 68. s. 11. *Ire.*

66. Such penalties and plaintiff's full costs shall be recovered, to H.M.'s use, in any of H.M.'s courts at *Westminster*, or his 4 courts in *Dublin*, by action of debt, plaint, bill, or information: wherein no *essoin*, &c. and only one imparlance allowed, 53 G.3. c. 127. s. 11. *Eng.*, 54 G.3. c. 68. s. 12. *Ire.*

67. Limitation of action, &c. under these acts is 3 calendar months, laying the venue in the city and county where the cause thereof arose: defendant may plead the general issue, giving this statute and special matter in evidence, and that the act was done under authority thereof: if it shall so appear, or if the action is brought in a wrong county, or after 3 months, the judge shall find for defendant, and on such verdict, or on nonsuit, or discontinuance by plaintiff, after defendant's appearance, or on judgment against plaintiff on demurrer, defendant shall have treble costs, 53 G.3. c. 127. s. 12. *Eng.*, 54 G.3. c. 68. s. 13. *Ire.* [Nothing in 54 G.3. c. 68. extends to any part of U. K. but *Ire.*, 54 G.3. c. 68. s. 14.]

TOBACCO.

(STATUTES *expired*.)

TO PERMIT THE USE AND REMOVAL OF TOBACCO, the growth of *Scot.* into *Eng.* for a limited time, under certain restrictions, 22 G.3. c. 73. s. 2. (see s. 1. in force, *pl.* 1.) [EXPL. 23 G.3. c. 75. s. 2. *both* EXP.]

(STATUTES *in force*.)

1. FOR PROHIBITING THE PLANTING, SETTING, OR SOWING of tobacco in *Eng.* and *Ire.*, 12 C.2. c. 34. [CONF. 13 C.2. c. 14. AMD. 15 C.2. c. 7. ss. 18—20. 22 & 23 C.2. c. 26. and recital in s. 1. EXTD. to *Scot.*, 22 G.3. c. 73. s. 1. REP. AS TO *Ire.*, 19 G.3. c. 35. s. 1.]

2. No person shall set, plant, improve to grow, make or cure any tobacco, either in seed plant, or otherwise, in any field or place, within *Eng.*, *Wa.*, *Guernsey*, *Jersey*, or *Ber.*, or in *Ire.*, under the penalty of the forfeiture of such tobacco, or the value thereof, or 40*s.* for every pole of ground so planted, and so in proportion, to go one moiety to H.M., and the other to the party suing by bill, plaint, or information in any court of record, wherein no *essoin*, &c., 12 C.2. c. 34. s. 1.

3. All persons who shall so plant, &c. tobacco, as in 12 C.2. c. 34. s. 1. shall, besides the penalty thereby inflicted, forfeit 10*l.* for every rod of ground so planted, &c. one third to H.M., one-third to the use of the poor of the parish where the tobacco was planted, and the other to the party suing by action of debt, &c. or information in any court of record at *Westminster*, wherein no *essoin*, &c., 15 C.2. c. 7. s. 18.

4. All sheriffs, justices of peace, mayors, bailiffs, constables, and every

of them, on information or complaint made by any officer of customs, or other person, that there is any tobacco set or planted within their jurisdiction contrary to this act, shall, within 10 days after, cause the same to be burnt or destroyed, 12 C.2. c. 34. s. 2.

5. If any person shall resist the execution of this act, he shall forfeit 5*l.*, to be recovered as in s. 1. *pl.* 2. and if not paid, the same may be distrained for, and if no distress, the party shall be committed to gaol for 2 months, *id.* s. 3.

6. Besides the penalty for resisting the execution of the 12 C.2. c. 34. by that act given, the offender shall be committed to the county gaol, until he shall enter into recognizance to H.M., with 2 sureties of 10*l.* penalty, not to commit the like offence again, 15 C.2. c. 7. s. 19.

7. All justices of peace shall, a month before the quarter sessions of their respective counties, issue their warrants to all high and petty constables, and tithing-men, requiring them to search what tobacco is sown, or planted, or growing, or curing, and by whom, and to make a true presentment in writing, on oath, at the next sessions for such county, of the names of all persons as have sown, &c. any tobacco, and what quantity of land is so sown, &c. and who are the tenants of such land, who shall be deemed the planters thereof, 22 & 23 C.2. c. 26. s. 2.

8. Which presentment shall be filed by the clerk of the peace in open sessions, and then shall be a sufficient conviction of all persons so sowing, &c. tobacco, either in seed, plant, leaf, or otherwise, contrary to the 12 C.2. c. 34. and 15 C.2. c. 7. ss. 18—20. unless such person (having notice of such presentment, by leaving a copy thereof with him or at his house, 10 days before such sessions,) shall at such sessions traverse such presentment, and find sureties to prosecute the same at the next ensuing sessions for the county, *id.* s. 3.

9. All constables, tithingmen, bailiffs, and other officers, within 14 days after warrant from 2 justices of peace, for the county, town, city, or place, calling to their assistance such persons as they deem fit, shall destroy all tobacco seed, plant, or leaf, planted, sowed, or growing in any ground, *id.* s. 4.

10. If any such tobacco is suffered to grow, or be consumed in seed, plant, or leaf, in any township, hamlet, or place, for 14 days after the receipt of such warrant, by such constables, &c. such constables, &c. shall forfeit 5*s.* for every rod of ground so set, planted, or sowed, one moiety to H.M., and the other to him that will sue for the same by action of debt, &c. or information in the courts at *Westminster*, *id.* s. 5.

11. In case any person shall neglect to assist (being required) any constable, &c. in the execution of this act, he shall, on conviction before 2 justices of the county, forfeit 5*s.*, to be levied by warrant of distress on his goods, and if no distress, the offender shall be committed to the common gaol of the county for one week, *id.* s. 6.

12. If any person shall resist any constable, or other officer, in the execution of this act, then such person on conviction before 2 justices for the county, shall forfeit 5*l.* to be levied by warrant from such justices, by distress and sale; and if no distress, such offender shall be committed to the county gaol for 3 months, *id.* s. 7.

13. If any action is brought against any person for any thing done under this act, or the 12 C.2. c. 34. or 15 C.2. c. 7. ss. 18—20. such person may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff is nonsuited, or discontinues, or has a verdict against him, the defendant shall have costs, *id.* s. 8.

14. This act shall not extend to hinder the planting of tobacco, in any physic garden, of either university, or in any private garden for physic or chirurgery, so as the quantity planted does not exceed half a pole, 12 C.2. c. 34. s. 4. 15 C.2. c. 7. s. 20. 22 & 23 C.2. c. 26. s. 9.

15. FOR PROMOTING THE CONSUMPTION OF SUCH TOBACCO as shall have paid H.M.'s duties, 6 A. c. 22. ss. 12, 13.

16. No commander of any ship of war, or purser thereof, shall sell or deliver to any seamen or marines on board of such ship, any tobacco of the growth of *Europe*, nor any tobacco mixed with tobacco of such growth, *id.* s. 12.

17. All tobacco to be used on board any of H.M.'s ships of war in *Europe*, shall be of the growth of the *British* plantations which hath paid H.M. the duties, and been manufactured in *G. B.*, upon pain that every commander or purser who shall knowingly offend herein, shall forfeit his place, and 3*s.* for every pound of tobacco so sold and delivered; one moiety to H.M., and the other to the informer who shall sue for the same by action or information in any of the courts at *Westminster*, wherein no *essoin*, &c. and only one imparlance allowed, *id.* s. 13.

18. TO PREVENT THE MISCHIEFS by manufacturing leaves and other things to resemble tobacco, and the abuses in making and mixing snuff, 1 G.1. S.2. c. 46. [AMD. 5 G.1. c. 11. s. 22.]

19. Every person who shall cut, or procure to be cut, any walnut leaves, hop leaves, sycamore leaves, or other leaves or materials (not being tobacco leaves), into the form of any the usual cuts, which tobacco shall be cut into for sale; or shall colour or cure, or procure to be coloured or cured, any such leaves, &c. to make them resemble tobacco; or shall sell, or offer to sell, knowingly, any such leaves, &c. mixed or

unmixed with tobacco, as if the same were tobacco, shall forfeit for every pound weight 5s., one moiety to H.M. (bearing the charge of prosecution), and the other to the informer; to be recovered with costs by action of debt, &c. or information in any of the courts at Westminster, or in the exchequer in Scot., wherein no essoin and only one imparlance allowed, 1 G. 1. St. 2. c. 46. s. 1.

20. Every person who shall export, or put on board for exportation, any such leaves, &c. or endeavour to obtain a drawback for the same as if it were tobacco which had paid the duty, shall forfeit 5s. for every pound weight, over and above all other penalties, to be recovered and applied as in s. 1., *id.* s. 2.

21. All leaves, &c. so cut, coloured, &c. and all utensils made use of in cutting or curing the same, may be searched for and seized by any officer of the customs, or by any persons thereto authorized by writing under hand and seal from the treasury, or the commissioners of the customs in Eng. or Scot., *id.* s. 3.

22. No house, &c. shall be opened to search for such leaves, &c. but at seasonable hours, and not without a warrant from two justices; and such leaves, &c. which shall be seized within the limits of any port, or within six miles of the same, shall be brought to the next customhouse warehouse; and if seized at a greater distance, shall be secured by order of two justices, at H.M.'s charge, till the cause of such seizure shall be determined by the justices at the next or second quarter-sessions after such seizure; and all such leaves, &c. after condemnation, shall be openly burnt at H.M.'s charge, *id.* s. 4.

23. All servants and labourers employed in cutting, &c. such leaves, &c. or in vending the same, and being convicted by the oath of one person before two justices, shall by them be committed to the common gaol or house of correction, to be kept at hard labour for not exceeding 6 months, *id.* s. 5.

24. Persons sued for any thing done in pursuance of this act may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff be nonsuit, discontinues, or has a verdict against him, the defendant shall recover treble costs, *id.* s. 6.

25. If any person shall make, mix or colour any snuff with ochre, umber, or any other colouring, (except with water tinged with Venetian red only), or shall mix with any snuff any fustick or yellow ebony, touchwood, or other wood, or any dirt, sand or dust sifted from tobacco, or knowingly sell or expose to sale such snuff, he shall forfeit the snuff, and 3l. for every pound weight thereof, to be recovered and applied as in s. 1. *pl.* 19., *id.* s. 7.

26. The powers of 1 G. 1. St. 2. c. 46. shall be in full force against persons who shall make, mix or colour, or cause to be made, &c. any sort of snuff, with any sort of ochre, umber or other colouring, except water tinged with Venetian red, or shall mix, or cause to be mixed, with any sort of snuff, fustick or yellow ebony, touchwood, or other sort of wood, or any dust, sand or tobacco dust, 5 G. 1. c. 11. s. 22.

TOLLS.

1. THE PENALTY for taking excessive tolls in a city, &c. Murage granted to cities, 3 E. 1. c. 31.

2. If any take excessive toll in H.M.'s own town, H.M. shall seize into his own hand the franchise of the market; and if it be in another's town, and the same be done by the lord of the town, H.M. shall do in like manner; and if it be done by a bailiff or mean officer without the lord's commandment, he shall restore the plaintiff double the outrageous taking, and shall have 40 days' imprisonment; touching citizens and burgesses to whom H.M. hath granted murage to enclose their towns, which take such murage otherwise than it was granted, they shall lose their grant for ever and be grievously amerced, *id.* *ibid.*

TOKENS. (See COIN.)

(STATUTES repealed.)

1. TO PREVENT THE COUNTERFEITING OF SILVER PIECES denominated tokens intended to be issued and circulated by the governor and company of the bank of Eng. for the respective sums of 5s. 6d., 3s. and 1s. 6d., and to prevent the bringing into the kingdom, or uttering any such counterfeit pieces or tokens, 57 G. 3. c. 110.

2. FOR THE FURTHER PREVENTION OF THE COUNTERFEITING OF silver tokens issued by the governor and company of the bank of Eng., called dollars, and of silver pieces issued and circulated by such governor and company called tokens, 52 G. 3. c. 138. ss. 1—4. [For rest of title, see BANK OF ENGLAND, *pl.* 74, 75.] [Both these acts may be deemed virtually REP. since the bank has been restrained from issuing such dollars or tokens by 57 G. 3. c. 113. which see, *post*, *pl.* 26., and see also 44 G. 3. c. 71. for *Ir.*]

(STATUTES in force.)

1. TO PREVENT THE ISSUING AND CIRCULATING of pieces of gold and silver, or other metal, usually called tokens, except such as are issued by the banks of Eng. or *Ir.* respectively, 52 G. 3. c. 157. [AMD. and the time for issuing such tokens EXT. 53 G. 3. c. 19., 53 G. 3. c. 114., 54 G. 3. c. 4. EXT. to copper tokens, 57 G. 3. c. 46.]

2. No piece of gold or silver, or mixed metal composed in part of gold or silver, of whatever value, shall be manufactured or originally issued as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value denoted thereon, either by letter, words, figures or otherwise, whether such value is to be paid in money or goods, or otherwise; and every person who shall make or originally issue as for nominal value any such token, shall, for each such token, forfeit not less than 5l., or more than 20l., in discretion of the justice hearing the offence, 52 G. 3. c. 157. s. 1.

3. Certain tokens allowed to be circulated for a limited time, *id.* s. 2. [The 52 G. 3. c. 157. s. 2. shall be REP., but such tokens shall not be circulated after 5th July, 1813, 53 G. 3. c. 19. ss. 1, 2. which is also REP. and such tokens not to be circulated after 6 weeks after the then next session of parliament, 53 G. 3. c. 114. ss. 1, 2. which is also REP., 54 G. 3. c. 4. s. 1.]

4. From 6 weeks after the then next session of parliament, no piece of gold or silver, or of any mixed metal composed in part of gold or silver, shall pass as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value denoted thereon, and every person who shall after such day pass the same, shall, for each such token so passed, whether such person is concerned in the original issuing, or be only the bearer or holder thereof for the time being, forfeit not less than 5l., or more than 10l. in the discretion of the justice who shall determine the offence; provided nothing herein shall prevent the presentation of such token to its original issuer, or discharge such issuer from his liability to pay the same, 54 G. 3. c. 4. s. 2.

5. Penalties imposed by this act shall be applied and levied as in 52 G. 3. c. 157. s. 8. *pl.* 18. directed, and the powers, &c. of that act shall be in force, and be applied to this act, 53 G. 3. c. 19. s. 4., 53 G. 3. c. 114. s. 6., 54 G. 3. c. 4. s. 5.

6. This act shall not affect the tokens issued by the banks of Eng. or *Ir.*, or subject such banks to any penalty for issuing and circulating the same, 52 G. 3. c. 157. s. 3., 53 G. 3. c. 19. s. 3., 53 G. 3. c. 114. s. 5., 54 G. 3. c. 4. s. 5.

7. No piece of copper, or mixed metal composed in part of copper, of whatever value the same may be, shall be made or originally issued as a token for money, or as purporting that the holder is entitled to demand any value denoted thereon, either by letters or otherwise, whether such value is to be paid or given in money or goods, or in any manner; and every person who shall make, or originally issue, any such token, shall, for every token, forfeit not less than 1l. nor more than 5l., at the discretion of the justice who determines the offence, 57 G. 3. c. 46. s. 1.

8. No piece of copper of any such mixed metal shall pass as a token for money, or as purporting that the bearer or holder thereof is entitled to demand any value denoted thereon; and every person who shall pass as for any nominal value in money or goods, any such token, shall, for every token, whether such person was concerned in the original issuing, or only the holder thereof, forfeit not less than 2s. nor more than 10s., at the discretion of the justice; but nothing in this act shall prevent any person from presenting any such token for payment to the original issuer thereof, or to discharge any such original issuer from his liability to pay; but nothing in this act shall affect any tokens issued by the bank of Eng., *id.* s. 2.

9. Nothing in this act shall prevent the Sheffield penny token from being passed and circulated at any time previous to the 25th of March, 1823; but after such day this act shall prevent such tokens from being passed, *id.* s. 3.

10. In case any tokens issued previous to this act, with the super-scription *Sheffield penny token*, shall, after the 25th of March, 1823, and previous to the 25th of September, 1823, be presented to the overseers of the township of Sheffield at the workhouse, such overseers shall receive such tokens, paying to the holder one penny of the current coin of the realm for each; and in case such overseers shall neglect so to do, one justice, upon complaint on oath, may summon such overseers, and order them to receive such token, and to pay one penny for the same, together with all costs attending such complaint; and such overseers may pay such penny out of any money received by them for the relief of the poor; but shall not pay such costs out of such money, *id.* s. 4.

11. And in case such overseers shall, at any time previous to the 25th of March, 1823, deem it advisable to call in such tokens, they may take such measures as may seem necessary for that purpose; paying for each one penny of the current coin of the realm, *id.* s. 5.

12. Also other tokens bearing the superscription *Birmingham, one penny*, are in like manner permitted to pass until 25th of March, 1820, 57 G.3. c.46. ss. 6, 7, 8.

13. Nothing herein shall extend to any copper money current by virtue of H.M.'s proclamation, *id.* s.18.

14. Any justice for the county, riding, city or place wherein any offence against this act is committed, shall hear and determine the same in a summary way, and on complaint or information on oath, shall summon the party accused, and the witnesses on either side, and examine into the fact; and on proof thereof made, either by confession or by the oath of one witness, or otherwise, shall convict the offender, and adjudge the penalty, 52 G.3. c.157. s.4., 57 G.3. c.46. s.9.

15. If any person summoned as a witness before such justice on either side shall neglect to attend at the time and place appointed, without a reasonable excuse, to be allowed by such justice, he shall forfeit [20*l.* 52 G.3. c.157. s.4.], [50*l.* 57 G.3. c.46. s.10.], to be levied and paid as in s.8. *pl.* 18. directed, *id.* s.5., *id.* s.10.

16. The justice convicting any such offender, shall draw up the conviction in the form following, and shall return the same to the quarter sessions for the county, to be filed of record by the clerk of the peace:

'Be it remembered, that on the — day of —, in the year of our lord —, A.B. having appeared before me [or us], one [or more] of H.M.'s justices of the peace [as the case may be], and due proof having been made on oath by one or more credible witness or witnesses, or by confession of the party [as the case may be], is convicted of [specifying the offence]. Given under my hand and seal [or our hands, &c.], the day and year aforesaid,' *id.* s.6. *id.* s.11.

17. The clerk of the peace for any county, city, &c. on application made, shall cause a copy of any such conviction, filed by him, to be delivered to any person on payment of 1*s.*, *id.* s.7. *id.* s.12.

18. The penalties hereby inflicted shall be forthwith paid by the person convicted, and shall go one moiety to the informer, and the other to the poor of the parish where the offence was committed; and in case of neglect to pay the same, or to give security to prosecute any appeal against such conviction, such justice shall, by warrant under his hand and seal, cause the same to be levied by distress and sale of the offender's goods, together with all costs attending the same, and which warrant shall be in the form following, *viz.*:

'To the Constable, Headborough or Tythingman of —.

'WHEREAS A.B. of — in the county of — is this day convicted before me [or us], one [or more] of H.M.'s justices of the peace [as the case may be], for the county of —, [or for the — riding of the county of York], [or for the town, liberty or district of — as the case may be], on the oath of — or — a credible witness or witnesses, [or by confession of the party, as the case may be], or that the said A.B. hath [here set forth offence], contrary to the statute in that case made and provided, by reason whereof the said A.B. hath forfeited the sum of — to be distributed as herein mentioned, which he hath refused to pay; these are therefore, in H.M.'s name, to command you to levy the said sum of — by distress of the goods and chattels of him the said A.B., and if within the space of — days next after such distress by you taken, the said sum, together with the reasonable charges of taking the same, shall not be paid, then that you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you pay one half of the said sum of — to — of — who informed me [or us, as the case is] of the said offence, and the other half of the said sum of — to the overseer of the poor of the parish, township or place where the offence was committed, to be employed for the benefit of such poor, returning the overplus, if any, on demand, to the said A.B., the reasonable charges of taking, keeping and selling the said distress being first deducted; and if sufficient distress cannot be found of the goods and chattels of the said A.B. whereon to levy the said sum of —, that then you certify the same to me [or us, as the case is], together with this warrant. Given under my hand and seal, [or our hands, &c.] the — day of — in the year of our Lord —, *id.* s.8. *id.* s.13.

19. Such justices may order such offender to be detained in custody until return made to such warrant of distress, unless the party convicted shall give security by recognizance, or otherwise, for his appearance before such justice on the day appointed for such return, not exceeding 5 days from taking such security, *id.* s.9. *id.* s.14.

20. On such return, if no distress have been had, such justice may commit the offender to the common gaol or house of correction of the county, &c. for 3 calendar months, unless the money is sooner paid, or until the offender shall give notice to the informer of his intention to appeal to the justices at the next quarter sessions, and shall enter into recognizance before some justice, with 2 sufficient sureties conditioned to try such appeal, and to abide the order and pay such costs as shall be awarded by such sessions; which notice of appeal not being less than 8 days before the trial thereof, such person may give, and such justices, on proof of such notice, and of such recognizance given and entered into, shall finally determine such appeal in a summary way, and award costs to either party, as they think proper; and their determination shall be final and binding, *id.* s.10. *id.* s.15.

21. No person shall be disabled from being a witness in any prosecu-

cution under this act, by reason of being an inhabitant of the parish where the offence was committed, 54 G.3. c.157. s.11., 57 G.3. c.46. s.16.

22. No proceeding under this act shall be quashed for want of form, or be removed by *certiorari* or otherwise, into any court, *id.* s.12., *id.* s.16.

23. Actions for any thing done in pursuance of this act, shall be commenced within 3 calendar months after the fact committed, and shall be laid in the proper county, and the defendants therein may plead the general issue, and give this act and the special matter in evidence, and that the same was done under this act; and if it so appear, or if such action is brought after the time limited, or is laid in the wrong county, the jury shall find for the defendant; or if the plaintiff is nonsuited, or discontinues after appearance entered, or has judgment on demurrer against him, the defendant shall recover treble costs, *id.* s.13. *id.* s.17.

24. All persons, who originally issued, or were concerned in issuing of any such tokens, as in s.2. *pl.* 4. and their executors or administrators, shall be liable in law, on demand made, to pay the value on such tokens denoted, and such value may be recovered by the holder in any action against such persons, in like manner as the amount of any promissory note, payable to bearer, and issuable by law, may be, 53 G.3. c.116. s.3., 54 G.3. c.4. s.3.

25. This act shall not authorize the issuing of any promissory note, not being a token, composed of gold or silver, or mixed metal, composed partly of gold or silver, which cannot now be issued by law, 53 G.3. c.114. s.4., 54 G.3. c.4. s.4.

26. TO PREVENT THE FURTHER CIRCULATION OF dollars and tokens, issued by the governor and company of the bank of Eng., for the convenience of the public, 57 G.3. c.113., [AMD. 58 G.3. c.14. Exp.]

27. From the 25th March, 1818, such dollars and tokens shall no longer circulate, or be received in payment or exchange; and in case any person shall utter, offer, or tender in payment, or give in exchange, or pass, circulate, or put off, any such dollars or tokens, whether the value thereof shall be given in money, goods, or other issue, such person, being thereof convicted upon the oath of one witness, before one justice, shall, for every such dollar or token so uttered, &c. forfeit not exceeding 5*l.* nor less than 40*s.*; provided, that this act shall not prevent any person from presenting any such dollars or tokens for payment to the bank, before the 25th March, 1820, or to discharge the bank from liability to pay the same before the 25th March, 1820; and nothing herein shall restrain any person after the 25th March next, from selling of any such dollars or tokens as old silver, according to the weight thereof at the current price, and without regard to the nominal or current value at which the same were circulated, 57 G.3. c.113. s.1. [NOTE.—The rest of this act, *viz.* ss. 2—11. is *verbatim* with 52 G.3. c.157. ss. 4—13. and 57 G.3. c.46. ss. 9—17., *ante*, *pl.* 3—17.]

28. The time for circulation of such bank tokens and dollars extended, but now Exp., 58 G.3. c.14.

TRANSPORTATION.

(STATUTES repealed and expired.)

1. TO AUTHORIZE FOR A LIMITED TIME THE PUNISHMENT by hard labour of offenders, who for certain crimes are liable to transportation, 16 G.3. c.43. [CON. 18 G.3. c.62., and 19 G.3. c.54. all Exp.]

2. TO AUTHORIZE THE REMOVAL OF PRISONERS IN CERTAIN CASES, and to amend the laws respecting transportation of offenders, 24 G.3. S.1. c.12. [REP. 24 G.3. S.2. c.56. s.17.]

3. FOR THE MORE EFFECTUAL TRANSPORTATION OF FELONS and other offenders, and to authorize the removal of prisoners in certain cases, and for other purposes therein mentioned, 24 G.3. S.2. c.56. [This act shall continue in force so far as it relates to the removal of prisoners to temporary places of confinement, till 1st June, 1787, *id.* s.19., CON. by 28 G.3. c.24. s.3., 34 G.3. c.60. s.1., 39 G.3. c.51. s.1., 42 G.3. c.28. s.1., 46 G.3. c.28. s.1., 53 G.3. c.39. s.1., 54 G.3. c.30. s.1.; but REP. 55 G.3. c.156. s.1., and also Exp.]

4. TO AMEND THE LAWS RELATIVE TO THE TRANSPORTATION OF offenders, to continue in force till 1st May 1816, 55 G.3. c.156. [CON. as to the repeal of 24 G.3. S.2. c.56.; and proceedings under 24 G.3. S.2. c.56., valid in relation to proceedings commenced before 55 G.3. c.156. passed, 56 G.3. c.27. ss. 1, 2.]

STATUTES in force.

1. FOR THE MORE EFFECTUAL TRANSPORTATION OF FELONS, and unlawful exporters of wool, 4 G.1. c.11. ss. 1—3. 6. [This act shall not extend to Scot., *id.* s.8., but shall extend to H.M.'s dominions in America, and be deemed a PUBLIC act, *id.* s.9., AMD. 6 G.1. c.23. ss. 1—8., EXT. to Scot. 6 G.3. c.32., but see now 56 G.3. c.27. *pl.* 25.]

2. Where any person is convicted of grand or petit larceny, or any felonious stealing, or taking of money, or goods and chattels, either

from the person, or the house of any other, or in any other manner, and who by law is entitled to the benefit of clergy, and liable only to the penalties of burning in the hand or whipping, (except persons convicted for receiving or buying stolen goods, knowing them to be stolen), the court before whom conviction had, or any court held for the same place, with like authority, may, instead of such punishment, order the offenders to be sent to the colonies in *America* for 7 years; and such court may order them to be transferred to the contractors for transportation; and persons convicted of any offence, excluded from the benefit of clergy, to whom H. M. shall extend his mercy, on condition of transportation, and the same is signified by a secretary of state, such court may allow such offenders the benefit of a pardon under the great seal, and may order them to be transferred to such contractors, as also any persons convicted of receiving or buying stolen goods, knowing them to be stolen, for 14 years, in case such condition of transportation is general, or else for such term as is made part of such condition; and such contractors shall have a property in the service of such offenders, 4 G. 1. c. 11. s. 1.

3. The powers of 4 G. 1. c. 11., may be executed by any other subsequent court with like authority, held for the same county, &c. where the offenders were tried, though not held at the same town or place as the former court, 6 G. 1. c. 23. s. 1.

4. If any such offenders so ordered for transportation, shall return into *G. B.* or *Ire.* before the end of his term, he shall be punished as if attainted of felony without benefit of clergy, and execution may be awarded against him; but H. M. may at any time dispense with such transportation, and allow the offenders to return, he paying his owner a reasonable sum, to be adjudged by 2 justices for the place where his owner dwells; and where any such offenders shall have served their respective terms according to the order of such court, such services shall have the effect of a pardon, as for the crime for which they were transported, 4 G. 1. c. 11. s. 2. [See *governors of colonies* allowed to pardon such offenders, 30 G. 3. c. 47. pl. 18.]

5. Such contractors shall give security for the due landing of such offenders, and procure certificates from the governor of the place of such landing, *id.* s. 3.

6. If any person is in prison for want of bail for unlawful exportation of wool or woollens, and shall refuse to appear or plead to a declaration or information to be delivered to such person, or the keeper of the prison for such offence for one term, judgment shall be entered against him by default; and in case judgement is so obtained by default, verdict, or otherwise, and such person shall not pay the sum recovered against him, within 3 months after judgment entered up, the court before whom such judgment had, shall, by order of court, order him to be transported for 7 years; and if he returns to *G. B.* or *Ire.* before the expiration of his term, he shall suffer as a felon without benefit of clergy, *id.* s. 6. [But see 28 G. 3. c. 38.]

7. Regulations for the effectual transportation of such offenders, ss. 2—5. Being at large before the expiration of the term of transportation, death without benefit of clergy, s. 6.; and method of conviction and evidence, 6 G. 1. c. 23. ss. 2—7. [See *superseded* by the effect of 56 G. 3. c. 27. ss. 5—8. pl. 26—29.]

8. FOR THE MORE EASY AND EFFECTUAL CONVICTION OF offenders found at large within the kingdom of *G. B.*, after they have been ordered for transportation, 16 G. 2. c. 15.

9. If any felon or other offender hereafter ordered for transportation, or who shall agree to transport himself to any colonies and plantations in *America*, either for life, or any number of years, shall be afterwards at large within *G. B.*, without lawful cause, before the expiration of the term of transportation, such persons shall suffer death without clergy, *id.* s. 1.

10. Every such offender shall be tried before such judges, and in such manner, and the same evidence used for his conviction as is directed by 6 G. 1. c. 23. ss. 6, 7. pl. 7. [but see 56 G. 3. c. 27. s. 8. pl. 29.] in cases of felons returning from transportation, *id.* s. 2.

11. Whoever shall discover, apprehend, and prosecute to conviction of felony without clergy, any such offenders so found at large in *G. B.* shall be entitled to a reward of 20*l.* for each offender so convicted, and shall have the like certificate and payments made without fee, as persons may be entitled to for apprehending, &c. any highwaymen, *id.* s. 3. [See *FELONS AND FELONY*, pl. 95.]

12. FOR MORE SPEEDY AND EFFECTUAL TRANSPORTATION OF offenders, 8 G. 3. c. 15.; [But see now 56 G. 3. c. 27. ss. 3. 8.]

13. Where any offender is convicted of any crimes for which he is excluded the benefit of clergy, and the judge or justice of oyer and terminer, &c. in any county or place, before whom such conviction had, shall grant a reprieve for staying his execution, and recommend him to H. M.'s mercy, which mercy is afterwards extended to him on condition of transportation, and the same shall be signified by a principal secretary of state to the judge so recommending, such judge may make an order for his immediate transportation in the same manner as if such mercy had been signified during the continuance of the assizes

at which the offender was condemned, and shall be considered as made there, and have all the consequences as an order for transportation made by any justice of oyer and terminer, &c. for such county, &c.; and such offenders shall be transferred to the contractor for transportation and his assigns for 14 years, in case such condition be general, or else for such term as is made part of such condition, if any particular time is specified by H. M.; and such contractor shall have a property in the service of such offender, and such transportation shall have the effect of a pardon under the great seal; but if such offender is found at large without lawful cause in *G. B.*, before the expiration of his time, he shall, on conviction, suffer death without clergy, and be tried before such judges in such way and by the usual evidence in such cases; and the person apprehending and prosecuting to conviction any such offender, shall be entitled to the reward of 20*l.* and the usual certificate, 8 G. 3. c. 15.

14. TO EXPLAIN AND AMEND THE LAWS RELATING TO THE transportation and imprisonment of certain offenders, 19 G. 3. c. 74. ss. 1, 2. [Con. 24 G. 3. S. 2. c. 56. s. 18. 28 G. 3. c. 24. s. 3.; and as to so much as authorizes the removal of offenders to temporary places of confinement, by 34 G. 3. c. 60. s. 1., 46 G. 3. c. 28. s. 1., as to so much as relates to transportation beyond seas, (*viz.* ss. 1, 2.) by 39 G. 3. c. 57. s. 2., 42 G. 3. c. 28. s. 1., 53 G. 3. c. 39. s. 1., 54 G. 3. c. 30. s. 1., and till 1st May 1821, by 56 G. 3. c. 27. ss. 20 & 21., and AMD. 28 G. 3. c. 24. ss. 4, 5., which is Con. for 2 years, from 24th March 1821, and thence till the end of the then next session, 1 & 2 G. 4. c. 6.] [NOTE, the 19 G. 3. c. 74. ss. 1, 2. has not been continued further than 1st May, 1821. *QU.* are they therefore *Exp.* ?]

15. When any person at any session of oyer and terminer, &c. or at any quarter or other general session of the peace for any county, &c. within *Eng.*, county palatine of *Chester*, or *Wa.*, is convicted of any grand or petit larceny, or any other crime for which he is liable to transportation to the colonies in *America*, such court, or any other court holden for the same place, with like authority, may adjudge such person to be transported to any place beyond seas, whether in *America* or elsewhere, in such like manner, and for such term of years as they may be liable to be transported to *America*, 19 G. 3. c. 74. s. 1.

16. When any such person who shall be so convicted shall in consequence be ordered for transportation, or if H. M. shall extend his mercy to any offender, convicted or attainted of any felony, by which he is excluded from the benefit of clergy, or of such statutes as are equivalent thereto, upon condition of transportation, then all laws, usages, &c. now in force in regard to transportation of criminals to *America*, and their punishment for being afterwards found at large within *G. B.*, before the expiration of their terms of transportation, and particularly the provisions contained in 4 G. 1. c. 11., 6 G. 1. c. 23., 16 G. 2. c. 15., and 8 G. 3. c. 15. shall take place and be in force, *id.* s. 2. [See the note at the end of pl. 14.]

17. The several offenders who by virtue of the 24 G. 3. S. 2. c. 56. shall be removed to temporary places of confinement, shall be treated and visited as offenders sentenced to hard labour under 19 G. 3. c. 74. [which seems *Exp.* as to the part here referred to] are; and all expences occasioned by their maintenance or death shall be defrayed by the overseers appointed by H. M., in the same manner as the like expences incurred for offenders sentenced to hard labour under such act, 28 G. 3. c. 24. s. 4., [See as to the removal of such offenders, 56 G. 3. c. 27. ss. 9, 10. pl. 30, 31.] H. M. may authorize under his sign-manual, any person to contract for the due transportation of such offenders, and direct to what persons security shall be given for such transportation, *id.* s. 5. [See as to making such contracts, 56 G. 3. c. 27. ss. 5, 6, 7. pl. 26, &c.]

18. FOR ENABLING H. M. TO AUTHORIZE HIS GOVERNOR, OR lieutenant-governor, of such places beyond the seas to which felons or other offenders may be transported, to remit the sentence of such offenders, 30 G. 3. c. 47.

19. H. M. by commission under the great seal may authorize the governor, or lieutenant-governor of any places to which any offenders may be transported by an instrument in writing under the seal of the government in which such places are situated, to remit either absolutely or conditionally, the whole or part of the term for which any such offenders shall be transported, and such instrument shall have the like force as if H. M. had signified his intention of mercy under his sign-manual, *id.* s. 1.

20. Such governor, &c. shall transmit to one of the secretaries of state, a duplicate under the government seal, of each such instrument of remission, and the names of such offenders contained in such duplicates shall be inserted in the next general pardon that shall pass the great seal after the receipt of such duplicates, *id.* s. 2.

21. TO FACILITATE AND RENDER MORE EASY THE TRANSPORTATION of offenders, 43 G. 3. c. 15. [Con. for 2 years, 1 & 2 G. 4. c. 6.]

22. When H. M. shall give orders for the transportation of any offenders in H. M.'s ships, who are sentenced to transportation to any places within his dominions or beyond the seas, H. M. may, by any order under his sign-manual, give to any person named therein, a property in

the service of such offenders, for such term of life or years, or part thereof, for which such offenders were to be transported, as he shall think fit, and on such nomination, such offenders may be delivered to such persons, without requiring any security for their due transportation; and such person so nominated, and his assigns, shall have the like property in the service of such offenders, as if he had contracted and given security to transport such offenders under the [26 G. 3. c. 56. REP. 55 G. 3. c. 156.] or any other law now in force, 43 G. 3. c. 15.

23. TO AMEND THE SEVERAL LAWS RELATIVE TO TRANSPORTATION of offenders to continue in force until 1st May, 1821, 56 G. 3. c. 27. [EXT. to offenders adjudged to transportation in H. M.'s foreign dominions, 59 G. 3. c. 101. both acts CON. for 2 years from 24th March, 1821, and thence to the end of the then next session of parliament, 1 & 2 G. 4. c. 6. [See ss. 1, 2. STAT. REP. pt. 4.]

24. The court before which any person shall be convicted at any session of oyer and terminer or gaol delivery, or any quarter or other general session of the peace, within Eng., or at any great session for the county of Chester, or within the principality of Wa., of grand or petit larceny, or any other offence for which such person shall be subject to be transported, may order and adjudge, or any such like subsequent court may order and adjudge, that such person shall be transported for any term not exceeding the number of years or term for which such person is liable by law to be transported; and in every such case H. M., with the advice of his privy council, may appoint any other place or places, beyond the seas, in addition to such as have been heretofore appointed for that purpose, either within his dominions, or elsewhere without, to which any such felons or offenders shall be conveyed; and such court may order such offenders to be transferred to the use of any person who shall contract for the due performance of such transportation; and when H. M. shall extend mercy to any offender by law excluded from the benefit of clergy, upon condition of transportation either for life or years, to be signified by one of the secretaries of state, or any court having proper authority, may allow such offender the benefit of a conditional pardon, and order such offender to be transported for life or years as specified in such condition of transportation, and make such order of transfer as aforesaid, and when any offender shall be convicted of any crime excluded the benefit of clergy, the judge before whom such offender shall be convicted, or any justice of the K. B., C. P., or baron of the exchequer, or any justice of Chester or Wa., within their respective jurisdictions, shall, on such intention of mercy being signified to him by a principal secretary of state, make an order for the immediate transportation of such offender, and for such offender to be transferred in the same manner as if such intention of mercy had been signified by one of the secretaries of state during the continuance of the assizes or sessions, and shall be as effectual; and such persons so contracting, or their assigns, by virtue of such order of transfer, shall have a property in the service of such offender for such term of life or years for which such offender shall be transported, 56 G. 3. c. 27. s. 3.

25. The clerk of assize, clerk of the peace, or other clerk of the court, shall be paid by the treasurer of the county, &c. the same fee as hath been usually paid for the order of transportation, *id.* s. 4.

26. Every person to whom any such offenders shall be transferred shall, before any of them shall be delivered over to him, give security that he will transport effectually such offender to such place as shall be appointed by H. M. as aforesaid, and procure evidence of the landing of such offenders in such place, (death and casualties by sea excepted), and that they shall not be suffered to return to G. B. or Ire., by the wilful default of the person contracting, or of his assigns, *id.* s. 5.

27. Every such court as aforesaid may appoint 2 justices of the peace for the county, &c. where the offender convicted, who shall have power to contract with any person nominated by one of the secretaries of state for the performance of the transportation of such offenders, and to order such security to be taken as aforesaid; and also to cause such offenders to be delivered by the gaolers to the persons contracting, or their assigns; which contracts and security shall be certified by such justices to the next court to be holden, with the like authority, for such county or place, to be filed among the records; and all securities for transportation shall be by bond in the name of the clerks of the peace, or other clerks of the court, who shall prosecute such bonds in their own names; for which purpose every such clerk and his successors shall be deemed a body corporate, and shall be paid all such costs as they shall sustain in any such suit, as the justices shall at their general quarter-sessions direct, out of the public stock; and all monies recovered on such bonds shall be for the use of the county, and paid to the treasurer to be part of the public stock; and all charges in making the contracts, taking securities, and conveying felons and offenders, shall be borne by each county, &c. for which the court was held, which ordered such offenders to be transported; and the treasurers shall, by order of quarter sessions, pay all such charges, *id.* s. 6.

28. The persons so contracting, or their assigns, may, in such manner as they think fit, carry and secure such offenders in and through any county towards the seaport from whence they are to be transported; and if any person shall rescue such offenders, or assist them in making their escape, he shall be adjudged guilty of felony, and suffer death without benefit of clergy, 56 G. 3. c. 27. s. 7.

29. If any offender so ordered to be transported, or who shall agree to transport himself on certain conditions either for life or years, under the provisions of any act or acts of parliament, to any such place so appointed by H. M. as aforesaid, shall be afterwards at large within any part of G. B. or Ire., without lawful cause, before the expiration of his term of transportation, every such offender, being thereof convicted, shall suffer death, without benefit of clergy; and may be tried at the assizes for the county, either where such offender shall be apprehended, or from whence he was ordered to be transported; and the clerk of the assize, clerk of the peace, or other officer of the court having the custody of the records, shall, at the request of the prosecutor, give a certificate in writing signed by him, containing the effect and substance only of every indictment and conviction of such offender, and of the order for transportation, to the justices of assize where the offender shall be indicted (not taking for the same more than 6s. 8d.), which certificate shall be sufficient proof of the conviction and order for transportation; and whoever shall discover and prosecute to conviction any such offender, shall be entitled to 20*l.*, and have such certificate to receive the same as any person may be entitled unto for the prosecuting to conviction any persons who have committed any robbery upon the highway; [see FELONS AND FELONY, *pt.* 95.] but H. M. may pardon such transportation, and allow of the return of any offender to this kingdom, *id.* s. 8.

30. H. M., by an order in writing, notified by one of the secretaries of state, or any 3 justices of the peace, acting in and for the county, &c. in which any gaol is situate, as shall be authorized by the sign-manual, to direct the removal of any male offender who shall be under sentence of death, but reprieved during pleasure, or under sentence or order of transportation (and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol in which such offender shall be confined), to such place of confinement within Eng. or Wa., either on land or on board any ship or vessel to be provided by H. M. in the river Thames, or any navigable or other river, or within the limits of any port or harbour of Eng. or Wa., as H. M., or 3 of such justices shall appoint, under the management of a superintendant or overseer, to be appointed by H. M., or any 3 of such justices; and every offender who shall be so removed shall continue in such place until transported, or, by the expiration of the term shall be entitled to his liberty, or until H. M., or 3 of such justices shall direct the return of such offender to the gaol from which he was so removed; and the sheriff or gaoler shall, with all speed, after the receipt of such order, convey every such offender to the place appointed, and there deliver him to such superintendant or overseer, together with a true copy, attested by such sheriff or gaoler, of the caption and order of the court, before which such offender was tried, containing the sentence of transportation, by virtue whereof he shall be in custody; and also a certificate containing his age, and an account of his behaviour in prison, before and after his trial, and the gaoler's observations on his temper and disposition, and such information concerning his connexions and former course of life as may have come to the gaoler's knowledge; and such superintendant or overseer shall give a receipt in writing to the sheriff or gaoler, *id.* s. 9.

31. All such fees on the delivering out of custody of such offender so ordered to be removed, as have been usually paid, when any offender is removed for transportation, and all reasonable expences which the sheriff or gaoler shall incur in such removal, shall be paid by the treasurer of the county, &c. such fees and expences being first allowed by the order of the justices at their quarter or general sessions of the peace, who shall make the proper order, *id.* s. 10.

32. Where any offender shall be brought to any such place of confinement, he shall be washed, cleansed, and purified, and his clothes burnt, if necessary, or otherwise taken care of for him by the overseer, and redelivered upon his quitting, or sold for his benefit, and the produce accounted for to him by the overseer; and when such offender shall be finally discharged, such other decent clothing as shall be judged necessary by the superintendant, shall be delivered to such offender, and also such sum for his immediate subsistence, as the superintendant shall think proper, so as such sum shall not exceed 3*l.*, *id.* s. 11.

33. After the removal of any offender, the superintendant or overseer shall have the same powers as are incident to the office of a sheriff or gaoler, and in like manner be answerable for any escape; and also during such custody shall see him fed and clothed according to a scale of diet and clothing, to be fixed on and notified in writing by one of the

secretaries of state to the superintendent, and shall keep such offender to labour, under such restrictions, as H. M., or 3 of such justices, as in s. 9. *pl.* 30., shall by any order directed to such superintendent or overseers appoint; and the time during which any such offender shall have continued confined under this act, shall be reckoned in discharge or part discharge of the term of transportation, 56 *G. 3. c.* 27. s. 12.

34. If any offender shall during such custody be guilty of any misbehaviour or disorderly conduct, such superintendent may inflict such moderate punishment as may be inflicted by law on persons committed to a house of correction; and if any offender shall escape from the custody of such superintendent, or if any person shall rescue, or attempt to rescue, or assist in rescuing any such offender, or shall convey or cause to be conveyed any disguise, instrument for effecting escape, or arms, to such offender, such offence shall be punishable in the same manner as if such offender had been confined in a gaol or prison in the custody of the sheriff or other gaoler, *id.* s. 13.

35. The superintendent of the several places of confinement to be appointed by virtue of this act, s. 9. *pl.* 30., shall make returns, specifying the name of every person in custody in each, the offence of which he shall have been guilty, the court before which convicted, and the sentence, together with his age and bodily state, and his behaviour whilst in custody; and also the names of such offenders who shall have died whilst in such custody, or shall have escaped or been discharged; which returns shall be made on the first day of every *Easter* and *Michaelmas* term, to the court of K. B. at *Westminster*, on the oath of the overseer, made before such court, or a commissioner thereof, *id.* s. 14.

36. H. M. may appoint one fit person to be superintendent of any place of confinement, either at land or on board any ship or vessel to which such offender shall be removed under this act, and in case it is deemed expedient, one fit person to be assistant or deputy to such superintendent, and to be constantly resident at or near such place; and also one proper person to be overseer on board each such ship or vessel, who, with a sufficient number of officers and guards, shall constantly reside on board; and such superintendent shall personally visit such places of confinement 4 times in every year, or oftener, and distinctly examine into the state of such places of confinement, the behaviour of the assistants or deputies, overseers, officers, and guards, the treatment and condition of the prisoners, and the amount of the several earnings, and the expences attending every such place of confinement, and shall make a report to the secretary of state for the home department, who shall cause such report to be laid before both houses of parliament, at the beginning of every session, and such superintendent shall distinguish in such report the amount of the earnings and expences at each of such places, and shall state the average number of prisoners confined, and the number of days labour done by such prisoners, distinguishing the work of artificers from that of common labourers, and such superintendent shall also, in matters of extreme necessity, make a special report thereof to such secretary of state, who may, if he see fit, submit such special report to the justices of the K. B., who shall afford such redress, or provide such regulations as they deem proper; and such superintendents, assistants, or deputies, and overseers, shall continue in office during H. M.'s pleasure, and shall receive such salaries as he shall appoint; and such superintendent shall be paid such travelling and other reasonable expences as shall be incurred in discharge of his duty, *id.* s. 15.

37. If any order made for the transportation of any offender, cannot be conveniently executed with respect to the place in such order mentioned, the court of K. B., or (in the vacation time), any two justices of such court of K. B., C. P., or barons of the exchequer, may order that such offender shall be transported to any other place, appointed for the transportation of offenders, in like manner as such offender shall be liable to be transported to the place mentioned in the original sentence or order; and such order shall have all the same consequences in every respect as the original order for the transportation of such offender, who shall be as aforesaid transferred to the party contracting for the transportation of offenders; and in case any such offender so ordered for transportation shall be afterwards at large within any part of *G. B.*, without some lawful cause, before the expiration of the term, he shall, on being thereof convicted, suffer death without benefit of clergy, and shall be tried in such manner with such evidence as is directed by the laws now in being or hereafter to be made for the trial of like offenders; and whoever shall discover and prosecute to conviction any such offender, shall be entitled to a reward of 20*l.* and shall have such certificate to receive the same, as any person may for the prosecuting persons who have committed any robbery upon the highway, *id.* s. 16. [See *FELONS AND FELONY*, *pl.* 95.]

38. The expences of carrying this act into execution, as far as relates to the removal of prisoners to other places of confinement, and which are not otherwise provided for, shall be annually laid before both houses of parliament, and provided for in the next supplies, *id.* s. 17.

39. In actions brought for any thing done in pursuance of this act,

the defendant may plead the general issue, and give this act and the special matter in evidence; and if verdict shall pass for the defendant, or if the plaintiff is nonsuited, or discontinues after issue joined, or has judgment on demurrer or otherwise against him, the defendant shall recover treble costs; and if the plaintiff in such action shall get a verdict, he shall not have costs, unless the judge shall certify his approbation of the verdict, 56 *G. 3. c.* 27. s. 18.

40. Such actions shall be laid in the proper county, and be commenced within 6 calendar months after the fact committed, *id.* s. 19.

41. Whenever any convict adjudged to transportation by any court or judge beyond *Eng.* or *Wa.*, or any convict adjudged to suffer death by any such court or judge, and pardoned on condition of transportation, shall be brought to *Eng.* to be transported, such offender may be imprisoned in any place of confinement on board any vessel provided under 56 *G. 3. c.* 27., until transported, or till entitled to his liberty; and one of the principal secretaries of state shall appoint some person, who shall contract for the transportation of such convict as justices of peace may do, under 56 *G. 3. c.* 27. s. 9. *pl.* 30. and when such convict is so imprisoned, all the rules, powers, &c. of such act concerning his safe custody, escape, or being at large before his term of transportation expired, shall extend to all such convicts sentenced to transportation in any such court beyond *Eng.* or *Wa.* as fully as if convicted and sentenced at any session of gaol delivery in *Eng.*; but this shall not extend to *Scot.* or *Ire.*, 59 *G. 3. c.* 101. ss. 1, 2.

42. TO EXPLAIN AND AMEND 56 *G. 3. c.* 10. for the punishing mutiny and desertion, in relation to the transportation of offenders, 56 *G. 3. c.* 119.

43. Every order made by any justice of K. B. C. P. or baron of exchequer under any act in force, when such order made in relation to the transportation of offenders, for the transportation of any offender sentenced to transportation by any court-martial, or being liable to the punishment of death by sentence of court-martial, but pardoned on condition of transportation, and every act consequent upon such order shall be obeyed by the person in whose custody the offender is, and all others whom it may concern, and shall be as effectual as any order made, or act done under any statute in relation to the transportation of offenders, and all sheriffs, gaolers, keepers, governors or superintendents, and all constables and others shall obey the same, and assist therein, and be liable to like punishment for disobedience, or resistance, as if made and done under any act of parliament in force for the transportation of offenders, *id.* *ibid.*

TREASON.

(STATUTES repealed and expired.)

1. FOR CONFIRMATION OF CERTAIN ATTAINDERS or judgments given in parliament, and for indemnity to all parties concerned, 11 *R. 2. c.* 1. [Exp. and in part *Rep.* 2 *H. 4. c.* 22.]

2. FOUR OFFENCES AGAINST H. M. declared treason, 21 *R. 2. c.* 3. [Rep. 1 *H. 4. c.* 3., 1 *H. 4. c.* 10., 1 *E. 6. c.* 12., and 1 *M. Sess.* 1. c. 1. s. 3.]

3. PENALTY OF HIGH TREASON ON ATTEMPTING to repeal any judgments or statutes made in this parliament, and to the observance of which the lords spiritual and temporal had been sworn, 21 *R. 2. c.* 4. [Rep. 1 *H. 4. c.* 3., 1 *H. 4. c.* 10., 1 *E. 6. c.* 12. and 1 *M. Sess.* 1. c. 1. s. 3.]

4. THE ISSUE OF MALE TRAITORS ATTAINED in this parliament, disabled from sitting in parliament, or in H. M.'s council, with saving to the issue female and their issue, 21 *R. 2. c.* 6. [Rep. 1 *H. 4. c.* 3.]

5. WHOEVER SHALL ATTEMPT TO REPEAL any of the statutes made in this parliament, by virtue of the authority given to the commissioners, shall be liable to the penalties of high treason, as if the statutes had been made in full parliament, 21 *R. 2. c.* 20. [Rep. 1 *H. 4. c.* 3., 1 *H. 4. c.* 10., 1 *E. 6. c.* 12. s. 2., 1 *M. Sess.* 1. c. 1. s. 3.]

6. AN ACT WHEREBY DIVERS OFFENCES BE MADE high treason, 26 *H. 8. c.* 13. [Rep. 1 *E. 6. c.* 12. s. 2. 1 *M. Sess.* 1. c. 1. s. 3., for rest of title, see *SANCTUARY*.]

7. CONCERNING TREASONS IN CERTAIN CASES, 28 *H. 8. c.* 18. [Rep. 1 *E. 6. c.* 12. s. 2., 1 *M. Sess.* 1. c. 1. s. 3.]

8. FOR THE TRIAL OF TREASONS in *Wa.* 32 *H. 8. c.* 4. [virtually *Rep.* 1 & 2 *P. & M. c.* 10. s. 7. *post*, *pl.* 52.]

9. TO PROCEED BY COMMISSION OF OYER and determiner against such persons as shall confess treason, &c. without remanding the same, to be tried in the shire where the offence was committed, 33 *H. 8. c.* 23. [virtually *Rep.* 1 & 2 *P. & M. c.* 10. s. 7. as to the treasons, but in force as to murders, see *HOMICIDE*.]

10. FOR THE PUNISHMENT OF TRAIFEROUS WORDS against the Queen's Majesty, 1 & 2 *P. & M. c.* 9. [Exp.]

11. Whereby certain offences be made treasons, and also for the government of the king's and queen's issue, 1 & 2 *P. & M. c.* 10. [Exp. all but ss. 7, 8.]

12. WHEREBY CERTAIN OFFENCES BE MADE TREASON, 1 *El. c.* 5., 13 *El. c.* 1. [Exp. and *Rep.* 1 *M. Sess.* 1. c. 1. s. 3.]

13. AGAINST SUCH AS SHALL CONSPIRE or practise the enlargement of any prisoner committed for high treason, 14 *Ed. c. 2.* [EXP.]

14. TO AVOID FRAUDULENT ASSURANCES MADE in certain cases by traitors, 29 *Ed. c. 3.* [EXP.]

15. FOR SAFETY and preservation of H. M.'s person and government against treasonable and seditious practices and attempts, 13 *C. 2. c. 1.* [EXP.]

16. AGAINST corresponding with H. M.'s enemies, 3 *W. & M. c. 13.* [EXP.]

17. AGAINST corresponding with the late king *James* and his adherents, 9 *W. 3. c. 1.* [EXP.]

18. TO PREVENT ALL traitorous correspondence with H. M.'s enemies, 3 & 4 *A. c. 14.* [EXP.]

19. FOR THE MORE easy and speedy trial of such persons as have levied or shall levy war against H. M., 1 *G. 1. S. 2. c. 33.* [For the like purpose in *Scot.*, 19 *G. 2. c. 9. ss. 1—3.* Both EXP.]

20. TO MAKE IT high treason to hold correspondence with the sons of the Pretender, and for attainting them of high treason in case they shall land, or attempt to land in *G. B.* or its dominions, and for suspending the operation of a clause in 7 *A. c. 21. (s. 10.)* relating to forfeitures for high treason, until after the decease of the sons of the Pretender, 17 *G. 2. c. 39.* [EXP.]

21. TO PREVENT THE return of such rebels and traitors concerned in the late rebellion as have been or shall be pardoned, on condition of transportation, and also to hinder their going into the enemy's country, 20 *G. 2. c. 46.* [EXP.]

22. MORE EFFECTUALLY to prevent, during the present war between *G. B.* and *France*, all traitorous correspondence with, or aid or assistance being given to H. M.'s enemies, 33 *G. 3. c. 27.* [EXT. to H. M.'s enemies in *Switzerland*, 38 *G. 3. c. 45.* Both EXP.]

23. FOR THE SAFETY and preservation of the person of H. R. H. the Prince Regent against treasonable practices and attempts, 57 *G. 3. c. 6. ss. 2—6.* [EXP. See *s. 1. post, pl. 24.*]

(STATUTES in force.)

24. A DECLARATION WHICH OFFENCES SHALL BE ADJUDGED TREASON, 25 *E. 3. St. 5. c. 2.* [1 & 2 *P. & M. c. 10. s. 8.*, 36 *G. 3. c. 7.*, which as to *ss. 1. 5. 6.*, is MADE PERP. 57 *G. 3. c. 6. s. 1.* and the rest is EXP.]

25. When a man doth compass or imagine the death of H. M., or of his wife, or of their eldest son and heir; or if a man doth violate H. M.'s companion, or H. M.'s eldest daughter unmarried, or the wife of H. M.'s eldest son and heir; or if a man levy war against H. M. in his realm, or be adherent to H. M.'s enemies in this realm, giving to them aid or comfort in the realm or elsewhere, and thereof be probably attainted of open deed by men of his condition; and if any man counterfeit H. M.'s great or privy seal, or his money, and if a man bring false money into this realm counterfeit to the money of *Eng.*, knowing the money to be false, to merchandize or make payment, in deceit of H. M. and his people; and if a man slay the chancellor, treasurer, or H. M.'s justices of the one bench or the other, justices in eyre, or justices of assize, and all other justices assigned to hear and determine, being in their places doing their offices; the cases above rehearsed ought to be judged treason, which extendeth to the king and his royal majesty; and of such treason the forfeiture of the escheats pertaineth to H. M., as well of the lands holden of other as of himself, 25 *E. 3. St. 5. c. 2. s. 1.*

26. And there is another manner of treason, when a servant slayeth his master, or a wife her husband, or when a man secular or religious slayeth his prelate to whom he oweth faith and obedience; and of such treason the escheats ought to pertain to every lord of his own fee, *id. s. 2.*

27. And if any other case, supposed treason, happens before any justices, they shall tarry without going to judgment till the case be shewed before H. M. and his parliament, whether it ought to be judged treason or felony, *id. s. 3.*

28. And if any man of this realm ride armed covertly or secretly, with men of arms, against any other to slay him, or rob him, or to take him, or keep till he hath made fine or ransom; it is not the mind of H. M., nor his council, that it shall be judged treason, but it shall be judged felony or trespass according to the laws; saving to H. M. the year and the waste, and the forfeitures of chattels. And writs of *scire facias* shall be granted in such case against the land-tenants without other original, and without allowing any protection, *id. s. 4.*

29. If any persons during the life of our gracious sovereign shall, within the realm or without, compass, imagine, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maiming or wounding, imprisonment or restraint of H. M., or to deprive or depose him from the style, honour, or kingly name of the imperial crown of this realm, or any other of H. M.'s dominions, or to levy war against him within this realm, in order by force or constraint to compel him to change his measures or counsels, or in order to put any constraint upon, or intimidate or overawe, both or either house of parlia-

ment, or to move or stir any foreigner or stranger with force to invade this realm, or any of H. M.'s dominions under his obedience; and such compassings, imaginations, inventions, decrees or intentions, shall express or declare by publishing any printing or writing, or by any other overt act; being convicted thereof, upon the oaths of two witnesses upon trial, or otherwise convicted by due course of law, such person shall be adjudged a traitor, and suffer death, and forfeit as in cases of high treason, 36 *G. 3. c. 7. s. 1.*

30. All persons indicted for any offence hereby made treason, shall have the benefit of 7 & 8 *W. 3. c. 3.* and 7 *A. c. 21. id. s. 5.*; and nothing herein shall prevent the prosecution of any person for any offence under this act at common law, unless first prosecuted under this act, *id. s. 6.*

31. The concealment of any high treason shall be deemed misprisions of treason, and the offender shall forfeit as in cases of misprision of treason as heretofore, 1 *E. 6. c. 12. s. 20.*, 1 & 2 *P. & M. c. 10. s. 8.* [See also *pl. 49.*]

32. NOTHING SHALL BE ADJUDGED TREASON OTHERWISE than as ordained by stat. 25 *E. 3. St. 5. c. 2.*, 1 *H. 4. c. 10.*

33. REPEALING CERTAIN TREASONS, 1 *E. 6. c. 12. s. 1.* 1 *M. S. 1. c. 1. s. 1—2.*

34. No act, deed, or offence, made treason, petty treason, or misprision of treason, by act of parliament, shall be adjudged high treason, petty treason, or misprision of treason, but only such as are declared by 25 *E. 3. St. 5. c. 2.*; nor shall any death or penalty ensue to any offender for doing such acts, 1 *E. 6. c. 12. s. 2.*, 1 *M. S. 1. c. 1. s. 3.*

35. THERE SHALL BE NO FORFEITURE OF LANDS FOR TREASON, of persons dead, without being attainted, 34 *E. 3. c. 12.*

36. If any such forfeiture shall be, H. M.'s hands shall be out thereof; and in all cases of forfeiture for treason of persons dead, not attainted or adjudged in their lives, their heirs nor their land-tenants shall not be impeached or challenged; nor of any other forfeiture except those in old time judged, after the death of persons, by presentments in eyre or in the K. B., as of felons of themselves and others, *id. ibid.*

37. NO PERSON GOING WITH H. M. TO THE WARS SHALL BE attaint of treason, 11 *H. 7. c. 1.*

38. No persons that attend upon H. M. in his person, and do him true and faithful service of allegiance, or be in other places by his commandment in his wars, within this land or without, for the same service of allegiance, shall be convict or attaint of high treason, or of other offences by act of parliament or otherwise, whereby they shall forfeit life, lands, possessions, goods, or other things, but shall be for that service discharged of any trouble or loss; and any acts or process contrary to this ordinance shall be void; provided that no person take any benefit by this act, which shall decline from his allegiance, *id. ibid.*

39. FOR DUE PROCESS TO BE HAD IN HIGH TREASON IN CASES OF LUNACY or madness, 33 *H. 8. c. 20.*—[NOTE. This act by *s. 1.* inflicts the punishment of death on persons who, when in sane mind, commit any treason, and afterwards turn to lunacy or madness, and directs a commission of oyer and terminer to be awarded to try such persons; but as the 1 & 2 *P. & M. c. 10. s. 7. pl. 52.* directs trials for high treason to be had according to the common law, so much of this act has been deemed REP.; but see as to the safe custody of lunatic offenders, 39 & 40 *G. 3. c. 94.*, 48 *G. 3. c. 96.*, and 56 *G. 3. c. 117.* IDIOT and LUNATIC, *pl. 45. 59.*]

40. Persons attainted and convicted of high treason by parliament, or by the due course of the common law, and afterwards falling to madness or lunacy, shall nevertheless suffer execution; and if any person is attainted of high treason by the common law, such attainer shall be as good as if done by parliament, and shall be deemed in actual possession of the lands, &c. and goods, &c. of the person attainted, without inquisition found (*s. 2.*), saving to all persons and corporations other than the offenders, their heirs or assigns, and persons claiming through them, or to their uses, all rights, rents, &c. 33 *H. 8. c. 20. ss. 2. & 3.*

41, 42. CONCERNING THE TRIAL OF TREASONS COMMITTED out of H. M.'s dominions, [and for declaring the law with respect to the forfeiture of lands on attainder for treason], 35 *H. 8. c. 2.*, 5 & 6 *E. 6. c. 11. ss. 6—13.* [See 5 & 6 *E. 6. c. 11. ss. 1—5. 10.* SEDITION, *pl. 5.*, and the note to 33 *H. 8. c. 20. pl. 39.* The part within brackets was framed to meet the object of some of these clauses.]

43. All offences declared by law to be treasons or misprisions of treasons, done by any person out of the realm, shall be determined before the K. B. by good men of the shire, where such bench shall sit, or else before such commissioners, and in such shire, as if such treasons had been done in the shire where determined, *id. s. 1.*

44. Peers indicted of any such treasons under this act, shall be tried by their peers, *id. s. 2.*

45. If any of H. M.'s subjects, denizens or others, do commit or practise out of the realm any offences heretofore made treason, the same shall be tried by the oaths of 12 men upon good evidence, and witness in such shire, and before such persons as H. M. may appoint under the

great seal, in such form as treasons committed within the realm are usually tried; and upon presentment, founded on such treasons, and certified into K. B., like process shall be had as if such treasons had been committed within the realm, 5 & 6 E. 6. c. 11. s. 6.

46. Outlawry made within the realm against offenders in treason resistant out of the realm, at the time of outlawry pronounced, shall be as good as if made when such offenders were within the realm, *id.* s. 7.

47. Provided, that if the party so outlawed shall, within one year after outlawry pronounced, yield himself to the chief justice of Eng., and offer to traverse the indictment or appeal, whereon the outlawry was pronounced, he shall be received; and on not guilty found, shall be clearly discharged of such outlawry, and all penalties by reason of the same, *id.* s. 8.

48. Every offender, convict of high treason, by presentment, confession, verdict or process of outlawry, according to law, shall forfeit to H. M. all such lands and hereditaments, which he has in his own right in use or possession within Eng. or elsewhere, in H. M.'s dominions, when the treasons were committed or after, *id.* s. 9.

49. The concealment of any high treason shall be deemed misprision of treason only, and the offender shall forfeit as in cases of misprision of treason, as heretofore, *id.* s. 11. [See also *pl.* 30.]

50. No person shall be indicted or attainted of any treason, unless accused by 2 accusers, which accusers, at the time of arraignment, shall be brought in person before the accused, and avow that they have to say against him to prove him guilty, unless the party will confess: Saving the right, rent, revenues, &c. of all persons, other than the offenders and persons claiming to their uses, *id.* s. 12.

51. The wife whose husband shall be attainted of treasons, shall in no wise be received to demand her dower of the lands, &c. of such husband, *id.* s. 13.

52. FOR REGULATING TRIALS IN CASES OF HIGH TREASON and misprision of treason, 1 E. 6. c. 12. s. 22., 1 & 2 P. & M. c. 10. s. 7., 7 & 8 W. 3. c. 3., 39 & 40 G. 3. c. 93.; [See as to Scot., 7 A. c. 21.; and as to Ire., 1 & 2 G. 4. c. 24.]

53. No person shall be indicted or convicted for any treason, petit treason, or misprision of treason, or for any word before specified, [see *SEDITION*,] for which he may suffer loss of goods or lands, death or imprisonment, unless accused by 2 witnesses, or that he will confess the same, 1 E. 6. c. 12. s. 22. [See 5 & 6 E. 6. c. 11. s. 12. *pl.* 50. and 7 & 8 W. 3. c. 3. *pl.* 55.]

54. All trials for treason shall be had according to the order of the common law: Saving to all persons and corporations, other than the offenders and persons claiming through them or to their use, all rights, leases, rents, &c., which they had at the time of the treason committed, 1 & 2 P. & M. c. 10. s. 7.

55. All persons that shall be indicted for high treason, whereby any corruption of blood may be made to such offenders, or their heirs, or for misprision of such treason, shall have a copy of the indictment, but not the names of the witnesses, [but a list of witnesses shall be given, see 7 A. c. 21. s. 11., 6 G. 3. c. 53. s. 3.] delivered unto them 5 days at least before they be tried, to enable them to advise with counsel; their attorneys or agents requiring the same, and paying the officer his fees for writing thereof, not exceeding 5s. and every such person shall be admitted to make his defence by counsel, [but see further as to counsel, 20 G. 2. c. 30. *pl.* 69.] and to make any proof that he can produce by lawful witnesses, upon oath, for his just defence; and in case any person so accused shall desire counsel, the court before whom such person is tried, or some judge of that court, shall immediately upon request assign such counsel, not exceeding two, as the person shall desire, to whom such counsel shall have free access at all seasonable hours, 7 & 8 W. 3. c. 3. s. 1.

56. No person shall be indicted, tried, or attainted of high treason, whereby any corruption of blood may be made, or of misprision of such treason, but upon the testimony of 2 witnesses, either both of them to the same overt act, or one of them to one and the other of them to another overt act of the same treason, unless the party shall willingly, without violence, in open court, confess the same, or shall stand mute, or refuse to plead, or in cases of high treason shall peremptorily challenge above the number of 35 of the jury, *id.* s. 2.

57. Provided that any person indicted for any the treasons or misprisions aforesaid may be outlawed, and thereby attainted; and in cases of high treason, where by law, after such outlawry, the party may come in and be tried [see 5 & 6 E. 6. c. 11. s. 8. *pl.* 47.], he shall have the benefit of this act, *id.* s. 3.

58. If two or more distinct treasons of divers kinds be alleged in one indictment, one witness produced to prove one of the treasons, and another witness produced to prove another, shall not be deemed two witnesses to the same treason, *id.* s. 4.

59. No person shall be indicted, tried, or prosecuted, for any such treason or misprision of such treason, committed within Eng., Wa., or Ber., unless the indictment be found by the grand jury within 3 years

after the offence done, *id.* s. 5. Except that if any person be guilty of designing, endeavouring, or attempting any assassination on the body of H. M. by poison or otherwise, such person may be prosecuted at any time, 7 & 8 W. c. 3. s. 6.

60. And all persons who shall be accused and tried for such treasons, or for misprision of such treason, shall have copies of the panel of the jurors, duly returned by the sheriff, and delivered to them 2 days at least before they be tried; and all persons indicted shall have the like process of the court to compel their witnesses to appear at such trials, as is usually granted to compel witnesses to appear against them, *id.* s. 7.

61. No evidence shall be given of any overt act that is not expressly laid in the indictment, *id.* s. 8.

62. No indictment, for any of such offences, nor any process or return thereupon, shall be quashed on the motion of the prisoner or his counsel, for miswriting, misspelling, false or improper *Latin*, unless exception be taken in court by the prisoner or his counsel before any evidence given in open court upon such indictment; nor shall any such miswriting, &c. after conviction, be cause to stay or arrest judgment; but judgment given upon such indictment may be reversed upon a writ of error, as if this act had not been, *id.* s. 9.

63. "Recital that by law on the trial of commoners for treason, a jury of 12 must agree; but on trial of peers a major vote is sufficient therefore:" Upon the trial of any peer or peeress for treason or misprision, all the peers who have a right to sit and vote in parliament shall be summoned 20 days before such trial; and every peer so summoned and appearing shall vote in the trial, first taking the oaths mentioned in 1 W. & M. S. 1. c. 8. and subscribing and repeating the declaration mentioned in 30 C. 2. St. 2., *id.* s. 10, 11.

64. This act shall not extend to any impeachment or other proceedings in parliament, *id.* s. 12.

65. This act shall not extend to any indictment of high treason for counterfeiting H. M.'s coin, his great seal or privy seal, his sign-manual or privy signet, *id.* s. 13.

66. In all cases of high treason, in compassing and managing the death of H. M. and misprision of such treason, where the overt act or acts thereof alleged in the indictment for such offence shall be assassination or killing of H. M., or any direct attempt against his life, or against his person, whereby his life may be endangered, or his person suffer bodily harm, the persons charged therewith may be indicted, arranged, tried, and attainted in the same manner and course of trial, and upon like evidence, as if such person stood charged with murder, and none of the provisions of 7 & 8 W. 3. c. 3. or 7 A. c. 21. touching trials in cases of treason, shall extend to any indictment for high treason, or misprision of treason, where the overt act alleged therein is as aforesaid; but on conviction, judgment and execution shall be done as in cases of high treason, 39 & 40 G. 3. c. 93.

67. CONCERNING ERRORS IN RECORDS OF ATTAINDERS of high treason, 29 E. 1. c. 2.

68. No record of attainder that now is, of any person of and for any high treason done, where the party has been executed for the same, shall by the heirs of such person, or any other claiming by or through such heirs, be reversed, or impeached by any plea of error, *id.* s. 1.

69. FOR ALLOWING PERSONS IMPEACHED OF HIGH TREASON, whereby any corruption of blood may be made, or for misprision of such treason, to make their full defence by council, 20 G. 2. c. 30. [See 7 & 8 W. 3. c. 3. s. 1. *pl.* 55.]

70. All persons who shall be impeached by the commons of G. B. for any high treason, whereby any corruption of blood may be made to such offenders, to their heirs, or for misprision of such treason, may make their full defence by counsel, not exceeding 2, who shall be assigned for that purpose, on the application of the parties impeached at any time after the articles of impeachment exhibited, *id.* *ibid.*

71. FOR DISCONTINUING THE JUDGMENT REQUIRED BY LAW to be given against women convicted of certain crimes, and substituting another judgment in lieu thereof, 30 G. 3. c. 48.

72. The judgment to be given against any woman convicted of high or petty treason, or of abetting, procuring, or counselling petty treason, shall not be that she be drawn to the place of execution and be there burned to death; but that she be drawn to the place of execution, and be there hanged by the neck till she be dead, *id.* s. 1.

73. Any woman convicted of petty treason, or of abetting, &c. the same, shall be subject to the further penalties by 25 G. 2. c. 37. ss. 1-10. [HOMICIDE, *pl.* 26.] provided, and the court before whom she shall be convicted, shall pass sentence at such time, and give such orders as to the time of her execution, the disposal of her body after execution, and all other matters as in that act directed in respect to murderers, *id.* s. 2.

74. Whenever any woman shall be convicted of high or petty treason, or of abetting, &c. the latter crime, and judgment is given thereon according to this act, the woman so attainted of such crimes respectively, shall be liable to the like forfeitures and corruption of blood as before this act, *id.* s. 4.

75. TO ALTER THE PUNISHMENT IN CERTAIN CASES OF high treason, 54 G.3. c.146.

76. In all cases of high treason in which, as the law now stands, the sentence would have been, to have been drawn to the place of execution on an hurdle, and there be hanged, but not till dead, but that they should be taken down again, and their bowels taken out and burnt before their faces, and that afterwards their heads should have been severed from their bodies, and their bodies, &c. be divided into 4 quarters, and their heads and quarters to be at H. M.'s disposal, the sentence or judgment hereafter to be awarded against any person convicted shall be, that such person be drawn to the place of execution on an hurdle, and there be hanged by the neck till dead, and afterwards the head shall be severed from the body, and the body divided into 4 quarters, shall be disposed of as H. M. thinks fit, *id.* s.1.

77. H. M. may, after judgment awarded, by warrant, under his sign-manual, countersigned by a principal secretary of state, declare it to be his will, and may direct that such person shall not be drawn, but shall be taken in such manner as in the warrant may be expressed, to the place of execution, and that such person shall not be hanged, but that his head shall be there severed from the body of such person whilst alive, and in such warrant may direct how the body, head, and quarters shall be disposed of, and the sheriff to whom such warrant is directed, may execute the same accordingly, *id.* s.2.

TREES.

1. TO ENCOURAGE THE PLANTING OF TIMBER TREES, fruit trees, or other trees, for ornament, shelter, or profit, and for the better preservation of the same, 1 G.1. St.2. c.48. ss.1—3. See s.4. Woods. [AMD. 6 G.1. c.16., 29 G.2. c.36. s.9.]

2. Every person who shall maliciously break down, cut up, pluck up, throw down, break or otherwise destroy, deface, or spoil any timber tree, fruit tree, or other tree, the person or corporation damaged by the same, shall receive satisfaction of the inhabitants of the parish, town, hamlet, vill, or place, where such trees are so broken, &c. and to be viewed and damages and costs recovered against such parish, &c. by the party grieved, in the same manner as hedges and ditches overthrown in the night, by 13 Ed.1. West. Sec. c.46. are to be, and where such offence is committed in Scot. to be recoverable by way of summary action, and in the same manner as damages in other cases of riot are to be, by the laws there, unless the offender shall by such parish, &c. be convicted within 6 months from the committing of the offence, 1 G.1. St.2. c.48. s.1. [Statutes of hue and cry extended to damages done by unknown persons to trees, 9 G.1. c.22. s.7. Riot, pl.34.]

3. Any 2 justices of the county, riding, division, stewardry, regality, city, town, borough, or corporation, wherein any such offence is committed, or the justices in open sessions, on complaint made to them by any inhabitant of such parish, &c. or of the owner of such trees, &c. or any other, may cause such offenders to be apprehended for such trespasses and offences, and hear and finally determine the same; and if they convict any person of all or any such trespasses, &c. then such justices shall immediately after such conviction commit the offender to the house of correction, to be kept to hard labour for 3 months, and where there are no houses of correction in any county, &c. such justices shall commit the offender to the prison for criminals there, for 4 months; and shall order that such offender be publicly whipped by the master thereof once every month, in such borough or corporation, if the offence be committed therein, or in the market town where such house of correction stands, or in the next adjacent market town, and in the county where such offence was committed, and on market day, between 11 and 2; and where no house of correction, such offender shall be publicly whipped by the common hangman, once every month on the market day of any borough or corporation where the offender is committed, or on the market day of some town, between 11 and 2, *id.* s.2.

4. Before any such offender is discharged, he shall find sureties for his good behaviour for 2 years, *id.* s.3.

5. Every person who shall by day or night, cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away any wood springs, or springs of wood, trees, poles, wood, tops of trees, underwoods, or coppice woods, thorns, or quicksets, without the consent of the owner of such woods, wood grounds, parks, chases, or coppices, plantations, timber trees, fruit trees, or other trees, thorns, or quicksets, or of the person entrusted with the care thereof, or shall break open, throw down, level, or destroy, any hedges, gates, posts, stiles, railing, walls, fences, dikes, ditches, banks, or other enclosure of such woods, &c., such lords of manors, owners, or proprietors of the same as are damaged thereby, shall have like remedy, [by action on the case, 11 East. 349.] under the 13 Ed.1. West. Sec. c.46. as in 1 G.1. St.2. c.48. s.1. pl.2. provided, unless the offender is convicted within

6 months from the committing of the offence, 6 G.1. c.16. s.1. [See further as to gates, &c., 1 G.4. c.56. TRESPASS, pl.26.]

6. If any persons in a riotous, open tumultuous, or in a secret manner, forcibly, wrongfully, and maliciously, and without the consent of the proprietor, wood-reeve, or keeper, or person entrusted with the care of such woods, &c. as in s.1. pl.5., shall cut, take, destroy, &c. any wood, or springs of wood, under or coppice wood, or shall in such riotous or secret, &c. manner break open, &c. any hedges, &c. or inclosures of such woods, &c. then 2 justices of peace for the county, riding, city, &c. where the offence was committed, or the justices in sessions, on complaint made to them by such persons and in such manner as by 1 G.1. St.2. c.48. s.2. directed, shall hear and finally determine the same, and the offenders on conviction, shall be liable for such offences to the punishments and penalties by such act inflicted, 6 G.1. c.16. s.2.

7. In actions for any thing done under this act, or the 1 G.1. St.2. c.48. or 13 Ed.1. (West. Sec.) c.46. the defendant may plead the general issue, and give the special matter in evidence; and in case a verdict passes for defendant, or the plaintiff is nonsuited, or discontinues, the defendant shall have treble costs, *id.* s.3.

8. FOR INCLOSING BY MUTUAL CONSENT OF THE lords and tenants part of any common for the purpose of planting and preserving trees fit for timber or underwood, 29 G.2. c.36. [AMD. 31 G.2. c.41., 10 G.3. c.42. s.7.]

9. H. M. and all other owners of wastes, woods, and pastures, in Eng., wherein any persons or bodies politic or corporate have common of pasture, with assent of majority in number and value, of the owners and occupiers of tenements to which the said right of common belongs: and the major part in number and value of the latter, with assent of the owners of such wastes, &c. and any other persons or bodies, &c. with assent and grant of the owners of such wastes, and of the major part in number and value of the owners of such tenements, may enclose for growth of timber or underwood, any part of such wastes, woods, and pastures, for such time and on such conditions as shall be agreed, 29 G.2. c.36. s.1.

10. Any recompence agreed to be given for such inclosure to the owners and occupiers of tenements having the rights of common, shall be made either by a grant of a share of the profit arising from timber or underwood growing on the lands so inclosed, or by grant of other lands or hereditaments, or by annuity, or rent-charge issuing out of either of the above described lands, or in money to be placed out at interest on public securities, or laid out in the purchase of lands, &c. or of some annuity or rent-charge issuing therefrom, [and such recompence shall be paid to the respective persons interested in the right of common, and not to the overseers of the poor, 31 G.2. c.41. s.1. altering 29 G.2. c.36. s.2.]; and where the owners of the wastes, and majority of the commoners jointly agree to assign their respective interests in any part of such wastes, in order to such inclosure, and the owners of the wastes have not a fee simple therein, or are unable to alienate same, the recompence to them shall be paid either by grant of a share of profit from sale of timber growing on such inclosure, or by grant of other lands, &c., or of an annuity, or rent-charge from either of the above described lands, and such equivalent shall be held by the owners of such wastes, in like manner as their estate in such wastes is limited, 29 G.2. c.36. s.2. as AMD. by 31 G.2. c.41. s.1.

11. The annuity so granted as a recompence shall be deemed a rent-charge on the land inclosed, 10 G.3. c.42. s.7.

12. If any parish is desirous to acquire such right of inclosure for employment of the poor, and any recompence for the same is agreed to be paid, the overseers, by direction of the majority of inhabitants assembled at a vestry or public meeting, (of which notice shall be given in the church, on 3 Sundays before it is held,) may purchase such recompence out of the poor rates, and pay expenses of inclosing and preserving the land and apply the profits of timber and underwood thereon, towards the relief of the poor of parish, &c. and shall account for the same as for poor rates, 29 G.2. c.36. s.2.

13. The powers vested in owners, [Qu. of wastes, or of rights of common, or both? but *symb.* the latter, see 31 G.2. c.41. s.1. *supra*, pl.10.] under 29 G.2. c.36. and this act may be exercised by tenants for life or years, 31 G.2. c.41. s.2. But their acts are of no force after determination of their interests, 31 G.2. c.41. s.3.

14. Every agreement for such inclosure shall be in writing, signed by the parties, and registered and inrolled by the clerk of the peace for the county or division where the wastes lie, in 3 months after execution, 29 G.2. c.36. s.3. [Further time allowed for so doing, 10 G.3. c.42. Exp. except s.7. *supra*, pl.11. See rest of act, INDEMNITY.]

15. All parties grieved by such agreement may, in 6 months after such register and enrolment, appeal to the quarter sessions, who shall finally determine same; and if no such appeal is made, the agreement so registered and enrolled, shall be for ever binding to all persons, (s.4.) and all bodies politic or corporate, executors, &c. guardians, committees,

and other trustees, &c. and husbands in right of their wives, may agree to such inclosure, and shall be indemnified for all such agreements, 29 G.2. c.36. ss. 4, 5.

16. If any person after the time limited for bringing such appeal against any such agreement, by day or night, shall unlawfully cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away, any trees growing within any such inclosure, without consent of the owners, the latter shall have such remedy and satisfaction from the inhabitants of the parishes or places adjoining such inclosures, and recover such damages and in manner directed for dykes and hedges overthrown, by 15 E.1. c.46. COMMON, *pl. 3.*, unless the offender is convicted of such offence within 6 months after its commission, *id. s.6.*

17. Any 2 justices of the county or place wherein such offence is committed, or the justices for such county or place, in sessions, on complaint, may cause every such offender to be apprehended, and may hear and determine such trespass, and inflict the like penalty on every offender by them convicted, as by 6 G.1. c.16. *ante, pl. 5.* directed, *id. s.7.*

18. Every person who shall unlawfully cut, take, destroy, break, or throw down, bark, pluck up, burn, deface, spoil, or carry away any tree growing in any waste, wood, or pasture, in which any person or body hath right of common, shall be in like manner convicted, and incur like penalty, *id. s.8.*

19. Any person or body politic may take remedy for the before-mentioned damages, either against the parish or place where any of the said offences are committed, according to 1 G.1. *St.2.* c.48. or 6 G.1. c.16. *ante, pl. 1, &c.* or against the hundred, according to 9 G.1. c.22. s.7. as to them seems most meet, *id. s.9.*

20. In actions brought for any thing done in execution hereof, defendant may plead the general issue, giving this act and the special matter in evidence; and if plaintiff discontinues, is nonsuit, or has judgment against him, defendant shall have treble costs, *id. s.10.*

21. FOR ENCOURAGING THE CULTIVATION AND FOR THE better preservation of trees, roots, plants, and shrubs, 6 G.3. c.36.

22. All persons who shall in the night lop, top, cut down, break, throw down, bark, burn, or otherwise spoil, or destroy, or carry away any oak, beech, ash, elm, fir, chesnut, or asp timber tree, or other trees, standing for timber, or likely to become timber, without the consent of the owner; or shall in the night time pluck up, dig up, break, spoil, or destroy, or carry away any root, shrub, or plant, of the value of 5s. and which shall be growing, standing, or being in any garden, nursery, or other inclosed ground, shall be deemed guilty of felony, and be liable to the penalties thereof; and the court trying such offenders, may order them to be transported for 7 years, as other felons may be; and all persons who shall be wilfully aiding or abetting in such cutting down, breaking, throwing down, &c. any such oak, beech, &c. or other such timber, trees, &c. or in such plucking up, digging, &c. any roots, shrubs, or plants, of such value, or shall buy, or receive such roots, &c. knowing the same to be stolen, shall be subject to the like punishment, as if they had stolen them, 6 G.3. c.36.

23. FOR THE BETTER PRESERVATION OF TIMBER TREES, and of woods and underwoods, and for the further preservation of roots, shrubs, and plants, 6 G.3. c.48 [EXTD. to hollies, thorns, and quicksets, in forests and chaces, and trees and underwoods, in private grounds, 9 G.3. c.41. s.8. mistake in the misrecital of the title of 6 G.3. c.48. in the 9 G.3. c.41. s.8. RECTIFIED 10 G.3. c.30. EXTD. to poplar, elder, maple, larch, and hornbeam, 15 G.3. c.33. and EXTD. to bark, and AMD. 45 G.3. c.66. (See 15 C.2. c.2., Woods, &c.)]

24. Every person who shall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away, any timber tree, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner, or in any of H. M.'s forests or chaces, without the consent of the surveyor, or his deputy, or person intrusted with the care of the same, and shall be thereof convicted upon the oath of one witness, before one justice, for the county, &c. shall, for the first offence, forfeit such sum, not exceeding 20*l.*, as to such justice shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such justice; and upon non-payment thereof, such justice shall commit the offender to the common gaol, for not exceeding 12, nor less than 6 months, or until the penalty and charges be paid; and if any person so convicted shall be guilty of the like offence a second time, and shall be thereof convicted in like manner, such person shall forfeit not exceeding 30*l.*, together with such charges attending such conviction; and upon non-payment thereof, such justice shall commit the offender to the common gaol, for not exceeding 18, nor less than 12 months, or until the penalty and charges be paid; and if any person so convicted shall be guilty of the like offence a third time, and shall be thereof convicted in like manner, such person shall be guilty of felony, and the

court shall transport such person for 7 years, in like manner as other felons, 6 G.3. c.48. s.1.

25. All oak, beech, chesnut, walnut, ash, elm, cedar, fir, lime, sycamore, and birch trees, [and poplar, alder, larch, maple, and hornbeam trees, 13 G.3. c.33. *see pl. 35.*] shall be deemed timber trees within this act, *id. s.2.*

26. Every person who shall pluck up, or cut, spoil, or destroy, or take away any root, shrub, or plant, out of the fields, nurseries, gardens, or garden grounds, or other cultivated lands, of any person whomsoever, without the consent of the owner, and shall be thereof convicted upon the oath of one witness, before one justice, for the county, &c. shall for the first offence forfeit not exceeding 40*s.* together with the charge previous to and attending such conviction, to be ascertained by such justice; and if any person so convicted shall again commit the like offence, and be convicted as aforesaid, such person shall for such second offence, forfeit not exceeding 5*l.*, together with such charges attending the conviction; and if any person so before convicted shall a third time commit the like offence, and shall be thereof convicted, such person shall, for such third offence, be deemed guilty of felony; and the court shall transport such person for 7 years, as other felons, *id. s.3.*

27. Every person who shall go into the woods, underwoods, or wood grounds, of any of H. M.'s subjects, not being the owner thereof, and shall there cut, lop, top, or spoil, split down, or damage, or otherwise destroy, any kind of wood or underwood, poles, sticks of wood, green stubs, or young trees, or carry away the same; or shall have in his custody any kind of wood, underwood, &c. and shall not give a satisfactory account how he came by the same, and shall be thereof convicted before one justice, on the oath of one witness, shall for the first offence forfeit not exceeding 40*s.* together with the charges attending such conviction, to be ascertained by such justice; and if any person shall commit any of such offences a second time, and be so convicted, he shall forfeit not exceeding 5*l.*, together with the charges attending such conviction; and if a third time, such persons convicted thereof shall be deemed incorrigible rogues, and punished as such, *id. s.4.*

28. The 6 G.3. c.48. s.4. [and 9 G.3. c.41. s.8. *by the 45 G.3. c.66. s.1.*] and all penalties, &c. hereby inflicted, and all other provisions relating thereto, shall extend to and be put in execution in relation to all [H. M.'s forests and chaces within this realm, 9 G.3. c.41. s.8.] [woods and wood grounds belonging to H. M. in G. B., as well in right of his duchy of Lancaster, as otherwise, and whether such woods or wood grounds be within any of H. M.'s forests, or chaces, or not, 45 G.3. c.66. s.1.] and to all persons who shall without legal right, by night or day, [cut down, or destroy, 9 G.3. c.41. s.8.] take, carry, or convey away, any [hollies, thorns, or quicksets, growing, or being on any of H. M.'s forests, or chaces, or within the woods, or wood grounds of H. M.'s subjects, 9 G.3. c.41. s.8.] [bark being in such woods, &c. of H. M., or in the woods, or wood grounds, of any of H. M.'s subjects, 45 G.3. c.66. s.1.] or who shall have in custody any such [hollies, &c. 9 G.3. c.41. s.8.] [bark, 45 G.3. c.66. s.1.] and shall not give a satisfactory account how they came by them, and shall be thereof convicted before one justice, as in 6 G.3. c.48. prescribed; and such justices may administer oaths, and proceed in like manner for the conviction and punishment of offenders, on the premises, as fully as if such provisions, and such act had been here repeated, 9 G.3. c.41. s.8. 45 G.3. c.66. s.1.

29. Provided that if any person shall commit any such offences, in such acts specified, more than 3 times, and be thereof convicted, as in 6 G.3. c.48. directed, every such person shall, for the fourth or any subsequent offence, be adjudged an incorrigible rogue, and be punished as such, 45 G.3. c.66. s.3.

30. Justices for the counties, cities, ridings, divisions, or places, wherein any offences against this act shall be done, shall put this act in execution, and administer an oath to any witnesses, 6 G.3. c.48. s.5.

31. Such justice, unless such forfeitures shall be paid down upon conviction forthwith, where not otherwise directed, may by warrant, under hand and seal, commit such offender, for the first offence, to the house of correction for one month, to hard labour, and to be once whipped there; and for the second offence, for 3 months, to hard labour, and to be whipped there once in every one of such 3 months, *id. s.6.*

32. If any person shall hinder, or attempt to prevent the seizing or securing any person employed in carrying away any such timber or other trees, such person shall forfeit 10*l.* to the person who shall convict such offender; and if not paid on conviction, the person convicted shall be committed to the house of correction to hard labour, for not exceeding 6 calendar months, *id. s.7.*

33. One moiety of all such forfeitures, not otherwise directed, shall go to the informer, and the other to the person aggrieved, *id. s.8.*

34. The conviction of every offender against this act shall be certified by the justice before whom made, to the next general quarter

sessions, to be filed amongst the records of the sessions; and such conviction shall be on parchment or paper, in the following form (as the case shall happen) or in words to the like effect, viz.

— { *Bz* it remembered, That on the — day of — in the year — to wit. { *A. B.* was upon the complaint of *C. D.* convicted before — of the justices of the peace for — in pursuance of an act passed in the 6th year of the reign of his majesty king George the third, for — [as the case shall be.] Given under — hand and seal the day and year above written.

Which shall be good in law, and shall not be quashed for want of any other form or words whatsoever; nor be removed by *certiorari* into K. B., but shall be deemed final, 6 G. 3. c. 48. s. 9. 9 G. 3. c. 41. s. 9. 45 G. 3. c. 66. s. 2.

55. The trees called poplar, alder, larch, maple, and hornbeam, shall be deemed timber trees, and all persons who shall wilfully cut, or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, destroy, or carry away any poplar, &c. or any part thereof, or the lops or tops thereof, without the consent of the owner, or of some person entrusted with the care of such trees, shall, if found guilty, as in 6 G. 3. c. 48. s. 1. *pl.* 24. directed, be convicted in manner by that act directed, concerning trees, therein deemed timber trees, and shall be liable to all the penalties and punishments thereby inflicted; and all justices, and peace officers, on complaint made of any such offences, may administer oaths, and convict and punish such offenders, as fully as if poplars, &c. had been deemed timber trees by such act; and the conviction shall be certified and be in the form, and the penalties shall go as in such act is directed, 13 G. 3. c. 33.

TRESPASS.

(STATUTE repealed.)

TO PREVENT THE STEALING OR DESTROYING OF TURNIPS, 23 G. 2. c. 26. ss. 13—14. [REP. 13 G. 3. c. 32. s. 6. *which see, pl.* 21.]

(STATUTES in force.)

1. OF PROCEEDINGS IN PLEAS OF TRESPASS, 6 E. 1. c. 8.

2. Sheriffs shall plead pleas of trespass in their counties as usual, and none shall have writs of trespass before justices, unless he swear that the goods taken were worth 40s., and if he complain of beating, he shall answer by his faith that his plaint is true; touching wounds and maims, a man shall have his writ as before, *id.* s. 1.

3. Defendants may make their attorneys in such pleas where appeal lies not, and if they be attainted of trespass, being absent, the sheriff shall be commanded to take them, and they shall have like pain as if they were present when judgment given, *id.* s. 2.

4. And if plaintiffs in trespass be essoined after the first appearance, day shall be given them unto the coming of the justices in eyre in such pleas, and other, where attachments and distresses lie; if the defendant essoin himself of H. M.'s service, and do not bring his warrant at the day given, he shall recompense the plaintiff for the damages of the day, 20s. or more, after the discretion of the justices, and be amerced to H. M., *id.* s. 3.

5. EVERY PERSON WHO SHALL MALICIOUSLY, WILFULLY, and unlawfully cut, or cause to be cut out, the head or dams of any ponds, pools, mores, or stews, or other several waters, or the heads, or pipes, of any conduit, of any other person, or maliciously, &c. burn, or cause to be burned, any wain, or cart, laden with coals, or other goods, &c. or any heap of wood of any other person, cut and felled, or who shall maliciously and willingly cut out the tongue of any tame beast of any other person, such beast being alive, or who shall cut off the ear of any person, otherwise than by law, chance medley, or sudden affray, or who shall maliciously, &c. bark any apple trees, pear trees, or other fruit trees, shall forfeit to the party grieved treble damages, to be recovered by action of trespass, at the common law, and forfeit to H. M. 10*l.* sterling, 37 H. 8. c. 6. s. 4.

6. TO PREVENT THE MALICIOUS KILLING OR MAIMING OF CATTLE, 22 & 23 C. 2. c. 7. s. 5. [See the rest of this title and statute, ARSON.]

7. Every person who maliciously in the night time shall maim, wound, or otherwise hurt any horses, sheep, or other cattle, whereby the same are not entirely killed, or shall destroy any trees, or throw down any inclosures, shall forfeit to the party grieved treble damages, to be recovered by action of trespass, or on the case, *id.* *ibid.* [See as to justices' enquiry and punishment of offenders, *id.* s. 6—7. ARSON.]

8. TO AVOID AND PREVENT IDLE MISDEMEANORS IN LEWD and idle persons, 43 E. 1. c. 7. [See further, 15 C. 2. c. 2. Woods, &c.]

9. All lewd persons which shall cut or unlawfully take away any corn rowing, or rob any orchards or gardens, or break or cut any hedge, pales, rails, or fence, or dig, pull up, or take up, any fruit trees, to the intent to take the same away, or shall cut or spoil any woods or underwoods, poles or trees standing, not being felony, and their procurers or receivers knowing the same, being convicted by confession, or one witness, before some justice of peace, mayor or other head officer,

where the offence shall be committed, or the party apprehended, shall give such recompence for the damages as by such head officer or justice of peace shall be appointed, for the first fault; and if such offenders shall be thought in the discretion of the justice, &c. not able, or do not make satisfaction for the damages, the justice, &c. shall commit the offenders to some constable or other inferior officer of the city, &c. or hamlet where the offence shall be committed, or the party apprehended, to be whipped; and for every such offence for which the offenders shall be afterwards committed, to receive the said punishment of whipping, 43 E. 1. c. 7. s. 1.

10. If any constable or inferior officer do not, at the command of any justice of peace, or other head officer, execute by himself, or some other, the punishment limited by this statute, it shall be lawful for the justice to commit the constable, &c. to the common gaol, until the offenders be by the said constable, or by his procurement, whipped, *id.* s. 2.

11. Provided that no justice of peace, or other head officer, do execute this statute for any the offences aforesaid done unto himself, unless he be assisted with one or more other justices of peace whom the offence doth not concern, *id.* s. 3.

12. FOR PUNISHING SUCH PERSONS AS SHALL do injuries and violences to the persons or properties of H. M.'s subjects, with intent to hinder the exportation of corn, 11 G. 2. c. 22.

13. If any person shall wilfully and maliciously beat, wound, or use any other violence to or on any person or persons, with intent to deter or hinder him or them from buying of corn or grain, in any market or place within this kingdom, or shall unlawfully stop, or seize on any waggon, cart, or other carriage, or horse loaded with wheat, flour, meal, malt, or other grain, in the way to or from any city, market-town, or sea-port, and wilfully and maliciously break, cut, separate, or destroy the same, or any part thereof, or the harness of the horses; or shall unlawfully take off, drive away, kill, or wound any of such horses, or unlawfully beat or wound the drivers, in order to stop the same; or shall scatter such wheat, flour, meal, malt, or other grain, or shall take and carry away, spoil or damage the same, or any part thereof; every such person being thereof convicted before any 2 justices of peace, shall be sent to the common gaol or house of correction; to be kept to hard labour for any time not exceeding 3 months nor less than 1 month; and shall by the justices be ordered to be once publicly whipped by the keeper of such gaol or house of correction, on the first convenient market-day, at the market place, between 11 *a. m.* and 2 *p. m.*, *id.* s. 1.

14. If any person so convicted shall commit any of the offences aforesaid a second time, or if any person shall wilfully and maliciously pull, throw down, or otherwise destroy any store-house or place where corn shall be then kept in order to be exported; or shall unlawfully enter any such place, and carry away any corn, flour, meal, or grain, or throw abroad or spoil the same; or shall unlawfully enter on board any ship, barge, or vessel, and wilfully and maliciously take and carry away, cast or throw out therefrom, or otherwise spoil or damage any meal, flour, wheat, or other grain therein intended for exportation; every person so offending, and being thereof convicted, shall be adjudged guilty of felony, and shall be transported for 7 years; and if such offender shall return into this kingdom before expiration of 7 years, he shall suffer death without benefit of clergy, *id.* s. 2.

15. No attainder for any offence made felony by this act shall work corruption of blood, loss of dower or disinheritance of heirs, *id.* s. 3.

16. No person punished for any offence by this act shall be punished for the same offence by any other law, *id.* s. 4.

17. The inhabitants of every hundred in Eng., wherein any such offence shall be committed, shall make satisfaction to all persons, their executors and administrators, for the damages they shall have sustained by any injury done to their properties by any offender against this act; the sum to be recovered not exceeding 100*l.*, such damages to be levied by the like methods as are prescribed in cases of actions for robberies on the highway, by 27 E. 1. c. 13. and 8 G. 2. c. 16., except so much thereof as relates to giving notice, or making fresh suit and hue and cry, or any other matter otherwise provided for by this act, *id.* s. 5.

18. Provided that no persons be enabled to recover damages by this act, unless they by themselves or their servants, within 2 days after damage done, give notice of such offence to one of the constables of the hundred, or to the constable, borsholder, headborough, or tithingman, of the town, hamlet, or tithing, in or near which such fact shall be committed; and shall, within 10 days after such notice, give in their examinations upon oath, or the examination upon oath of their servants, present at the time of the fact being committed, or having the care of such their properties to which such damage shall be done, before any justice of peace where such fact shall be committed, whether they know the persons that committed such fact, or any of them; and if upon such examination it be confessed, that they do know the persons or any of them, they shall be bound by recognizance to prosecute such offenders, *id.* s. 6.

19. Where any offence shall be committed against this act, and any one of the offenders shall be apprehended and convicted within 12 months after the offence, no hundred shall be liable to make satisfaction, 11 G. 2. c. 22. s. 7.

20. No person shall be enabled hereby to sue or bring any action against any hundred till after the expiration of one year, nor unless the parties sustaining such damage, shall commence their action within 2 years after the offence, *id.* s. 8.

21. FOR REPEALING 23 G. 2. c. 26. ss. 13, 14., and for the more effectually preventing the stealing or destroying of turnips, potatoes, cabbages, parsnips, pease, and carrots, 13 G. 3. c. 32. [Ext. to beans and orchards, 42 G. 3. c. 67.]

22. If any person shall steal and take away, or maliciously pull up or destroy any turnips, potatoes, cabbages, parsnips, pease, or carrots, growing or being in any garden, lands, or grounds, open or inclosed, and shall be convicted thereof before any justice for the county or place where the offence was committed, either by confession or the oath of one witness, such person shall forfeit, on conviction, such sum not exceeding 10s. over the value of the goods stolen, as such justice deems meet; which sum shall be distributed between the owner of such turnips, &c. and the overseers of the poor, or other person having the disposal of the funds of the poor of the parish where the offence was committed, for the use of such poor, in such proportion as such justice thinks fit, or the whole of such sums shall be given to either of such parties in the discretion of such justice; and in default of payment, such justice may commit the offender to the house of correction, to be kept to hard labour for not exceeding one calendar month, unless the penalty is sooner paid; and if the offence is committed in *Scot.* such offender may be committed to prison for the like time, unless the penalty is sooner paid; and the bringing the offender before a justice, and the proceedings against him, may be done in the most summary manner, 13 G. 3. c. 32. s. 1.

23. Every person who shall steal, take away, wilfully or maliciously pull up, injure, or destroy any turnips, &c., or beans growing or being in any garden, orchard, lands, or grounds, open or enclosed, and shall be thereof convicted, as by 13 G. 3. c. 32. s. 1. *pl.* 22. directed, shall forfeit on such conviction, such sum over the value of the goods stolen, &c., not exceeding 20s., as to such justice seems meet; which penalty shall be recovered and applied in the same manner, and on the same evidence, as penalties by the said act inflicted may be; and in default of payment, such offender may be committed to the house of correction, to be kept to hard labour for not exceeding 2 months, unless the penalty is sooner paid, 42 G. 3. c. 67.

24. In all informations and other proceedings for these offences, the evidence of the owner of such turnips, &c., and of the inhabitants of the parish where the offence shall be committed shall be taken, 13 G. 3. c. 32. s. 2.

25. Where such conviction shall be on the oath of the owners, the whole penalty shall be paid to the overseer for use of the poor, *id.* s. 3.

26. The justices shall cause the conviction under this act to be drawn thus, or to that effect, *viz.*:

'Be it remembered that on the — day of —, in the year of our Lord —, A. B. having been brought before me or having been duly summoned, and not having appeared or having appeared, [as the case may be] and having confessed or being convicted [as the case may be] of the charge exhibited against him is duly convicted before me C. D., one of H.M.'s justices of the peace for the county of —, [specifying the offence, and the time and place when and where the same was committed, as the case shall be]. Given under my hand and seal, the day and year aforesaid,' *id.* s. 4.

27. No person shall be prosecuted for any such offence, unless such prosecution be begun within 30 days, *id.* s. 5.

28. FOR THE SUMMARY PUNISHMENT IN CERTAIN CASES OF PERSONS wilfully or maliciously damaging or committing trespasses on public or private property, 1 G. 4. c. 56. [Extends to Eng. and Ire. only, *id.* s. 8.]

29. Every person who shall wilfully or maliciously commit any damage, injury, or spoil, to or upon any building, fence, hedge, gate, stile, guide post, mile-stone, tree, wood, underwood, orchard, garden, nursery-ground, crops, vegetables, plants, land, or other thing growing or being thereon, or to or upon any real or personal property, and shall be thereof convicted within 4 calendar months next after the injury done, before any justice of peace for the county, riding, division, city, town, or place, &c. where the offence was committed, either by confession or oath of one witness or of the party aggrieved, which oath such justice shall administer, shall forfeit to the party grieved such sum as such justice shall deem reasonable, not exceeding in any case 5*l.*; but in case such conviction is had on the sole evidence of the party grieved, then such forfeiture shall be paid to the overseers of the parish or place where the offence was committed; or if it is had in *Ire.*, to the governor of the fever hospital or infirmary, for the county, city, or place, to be applied to the use of the establishment; and in default of payment immediately,

or at such time as the justice shall appoint, together with all costs, &c. attending such conviction, such justice may commit such offender to the common gaol or house of correction, to be kept to hard labour for not exceeding 3 calendar months, unless such penalty and costs are sooner paid; provided that if such damage, &c. was done to any church, chapel, bridge, building, common way, or other property, whether real or personal of a public nature, or wherein any public right is concerned, such justice may proceed against and convict the offender within the time aforesaid, in such sum as aforesaid, upon the information of any prosecutor, and may direct one moiety thereof to be paid to such prosecutor, and the other to the poor of the parish where the offence was committed; and in default of the payment thereof and of all costs, such offender shall stand committed as aforesaid, 1 G. 4. c. 56. s. 1.

30. If any male person, under 16 years of age, shall offend against this act, the justice, who shall convict him, shall, in default of payment of the sum awarded, together with all costs of conviction, immediately or within such time as such justice shall appoint, commit such offender to the house of correction, to be imprisoned and kept to hard labour for not exceeding 6 weeks, *id.* s. 2.

31. Any constable or other peace-officer, and the owner of any property so damaged, &c. or his servant, and such person as he shall call to his assistance, may, without any warrant, apprehend any person who has actually committed, or shall be committing, any offence against this act, and take him before any justice of the county, city, or place, who shall act by him as hereby directed, *id.* s. 3.

32. Every justice, before whom any person is convicted of any offence against this act, shall draw up the conviction in the following form, or to that effect, *viz.*:

'Be it remembered, that on the — day of — in the year of our Lord —, A. B. is convicted by and before me —, one of H. M.'s justices of the peace for the county of — [or riding, division, city, town, or place, as the case may be,] for that the said [here state the offence, and the time and place when and where committed,] contrary to the statute made in 1st year of the reign of K. G. 4. intituled, "*An Act*," [set forth the title as in *pl.* 28.] And I, the said justice do hereby adjudge and determine that the said — shall for his said offence forfeit and pay the sum of — lawful money of G. B. [or of Ire. if the same offence shall be there committed,] and to [so in the act, but *qu. do?*] order that the same shall forthwith be paid [here direct the payment according to s. 1. *pl.* 29.] Given under my hand and seal the day and year first above written.' *id.* s. 4.

33. Any person so convicted by any justice, as in s. 1. *pl.* 29., of any offence against this act, may appeal to the justices at quarter or general sessions to be holden for the county, city, or place, where such conviction was had next after 7 days, from the time of such conviction, on giving immediate notice of such appeal, and of the matters thereof, and finding security to the satisfaction of such justice for prosecuting such appeal with effect, and abiding the determination of the court therein; and such sessions shall hear and determine such appeal, and either confirm or quash such conviction, and award such costs to either party as to the justices there shall seem reasonable, and the decision of such justices there shall be final and binding, and no proceeding under this act shall be quashed for want of form only, or be removed by *certiorari* or otherwise into the courts at *Westminster* or elsewhere; and if on hearing such appeal, the judgment of such justice shall be affirmed, the appellant shall forthwith pay the penalty and costs awarded against him, or in default thereof, shall be committed by such court to the common gaol or house of correction for not exceeding 6 calendar months, unless the penalty and costs are sooner paid, *id.* s. 5.

34. This act shall not repeal or affect any act now in force, whereby any person may be subject to punishment for wilful and malicious acts of trespass, to any property, either public or private, or to any case of wilful or malicious mischief or trespass to private property where the damage claimed shall exceed 5*l.*, or wherein it shall appear to the justice hearing the complaint that the party trespassing acted under a fair and reasonable supposition that he had a right to do the act to the property in respect of which the trespass was committed, or to do the act complained of, or shall have committed such trespass in hunting; or being a qualified person, and having duly obtained his certificate to kill game, committed the injury complained of in pursuit of game, *id.* s. 6.

35. In case any person is convicted of any offence against this act before any justice of peace, on the complaint of any person of public or private property having been so injured, and shall have paid the penalty and costs under such conviction, or suffered the imprisonment awarded for the nonpayment thereof, then such conviction may be pleaded in bar of any action, &c. that shall be commenced for any such offence, *id.* s. 7.

TRIAL.

1. NO BAILIFF SHALL PUT ANY MAN TO HIS OPEN LAW, OR TO SH

oath upon a bare charge, without faithful witnesses brought in for the same, 9 H.3. Mag. Chart., c. 28.

2. OF THE GRAND ASSISE AND TRIAL BY BATTLE, *Stat. Incert. Temp. XXV. Stats. at Large*, 8vo. ed. 414. [Trial by battle abolished, 59 G.3. c. 46.]

3. INQUESTS SHALL NOT BE DELAYED by the absence of witnesses to deeds, 19 E.2. St. 1. c. 2. [See 15 Ed. 1. (West. Sec.) c. 38. that such witnesses were necessarily part of the jury.]

4. When a deed, release, acquittance, or other writing is denied in H. M.'s court, wherein witnesses be named, process shall be awarded to cause such witnesses to appear as before usual, so that if they come not at the great distress returned, or if it be returned that they have nothing, or that they cannot be found, the taking of the inquest shall not be deferred by the absence of such witnesses; and if the witnesses do come at the great distress, and the inquest for some cause remains untaken, like day shall be given to the witnesses that so come in as is assigned for taking the inquest; at which day if the witnesses do not come, the issues first returned on them shall be forfeited, and the taking of the inquest shall not be deferred because of their absence. And for absence of witnesses dwelling within franchise where H. M.'s writ original doth not lie, the taking of the inquest shall not be omitted, 19 E.2. St. 1. c. 2.

5. INQUESTS SHALL NOT BE DELAYED BY THE ABSENCE OF WITNESSES to deeds, dated where H. M.'s writ runneth not, 9 E.3. St. 1. c. 4.

6. When any deed made within franchises where H. M.'s writ runneth not is shewed in bar of an action, bearing date within such franchise, although witnesses of the same franchise be named in such deeds, and the same be denied, process shall be awarded into the same county where the plea is moved, to have inquest of the county and the witnesses to appear; and if the witnesses come not at the great distress returned, then the inquest shall not be delayed thereby, but the justices shall proceed as if the deed did bear date in the shire where the plea was moved, and the witnesses were of the same county; *id. ibid.*

7. TO REGULATE THE TRIAL of causes, indictments, and other proceedings which arise within the counties of certain cities and towns corporate, within this kingdom, 38 G.3. c. 32. [AMD. 51 G.3. c. 100.]

8. In every action, whether the same is transitory or local, which is prosecuted or depending in the courts at *Westminster*, and in every indictment removed into K. B. by *certiorari*, and in every information filed by H. M.'s attorney or solicitor-general, or by leave of the court of K. B. and in all cases where any person shall plead to or traverse any of the facts contained in any return to any writ of *mandamus*, if the venue in such action, indictment, or information be laid in the county of any city or town corporate within *Eng.*, or if such *mandamus* is directed to any person or corporation, the court in which such action, &c. is depending, at the prayer of the prosecutor, plaintiff, or defendant, may direct the issue joined in such action, &c., to be tried by a jury of the county next adjoining to the county of such city, &c., and award proper writs of *venire* or *distringas* accordingly, if they think fit, 38 G.3. c. 52. s. 1.

9. Any prosecutor may prefer his bill of indictment for any offence committed, or charged to be committed, within the county of any city or town corporate, to the jury of the county next adjoining, sworn to and charged to inquire for H. M. for the body of such adjoining county, at at any sessions of *oyer* and *terminer* and general gaol delivery; and every such bill so found to be true, shall be as valid as if found by the jury sworn, &c. to inquire for H. M. for the body of the county of such city, &c., *id. s. 2.*

10. If it appear to any court of *oyer*, &c. for the county of any city or town corporate, that any indictment found by any grand jury of the county of such city, &c., or any inquisition taken before the coroner of the county of such city, &c. or other franchise, is proper to be tried by a jury of the adjoining county, such court, at the prayer of the defendant, may order such indictment or inquisition, and the several recognizances, examinations, and depositions relative to such indictments, &c., to be filed with the proper officer, to be by him kept among the records of the courts of *oyer*, &c. for such adjoining county, and cause the defendant in such indictment to be removed by *hab. corp.* to the gaol of such county, which writ such court shall issue, if the defendant be in the prison of such city, &c., and if not, may commit him to such gaol, and cause the prosecutor and witnesses to enter into a recognizance to prosecute and give evidence against such defendant at the sessions of *oyer*, &c. for such adjoining county; and the same proceedings and trial, and the same judgment shall be given in such last-mentioned court, as would be given in cases of indictments, &c. for the like offences committed within such adjoining counties, *id. s. 3.* [See 51 G.3. c. 100. s. 1. pl. 21.]

11. Any judge of K. B., or justice of *oyer*, &c. for such adjoining or other county, on the application of such prosecutor 10 days next before

the holding of any sessions of *oyer*, &c. for such last-mentioned county, by proper writs of *hab. corp.*, which they may issue, may cause any person in the custody of the sheriff, or of the keeper of any gaol or prison, charged with any offence committed within the county of any city or town corporate, to be removed into the custody of the sheriff of such adjoining county, in order to be tried in such county; and by order under the hand of one of such judges or justices, direct the coroner for the county of any city, &c. or other franchise, to return to the next court of *oyer*, &c. to be holden for such adjoining county, any inquisition, examination, or deposition, taken touching the death of any one within his limits; and whenever, in pursuance of this act, any bill of indictment is found by such grand jury, as in s. 3. pl. 10. for any offences committed, or charged to be committed, within the county of any city, &c., such courts of *oyer*, &c. may issue process to apprehend the defendant if not in custody, and compel the attendance of witnesses on the trial, in like manner as in cases of indictments found in any such court of *oyer*, &c. for offences committed within such adjoining county, 38 G.3. c. 52. s. 4.

12. Every recognizance which shall be entered into for the prosecution of any person for any offence committed, or charged so to be, within the county of any city or town corporate, or any liberty or franchise, and every recognizance for the appearance as well of witnesses to give evidence on any indictment to be preferred, or inquisition found for such offences, as for the appearance of any person to answer our lord the king concerning the same, shall be forfeited, if the prosecutor shall within 10 days previous to the holding of the next court of *oyer*, &c., in such adjoining county, give notice to the person bound to give evidence in such recognizance, or to answer our lord the king, of the intention to prefer such indictment, or to remove such inquisition in or into the adjoining county, and the party bound therein shall not appear, prosecute, give, or be ready to give evidence at such court; but if the party so bound after such notice shall appear in such adjoining or other county, prosecute, give, or be ready to give evidence on such indictment before the grand jury, and on the trial, then such recognizance shall be discharged, as if the person bound had complied with its terms, *id. s. 5.*

13. In case the person who shall enter into such recognizance cannot be found, and such notice as in s. 5. pl. 12. be left at his last place of abode 10 days previous to the holding of such sessions, the same shall be as good as if personally served; and no such recognizance shall be estreated into the exchequer until the next following sessions of *oyer*, &c. for such adjoining county, in order that such recognizance may be discharged, in case the person who entered into the same shews good cause, *id. s. 6.*

14. Every person before whom such recognizances are entered into, or by whom any examination or deposition is taken touching any such offences, as in s. 2. pl. 9., shall return the same to the next court of *oyer*, &c. for such adjoining county, on such prosecutor leaving at his dwelling or abode, 10 days before the holding of such sessions of *oyer*, &c. for such adjoining county, notice in writing of his intention to prosecute such indictment or inquisition at such last mentioned sessions for any offence committed within the county of any city, &c.; and on the delivery of such notice no person shall prefer any indictment or return any inquisition for any offence mentioned in the recognizances at or to any sessions of *oyer*, &c. for the county of such city, &c. *id. s. 7.*

15. In all cases of indictments or other proceedings, which may be tried before H. M.'s justices of *oyer*, &c. for any county in pursuance of this act, such justices may order the expences of prosecution, of the witnesses, and of the rewards payable on the conviction of any offender to be paid by and to the same persons, and in like manner as if such indictment had been tried in the court of *oyer*, &c. for the county of such city, &c., *id. s. 8.*

16. The justices of *oyer*, &c. at any session thereof holden for such adjoining county, may order all expences incurred by such county in relation to any person tried there, or removed thither for trial, for any offence committed, or charged to have been committed within the county of any city or town corporate, as well in maintaining such person and executing the sentence, as in other respects, to be repaid to the treasurer of the county, or person who actually paid such expences, by the same person and in the same manner as if the offender had remained in such county of a city, &c., and had been tried and his sentence executed there, 51 G.3. c. 100. s. 2.

17. For this act *Yorkshire* shall be deemed the next adjoining county to the county of the town of *Kingston-upon-Hull*, and the county of *Northumberland* as the next adjoining county to the county of the town of *Newcastle-upon-Tyne*, 38 G.3. c. 32. s. 9.

18. This act shall not extend to the cities of *London* and *Westminster*, or the borough of *Southwark*, or to the cities or counties of the cities of *Bristol* or *Chester*, or to the criminal jurisdiction of the city of *Exeter* or county of the same city, unless in cases of indictments re-

moved by *certiorari* into K. B. from any court of criminal jurisdiction within the city, &c. of *Essex*, 38 G. 3. c. 52. s. 10.

19. This act shall not take away any privileges anciently granted to such corporations by royal charters or grants, and which have been immemorially enjoyed; and they shall not be obliged to attend as jurymen on trial of any cause or indictment, removed from the limited jurisdiction to the county at large, nor on trial of any cause, &c. tried by the justices of assize, *oyer*, &c. in the next adjoining county, *id.* s. 11.

20. This act shall not enable any person to prefer any indictment for any such offence as in s. 2. *pl.* 9. to the jury of such adjoining county, or to remove any indictment or other criminal proceeding, except the person preferring such indictment, or applying for such removal enter into recognizance before the court where such indictment is preferred, or court or magistrate where such application is made, in 40*l.*, conditioned to pay the extra costs attending the prosecution for such offence in such adjoining county, provided the court before whom the trial is had is of opinion that he ought to pay the same, *id.* s. 12.

21. The court before whom any conviction shall have taken place under 38 G. 3. c. 32., may order such convict to be punished according to law either within the county where the conviction was had, or within the county of a city or town corporate where the offence was committed; and where the court shall order such convict to be punished within the county of such city, &c., the court, after passing sentence, may order him to be delivered into the custody of the sheriff or gaoler, or other proper officer thereof, who shall receive him and execute the sentence passed on him, as if he had been tried and sentenced within such county of a city, &c., 51 G. 3. c. 100. s. 1. [See 38 G. 3. c. 32. s. 3. *pl.* 10.]

TURNPIKE ROADS. (See HIGHWAYS.)

(STATUTES repealed and expired.)

1. FOR PUNISHING such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, 1 G. 2. *St.* 2. c. 19. [EXPL. and AMD. 5 G. 3. c. 33. s. 1. CON. 8 G. 2. c. 20. s. 19., 13 G. 2. c. 18. s. 1., 15 G. 2. c. 33. s. 1. MADE PERP. 27 G. 2. c. 16. s. 1. REP. 7 G. 3. c. 40. s. 61. See the rest of these acts, INLAND NAVIGATION, *pl.* 1.]

2. FOR THE MORE effectual preservation of the turnpike roads in *Eng.*, and for the disposition of the penalties given by acts of parliament relating to highways in *Eng.*, and for enforcing the recovery thereof, 24 G. 2. c. 45. [REP. 7 G. 3. c. 40. s. 61., except as to ss. 8, 9., which see, CARRIAGES, *pl.* 45.]

3. FOR THE AMENDMENT and preservation of the public highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto, 26 G. 2. c. 50. [AMD. 28 G. 2. c. 17., and all turnpikes CON. for 5 years after the expiration of their respective periods, *id.* s. 4. REP. 7 G. 3. c. 40. s. 61., 15 G. 3. c. 84. s. 86.; but the 28 G. 2. c. 17. s. 4., to be in force notwithstanding such repeal, 14 G. 3. c. 36.]

4. FOR ENLARGING the times for the first meetings of commissioners or trustees for putting in execution certain acts of this session of parliament, 30 G. 2. c. 27., 31 G. 2. c. 34. [Both acts REP. 7 G. 3. c. 40. s. 61.]

5. TO RENDER MORE effectual the several laws now in being for the amendment and preservation of the public highways and turnpike roads of this kingdom, 30 G. 2. c. 28. [CON. 5 G. 3. c. 38. Both acts REP. 7 G. 3. c. 40. s. 61.]

6. FOR EXPLAINING, amending, and further enforcing the execution of 26 G. 2. c. 50. and 5 G. 3. c. 38., for the amendment and preservation of the public highways and turnpike roads of this kingdom, and for obliging mortgagees taking possession of toll-gates or turnpike roads, and toll-gatherers appointed by them, to account, 6 G. 3. c. 43. [REP. 7 G. 3. c. 40. s. 61.]

7. TO EXPLAIN, amend, and reduce into one act of parliament, the general laws now in force for regulating the turnpike roads of this kingdom, and for other purposes, 7 G. 3. c. 40. [REP. 15 G. 3. c. 84. s. 86.]

8. FOR SUSPENDING for a limited time so much of 15 G. 3. c. 84. s. 23. as subjects carriages having the fellies of the wheels thereof of less breadth or gauge than 6 inches, to the payment of double tolls, and for vacating contracts for leasing tolls, 16 G. 3. c. 44. EXP.

9. FOR OBTAINING returns from turnpike road trusts, of the account of their revenues, and expense of maintaining the same, 1 G. 4. c. 95. EXP. Dec. 1820. See s. 4. of the act.]

(STATUTES in force.)

1. SO MUCH OF 1 G. 2. *St.* 2. c. 19. s. 1., 5 G. 2. c. 33. ss. 1, 2, 4, 5. and 5. in part, 28 G. 2. c. 20. ss. 1, 6. in part, 11—13. 17.; of 14 G. 2. c. 42. as relates to turnpike roads, and also 21 G. 2. c. 28., except what relates to the price of the carriage of goods, *viz.* ss. 3—5.; of 24 G. 2. c. 43. except what relates to drivers riding on their carts, &c. in *London*, *viz.* ss. 8, 9.; and of 26 G. 2. c. 30., 28 G. 2. c. 17., except s. 4., (which see,

ante, *pl.* 5.) 30 G. 2. cc. 27, 28., 31 G. 2. c. 34., 5 G. 3. c. 38. and 6 G. 3. c. 43. shall be REP. 7 G. 3. c. 40. s. 61.

2. The 7 G. 3. c. 40. shall be REP., except so much thereof as repeals any other acts, *viz.* s. 61., 15 G. 3. c. 84. s. 86.

3. TO EXPLAIN, AMEND, and reduce into one act of parliament the general laws now in being for regulating the turnpike roads in *Eng.*, and for other purposes, 15 G. 3. c. 84. [REP. as to so much which regulates the width of wheels and length of carriages liable to be weighed, *viz.* s. 12., 14 G. 3. c. 14. AMD. as to exemptions from tolls at side-gates in s. 34. *pl.* 41., 14 G. 3. c. 57., and as to additional tolls at weighing-engines, and s. 1. in part, and s. 16. wholly REP., 14 G. 3. c. 82.; and further REP. as to so much as relates to the countersinking of the tire of wheels, *viz.* s. 69. and EXPL. as to the fellies, and tire of carriages having the fellies of the wheels of the gauge of 6 inches in ss. 9. 25., 16 G. 3. c. 39.; so much of 13 G. 3. c. 84. s. 25. as relates to taking double tolls in certain cases SUSP. 16 G. 3. c. 44. EXP. and REP. 18 G. 3. c. 28., and EXPL. to all private turnpike acts made or to be made, 21 G. 3. c. 20.]

4. All the trustees appointed by any act of parliament for the repair of any turnpike road within *Eng.*, or 5 of them, at some public meeting shall, if they think proper, at as many gates or bars as they have erected for receiving toll, and at such distance from such gates or bars as they think proper, cause to be built a weighing-engine for weighing carts, waggons, or carriages conveying any goods, and by writing signed by 5, order all such carriages which pass loaded through such gate to be weighed, together with the loading thereof, and take an additional toll, in case the weight exceeds the weight following, *viz.*

To every waggon or 4-wheel carriage having the fellies or rollers of the wheels of the breadth of 16 inches, 8 tons in summer, and 7 in winter. To every waggon or wain having the axletrees thereof of such different lengths, that the distance from wheel to wheel of the nearer pair of wheels be not more than 4 feet 2 inches, to be measured at the ground, and that the distance from wheel to wheel of the other pair be such that the fore and hind wheels roll only one single surface or path of 16 inches wide on each side the waggon, &c., and having the fellies thereof of the breadth of 9 inches from side to side at the bottom thereof, 6 tons 10 cwt. in summer, and 6 tons in winter.

To every waggon or 4-wheel carriage having the bottom of the fellies of the wheels of the breadth of 9 inches, 6 tons in summer, and 5 tons 10 cwt. in winter, to every cart having such wheels, 3 tons in summer, and 2 tons 15 cwt. in winter.

To every waggon having the bottom of the fellies of the wheels of the breadth of 6 inches, 4 tons 5 cwt. in summer, and 3 tons 15 cwt. in winter.

And to every waggon constructed so as to roll a surface of 11 inches by the wheels thereof, 5 tons 10 cwt. in summer, and 5 tons in winter; and to every cart with like wheels, 2 tons 12 cwt. in summer, and 2 tons 7 cwt. in winter.

To every waggon having the bottom of the fellies of the wheels of less breadth than 6 inches, 3 tons 10 cwt. in summer, and 3 tons in winter; and to carts with wheels of like dimensions, 1 ton 10 cwt. in summer, and 1 ton 7 cwt. in winter; and for this act it shall be deemed summer from 1st May to 31st Oct., and winter from 1st Nov. to 30th April, both days inclusive, 13 G. 3. c. 84. s. 1. [See *pl.* 99. 108.]

The additional toll for overweight by 13 G. 3. c. 84. s. 1. granted, shall be REP. s. 1., and all trustees for any turnpike road, or 5 of them, or any person authorized by 5 of them, may receive over the tolls already granted or to be granted, the following sums as additional tolls for every cwt. of 112lb. which any waggon, cart, or carriage, together with the loading thereof, shall weigh over the weights by 13 G. 3. c. 84. s. 1. *pl.* 4. allowed, *viz.* for the first and second cwt. 3*d.*

For every cwt. above	$\left\{ \begin{array}{l} 2 \\ 5 \\ 10 \\ 15 \end{array} \right\}$	and not exceeding	$\left\{ \begin{array}{l} 5 \\ 10 \\ 15 \end{array} \right\}$	they may take	$\left\{ \begin{array}{l} 6d. \\ 2s. 6d. \\ 5s. \\ 20s. \end{array} \right\}$
-------------------------	--	-------------------	---	------------------	---

which additional toll shall be levied and recovered in the cases aforesaid, or any person liable thereto, or his goods, who shall after demand made, neglect to pay the same in such manner as any other toll payable at the same gate is to be recovered, and the money arising from such additional toll shall be applied to repair the turnpike road where collected, 14 G. 3. c. 82. ss. 1, 2. [See as to power of reducing such additional tolls, 55 G. 3. c. 119 s. 1. *pl.* 115.]

5. But the trustees of the turnpike roads within 10 miles of *London*, *Westminster*, and *Southwark*, may, at their general or quarterly meetings, lower such additional tolls, *id.* s. 4.

6. The keeper of every such toll-gate or bar, where any such weighing engine is erected, or any other person appointed by the trustees to the care thereof, shall weigh all such waggons and carts liable by this act to be weighed, which shall pass loaded through such gates, and which he shall believe carry greater weights than are allowed to pass without paying additional toll; and if he permit such waggon or cart to

pass such toll-gate with greater weights than what allowed, without weighing same, and receiving such additional tolls, he shall forfeit *5l.*, 13 G.3. c. 84. s. 2.

7. Any trustee, creditor, clerk, treasurer, or surveyor of such turnpike road, if he suspect any connivance or neglect herein, may cause any carriage, liable to be weighed, which shall have passed through any toll-gate where such weighing engine is erected, and shall not have passed 300 yards beyond such toll-gate, to return to such weighing engine, and be there weighed, with the loading, in presence of such trustee, &c. upon requiring the driver to drive such carriage back to such engine, and upon tendering to him one shilling for so doing; which one shilling shall be returned to the person paying, if upon weighing, the same be found above the weight allowed, *id.* s. 3.

8. The surveyors shall make convenient places for turning such carriages upon every turnpike road where such weighing engine is erected, within 300 yards of such toll-gate, on each side thereof, if the ground will admit; and there shall be a list of the names of all the trustees and creditors, and also of the clerk, treasurer, and surveyor of such turnpike road, put up in house where such weighing engine is placed, to be inspected by the owner or driver of such carriage; and if the driver, being requested to return to such engine, shall refuse so to do, he shall forfeit *40s.*; and any peace officer, or person then present, upon such neglect, may drive such carriage back to such engine to be weighed, *id.* s. 4.

9. All acts for repairing turnpike roads, the trustees whereof shall, within 12 months after the commencement of this act, have caused to be erected thereupon such weighing engine, pursuant to this act, shall be continued for 5 years, to be computed from the expirations of all such acts, and subject to all the tolls, penalties, &c. made by any such acts heretofore made, for repairing turnpike roads, *id.* s. 5.

10. The regulations of weight before mentioned shall not extend to any waggons, carts, or other carriages, employed only in husbandry, or carrying only manure for land, hay, straw, fodder, or corn unthreshed; and where lime or other manure is, by any turnpike act, permitted to pass through any gate toll free, or upon paying less toll than is required for other goods, it shall be liable to be weighed at all weighing engines upon such turnpike road, together with the carriages in which such lime or manure is conveyed, and shall pay such additional toll for overweight as in s. 1. *pl.* 4. directed, *id.* s. 6.

11. No waggon, cart, or carriage employed only in husbandry, or carrying only manure or lime for improving land, or hay, straw, fodder, or corn unthreshed, (except hay or straw for sale,) shall be weighed at any weighing engine, 14 G.3. c. 82. s. 2. [See 13 G.3. c. 84. s. 24. *pl.* 30., 52 G.3. c. 145. s. 6. *pl.* 108.]

12. The justices within every county, riding, division, &c. at any general quarter sessions, upon complaint made to them by any justice, or by 2 creditors, or 2 trustees of any turnpike road, that such turnpike road is much damaged by excessive weights being carried thereupon, and that no weighing engine hath been, or ordered by the trustees to be erected, may summon the clerk, surveyor, and treasurer of such road to appear before the justices, at their then next quarter sessions, to shew cause why a weighing engine should not be erected at or near the gates, described in such summons, and if at such subsequent sessions such clerk, &c. shall not appear, or appearing, shall not shew sufficient cause against erecting of such engine, such quarter sessions may order weighing engines to be erected at such places as they think proper; a copy of which order shall be forthwith delivered to clerk of such turnpike road; and the trustees, at next meeting held after their clerk has been served with such copy of the order, shall contract with some person for making such weighing engine; and the treasurer shall pay expences attending the making of such engine out of the money in his hands arising from tolls upon such turnpike road, 13 G.3. c. 84. s. 7.

13. When 2 or more turnpike roads meet at the same place, the trustees, at a meeting for that purpose, may fix upon some convenient place to erect a weighing engine which will accommodate all such roads; and, by agreement amongst themselves at such meeting, proportion the expences which attend the making and keeping such engine, and likewise the money arising from forfeitures to be incurred for overweight at such weighing engine, amongst all such roads, *id.* s. 8.

14. The trustees of any turnpike road, or their lessees, shall not make composition for tolls, for any waggon, wain, cart, or carriage, or horses, or beasts of draught, drawing same, unless such waggons, &c. have the fellics of the wheels thereof of the breadth of 6 inches, or more, *id.* s. 9. [See s. 25. *pl.* 31.]

15. If any person shall unload any goods from any cart, waggon, or carriage (except such carriages as in s. 6. *pl.* 10. excepted), at or before the same shall come to any turnpike gate or weighing engine, or shall load thereon (except as aforesaid), after the same has passed any such turnpike or weighing engine, any goods taken or unloaden from any horse, cart, or other carriages, belonging to, or hired by the same waggoner or carrier, in order to avoid payment of such duties; or if any person shall so unload, in order to carry considerable quantities of goods

through any turnpike gate in the same day, and thereby pay less toll at such turnpike gate than would have been paid if such goods had not been so unloaden; each person so offending being thereof convicted before one justice upon oath of one witness, shall forfeit *5l.*; to be levied upon the goods of the owner of such cart, &c.; and each driver, not being the owner of such carriage, and being thereof convicted, shall be committed to the house of correction for one month, 13 G.3. c. 84. s. 10.

16. If owner of any waggon, cart, or carriage, or the driver thereof, travelling on any turnpike road where any toll-gate or weighing engine is erected, shall drive out of same into another road, to avoid being weighed, or paying of toll, and shall afterwards proceed with such carriage on the same turnpike road, such owner, or driver being convicted before one justice, upon oath of one witness, shall forfeit, if the owner, from *20s.* to *5l.*; and if driver and not owner, from *10s.* to *50s.*, *id.* s. 11.

17. Regulations in the construction of the wheels of carriages travelling on roads within 20 miles of London, *id.* s. 12. [REP. 14 G.3. c. 14. s. 1.]

18. Offenders against such clause indemnified, 14 G.3. c. 14. s. 2. [EXP.]

19. No waggon, wain, or 4-wheeled carriage, having the sole of the fellics of the wheels of the breadth of 9 inches, shall pass on any turnpike road with more than 8 horses; nor any cart or 2-wheeled carriage with such wheels, with more than 5 horses; and horses in such carriages shall draw in pairs (except an odd horse in any team, and except where the number shall not exceed 4), and no waggon, wain, or 4-wheeled carriage, having the sole of the fellics of the wheels of the breadth of 6 inches, shall pass on any turnpike road with more than 6 horses; and no cart or 2-wheeled carriage with such wheels, with more than 4 horses, and no waggon, wain, or 4-wheeled carriage, having the fellics of the wheels of less breadth than 6 inches, shall pass on any turnpike road with more than 4 horses; and no cart or 2-wheeled carriage with such wheels, with more than 3 horses; and the owner of every such carriage shall forfeit *5l.*, and the driver not being the owner, *20s.*, for every offence against these provisions to any person who shall sue for same, *id.* s. 13.

20. All carriages moving upon rollers of the breadth of 16 inches on each side thereof with flat surfaces, may be drawn with any number of horses or cattle, *id.* s. 14.

21. No prosecution shall be commenced before a justice, by information, for any forfeiture incurred by the owner or driver of any carriage having a greater number of horses therein than allowed, unless laid within 3 days after the offence committed; and no action shall be commenced for such offence, unless within one month; and neither such information or action shall be laid or commenced, unless notice is given by the informer to the driver on the day upon which the offence was committed, of the intention to complain of such offence; and if it appear to the justice, that the offender lives so remote as to make it inconvenient to summon him to appear before him, such justice may dismiss the complaint, and leave the informer to his remedy by action at law, *id.* s. 15.

22. Unlimited number of horses may be used after carriage weighed, *id.* s. 16. [REP. 14 G.3. c. 82. s. 1.]

23. If any person shall take off any horse or beast of draught from any carriage, or shall alter the distance of the wheels, at or before the same shall come to any such gates, with intent to avoid any toll or penalty, each person so offending, and being convicted thereof before one justice for the limit where the offence was committed, upon oath of one witness, shall forfeit *5l.*, *id.* s. 17.

24. If it appear to the trustees of any turnpike road, or 7 of them, at any of their public meetings, by oath of one witness experienced in levelling, that any part of the rise of any hill upon such road is more than 4 inches in a yard, such trustees shall allow such number of horses as they deem necessary, not exceeding 10 for waggons, or 6 for carts, with 9 inch wheels; and not exceeding 7 for waggons, or 5 for carts, with 6 inch wheels; and not exceeding 5 for waggons, or 4 for carts, with wheels of less breadth than 6 inches. And in case it appear to such trustees, that the whole rise of any hill taken together shall be more than 4 inches in a yard, upon an average, they may allow such number of horses as they think fit to be used in such waggons and carts, for the purpose only of drawing the same up such hill, the length of such hill to be specified in such order, and the termination at each end thereof to be marked by a post or stone, to be erected at such boundaries; and such order shall be certified by such trustees, or their clerk, to the next general quarter sessions. And if the facts shall, at such sessions, be proved upon oath of one witness, such order shall be confirmed and filed among the records of the sessions by the clerk of the peace, or otherwise vacated; and after such confirmation and filing, no person shall be liable to any penalty for using such number of horses as shall be so allowed; and such justices, at any subsequent quarter sessions, may reconsider such order, and discharge the same, if fit, *id.* s. 18.

25. If it appear, upon the oaths of witnesses, to satisfaction of any justice, or court authorized to enforce this act, that any carriage could

not, by reason of deep snow or ice, be drawn with the weights, and by the number of horses allowed, such justice, or court, may stop all proceedings before them, for the recovery of any penalty incurred by drawing with a greater number of horses than allowed, 13 G. 3. c. 84. s. 19.

25. No waggon, wain, or cart, having the sole of the fellies of the wheels thereof of less breadth than 9 inches, shall pass upon any turnpike road, or through any turnpike gate, if the same be drawn by horses in pairs; except such waggons, &c. having the fellies of the breadth of 6 inches, as shall be authorized to be drawn in any other manner by order made, at a public meeting of 7 trustees, which order such trustees may revoke at any subsequent meeting, and afterwards make a new one, if they think fit, for the same purpose, and fixed in writing upon every toll-gate within such district; and except carriages drawn by 2 horses only, *id.* s. 20.

26. In case any person shall, upon any turnpike road, drive, or act as driver of any carriage, not being marked according to s. 68. *pl.* 76., or drawn by more horses than hereby allowed, any constable, tythingman, surveyor or other person, may apprehend and take such person so driving before one justice, and upon conviction thereof, either by confession of party, or by oath of one witness before such justice, such person shall forfeit from 10s. to 5*l.* in discretion of convicting justice, *id.* s. 21.

27. "As by several acts extraordinary tolls are granted for carriages drawn by more than a certain number of horses, &c." therefore such trustees, or 5, within their districts, at the first meeting after commencement of this act, may mitigate such extraordinary tolls for such waggons, or carriages only, having the wheels of the breadth of 6 inches, in such manner as no greater toll be demanded for same than is provided by such acts to be paid for waggons, and other 4-wheeled carriages, drawn by 4 horses; and that no greater toll or duty be demanded for carts, having the fellies or their wheels of the breadth of 6 inches, than is provided by such acts, to be taken for carts drawn by 3 horses; and such trustees, within their districts, or 5 of them, shall give directions, in writing, to the collectors within their districts, to take such tolls, and no other, *id.* s. 22.

28. The trustees appointed under any act for repairing turnpike roads, or persons authorized by them, shall take for every waggon, wain, cart, or carriage, having the fellies of the wheels of less breadth than 6 inches from side to side, at the bottom thereof, and for the beast drawing same, one half more than the tolls payable for same, and after *Sept.* 1776, double such tolls, before same shall pass the gate, *id.* s. 23.

29. So much of 15 G. 3. c. 84. s. 23. as authorizes the taking of double tolls shall be [suspended 16 G. 3. c. 44.] *Rep.*, s. 1. [and lessees of tolls released, s. 2. *Exp.*] 18 G. 3. c. 28.

30. "As there are, in several acts, exemptions from tolls in particular cases and liberties, to pay less than are charged upon other carriages," it is therefore enacted, that no person shall, under such acts, have the benefit of any such exemption, unless the waggon, wain, cart, or other carriages have the sole of the fellies of the wheels thereof of the breadth of 6 inches or upwards, (except carts and carriages employed in carrying corn in the straw, hay, straw, fodder, dung, lime for the improvement of land, or other manure, or any implements of husbandry only); but the toll required by such acts, together with the tolls hereby required for carriages, having the sole of the fellies of the wheels of less breadth than 6 inches, and for horses drawing the same (except as before), shall be paid in the same manner as if no exemption had been allowed by any such acts, and as fully as other waggons, &c. and horses ought to pay, which are not intitled to any exemption, 13 G. 2. c. 84. s. 24.

31. Provided no person be allowed the benefit of such exemptions, or have the privilege in s. 9. *pl.* 14. given of compounding in respect of any carriage having the fellies of the wheels thereof of the breadth of 6 inches, unless the fellies, and the tire upon such fellies, shall lie flat, *id.* s. 25.

32. All wheels of the breadth or gauge of 6 inches or upwards, the fellies or tire whereof shall not deviate more than one inch from a flat surface, shall be deemed flat according to the meaning of 15 G. 3. c. 84. ss. 9. and 25., 16 G. 3. c. 39. s. 2.

33. All waggons, carts, or carriages, moving upon rollers, of the breadth of 16 inches on each side thereof, with flat surfaces, shall pass upon any turnpike road toll free for one year, [EXTRA. to 5 years from *Michaelmas*, 1774, 14 G. 3. c. 82. s. 5.]; and after such term, all such carriages shall pass, upon paying only so much of the tolls as shall not exceed one half of the full toll payable by this or any turnpike act, for waggons, &c. having the fellies of the wheels of the breadth of 6 inches from side to side, or for the horses drawing the same, and not rolling a surface of 16 inches on each side thereof; and no more than half toll shall be paid in respect of waggons having the fellies of the breadth of 9 inches, and rolling a surface of 16 inches on each side thereof, 13 G. 3. c. 84. s. 26.

34. Nothing herein shall extend to any chaise-marine, coach, landau, berlin, chariot, chaise, chair, calash, or hearse, or to the carriage of such ammunition or artillery as shall be for H. M.'s service, or to any cart or

carriage drawn by one horse, or 2 oxen, and no more; or to any carriage, having the sole of the fellies of the breadth of 9 inches, which shall be laden with one block of stone, one piece of marble, one cable rope, one piece of metal, or one piece of timber, 13 G. 3. c. 84. s. 27.

35. If any person shall take the benefit of any exemptions, under this or any other turnpike act, in any fraudulent manner, such person shall forfeit from 40s. to 5*l.*, *id.* s. 28.

36. "As by several acts for repairing turnpike roads, there is no power given to the trustees to lessen the tolls, although such roads may be amended and the money borrowed upon the credit of such acts paid;" it is ENACTED, that such trustees appointed by any act now in force for repairing particular roads, or 7 of them, at a meeting for that purpose, of which one month's notice shall be given in writing, to be affixed on all turnpike gates erected upon such roads, and in some public newspaper circulated in that part of the country, may reduce the tolls granted by any of the said acts, for such time as such trustees think proper; and afterwards, at any meeting, if they see occasion, advance the tolls lessened, to any money, not exceeding the rates granted by such acts, *id.* s. 29.

37. But where the whole money borrowed on the credit of such tolls shall not have been paid, no such tolls shall be reduced without the consent of the persons entitled to 5-6ths of the money remaining due upon such tolls, *id.* s. 30.

38. The trustees of any particular turnpike act, or 7 of them, at a public meeting, may let to farm the tolls of the gates, although no power shall have been given by such act for that purpose; and whenever any tolls shall hereafter be let to farm, by virtue of this or any other act, the following directions shall be observed; *viz.* the trustees shall cause notice to be given of the time and place for letting the same one month before the day appointed for that purpose, by fixing the same upon every toll-gate belonging to such turnpike road, and also upon the market-cross of the market-town nearest to the place where the tolls are to be let, and also in some public newspaper circulated in that part of the country, and specifying therein the sum which such tolls produced in the preceding year, clear of the salary for collecting, in case any hired collector was appointed, and that they will let such tolls by auction to the best bidder, on his producing sufficient sureties for payment of the money, monthly or quarterly, as shall be required by the trustees; and that they will be put up at the sum which they were let for in the preceding year, clear of the salary of the collector; and to prevent fraud, or undue preference in the letting thereof, the trustees shall provide a glass with so much sand in it as will run from one end of it to the other in one minute; which glass, at the time of letting the tolls, shall be set upon a table, and immediately after every bidding the glass shall be turned, and as soon as the sand is run out, it shall be turned again, and so for 3 times, unless some other bidding intervenes: and if no other person shall bid, until the sand shall have run through the glass for 3 times, the last bidder shall be farmer of such tolls, and forthwith enter into a proper agreement for taking thereof, and paying the money at the times specified in such notice, or as shall be agreed upon between him and the trustees; and in case no bidder shall offer, such trustees may appoint a collector, or fix some future day for letting thereof, as they judge most proper, upon giving such notice, and shall, in that case, put them up at such sum as they think fit; and if the person, who shall be the farmer, shall take a greater or less toll from any person than what are authorized by this or the particular act, he shall forfeit 5*l.*, and also the contract for renting the tolls, if such trustees think fit to vacate the same; and every other gate keeper authorized to collect the tolls, who shall take a greater or less toll, shall forfeit 40s., *id.* s. 31.

39. The surveyors of all turnpike roads shall cause the statute duty required by the turnpike acts, and the compositions arising from the same, to be performed and expended, upon the turnpike road lying within the parish from which such duty is required, and not elsewhere, and shall forfeit 40s. for every misapplication thereof; and where there are 2 or more turnpike roads under several acts, within the same parish, &c. and the statute-duty directed by all such acts shall exceed 3 days' duty in the whole, then 2 justices for the limit where such turnpike shall be, at some special sessions, shall adjust the statute-duty betwixt such turnpike roads and the other highways in such parish, &c. as they think fit, having regard to the extent and condition of such several roads and highways, and also to the tolls arising from such turnpike roads, such justices previously summoning the clerks and surveyors of such turnpike roads, and likewise the surveyors of the highways, for such parish, &c., *id.* s. 32.

40. When the inhabitants of any parish, township, &c. shall be indicted or presented for not repairing any highway, being turnpike road, and the court shall impose a fine for the repair of such road, the same shall be proportioned, together with the costs attending the same, between the inhabitants of such parish and the trustees of such turnpike road, as the court shall deem just; and such court may order the treasurer of such turnpike road to pay the sum proportioned for such turn-

pike road out of the money in his hands, in case it appear to such court, from the circumstance of such turnpike debts and revenues, that same may be paid without endangering the security of creditors who have advanced their money upon the credit of the tolls to be raised thereupon; which order shall be binding upon such treasurer, and he shall obey the same, 13 G. 3. c. 84. s. 33.

41. Provided no toll-gate shall hereafter be erected on the side of any turnpike road, unless ordered by the trustees, at a meeting, of which 21 days' public notice shall have been given in writing, affixed upon all the toll-gates erected on such roads, and also in some public newspaper circulated in that part of the country, specifying the place where such side-gate is proposed to be erected, and unless 9 trustees at least (being a majority of those present) shall sign such order at such meeting; and no person shall be liable to pay toll at any toll-gate erected across or on the side of any turnpike road, or be subject to any penalty for any carriage or beast, which shall only cross such road, and shall not pass above 100 yards thereon, except over some bridge, erected at a considerable expence by the trustees of such turnpike road, *id.* s. 34.

42. The 13 G. 3. c. 84. s. 34. REP. so far as it affects any toll-gate directed to be set up at any place particularly specified in any act of parliament, for repairing any highway or road passed before the 13 G. 3. c. 84. was made, 14 G. 3. c. 57.

43. If any person shall agree to advance any money, to be employed in making or repairing any turnpike road or highway intended to be made turnpike, and shall subscribe his name to any writing for that purpose, such person shall be liable to pay such money, according to such writing; and in default of payment within 21 days after payable and demanded by the person to whom the same is payable by such writing, or if no person be named therein, by the treasurer of such turnpike or intended turnpike road, such treasurer, or person, &c. may recover the same, in any court of record, by action of debt, &c. or information, wherein no essoin, &c. and only one imparlance allowed, 13 G. 3. c. 84. s. 35.

44. On every turnpike road where a sufficient quantity of stone, gravel, chalk, or other materials, cannot be provided and carried by the labourers and teams required to perform statute duty upon the same, the surveyor, with the approbation of the trustees of such road, shall contract for getting and carrying thereof, at some time and place to be fixed for that purpose, of which 10 days' notice in writing shall be given, by fixing the same on the door of the church or chapel of such parish, &c., and if there shall be no church or chapel, at the most public place there, which shall specify the work to be done, and the time and place for letting thereof, and if any surveyor shall have any share or interest, directly or indirectly, in such contract, or in any other, for work or materials to be made, done, or provided upon the highways, roads, bridges, or other works under his care; or shall, upon his own account, directly or indirectly let to hire any team, or sell any timber, stone, or other materials to be used in making or repairing such roads, &c. unless a licence in writing for sale of such materials, or for letting to hire such team, be first obtained from such trustees, he shall forfeit 10*l.*, and be incapable of being surveyor under this or any other act, *id.* s. 36.

45. If the surveyor or person having the care of any turnpike road, shall knowingly suffer to remain, for 4 days, in any part thereof, within 10 feet on either side of the middle of such road, any post, heap of stones, rubbish, or earth, set above the surface of the road, by which the passage may be obstructed, confined, or straitened (except posts, blocks, stones, or banks of earth, fixed in the ground, or raised, for securing horse or foot roads, or passages for water, and also direction posts and stones), such surveyor, or person, shall forfeit 40*s.*, *id.* s. 37.

46. If any person shall encroach, by making any hedge, ditch, or other fence on any turnpike road, within 30 feet from the middle thereof; or shall plough, harrow, or break up the soil of any land; or in ploughing or harrowing the adjacent lands, shall turn his plough or harrow upon any land within 15 feet from the middle of any turnpike road, every person so offending shall forfeit 40*s.* to such person as shall make information; and the trustees who have the care of such road, or 5 of them, may cause such hedge, ditch or fence, to be taken down or filled up, at the expence of the person to whom the same shall belong; and one justice for limit where offence committed, upon proof thereof to him, upon oath, may levy as well the expences of taking down such hedges, as the penalties hereby imposed, by distress and sale of the offender's goods, rendering overplus to the owner, *id.* s. 38.

47. "As in some places the trustees of turnpike roads are to secure horse and foot causeways to travel upon, in public highways, by posts, blocks, or great stones fixed in the ground, or by banks of earth cast up, from being broken with waggons, wains, carts, or carriages; and as several persons may wilfully pull up, cut down, and remove or damage such posts, blocks, and great stones, and drive carriages upon such banks and causeways, or against the sides thereof, and also dig or cut

down such banks, whereby the causeways or banks are destroyed; and such persons may break, damage, or throw down the stones, bricks, or wood fixed upon the parapets of bridges, and may pull down or deface any mile-stone or post, graduated or direction post or stone, erected upon any turnpike road;" it is ENACTED, that every person who is guilty of any such offence, shall, upon complaint thereof made to any such justice, by oath of one witness, or upon view of the justice himself, forfeit from 10*s.* to 5*l.*, and in default of payment thereof, shall be committed to house of correction, there to be whipped and kept to hard labour, for from 7 days to one month, unless penalty sooner paid, 13 G. 3. c. 84. s. 39.

48. If the driver of any cart, car, dray, or waggon shall ride upon such carriage, in any street or highway, not having some other person on foot, or on horseback, to guide the same (such carriages as are conducted by some person holding the reins of the horses excepted); or if the driver of any carriage whatsoever shall, by negligence or misbehaviour, cause any hurt to any person or carriage passing; or shall quit the highway, and go on the other side of the hedge or fence inclosing the same; or wilfully be at such distance from such carriage, or in such a situation, whilst it shall be passing upon such highway, that he cannot have the direction of the cattle drawing the same; or shall, by negligence or misbehaviour, prevent or interrupt the free passage of any other carriage or king's subjects on such said highways; or if the driver of any waggon, cart, or other carriage, shall neglect to turn aside for any coach, chariot, chaise, loaded waggon, cart, or other loaded carriage; or if any person shall drive any such coach, or other carriage let for hire, or waggon, wain, or cart not having the owner's name, as hereby required, painted thereon; or shall refuse to discover the true christian and surname of the owner; such driver being convicted of any such offence, either by his own confession, the view of a justice, or by oath of one witness before any such justice, shall for every offence forfeit not exceeding 10*s.* in case such driver shall not be the owner; and if the owner of such carriage, then not exceeding 20*s.*; and in either of such cases shall, in default of payment, be committed to house of correction for not exceeding one month, unless the penalty is sooner paid; and such driver, offending in either of such cases, shall by authority of this act, with or without any warrant, be apprehended by any person who shall see such offence committed, and be immediately conveyed to a peace officer, to be conveyed before some justice; and if such driver shall refuse to discover his name, the justice before whom taken, or to whom such complaint made, may commit him to the house of correction for not exceeding 3 months, or proceed against him for the penalty, by a description of his person and the offence, and expressing in his proceedings that he refused to discover his name, *id.* s. 40.

49. The trustees appointed to execute any act for repair of any turnpike road, shall direct the surveyor, where several highways meet, to erect in the most convenient place where such ways meet, a stone or post, with an inscription thereon in large letters, containing the name, and distance from the next market-town, or other place to which the highways lead; and also at approaches to such parts of any highways as are subject to floods, graduated stones or posts, denoting the depth of water in the deepest part, and likewise such direction post or stones as the trustees shall judge necessary for guiding travellers through such floods; and also shall order the surveyor to erect mile-stones or posts upon such road, with proper inscriptions, denoting the names and distances from the principal towns on each road, and from time to time to repair such stones and posts, and keep legible the inscriptions thereon; and the surveyor shall be reimbursed the expences of providing and continuing the same out of the tolls granted by such acts; and in case he shall, 3 months after such direction, neglect to cause such stone or post to be fixed or repaired, such offender shall forfeit 20*s.*, *id.* s. 41.

50. If any person shall, by day or night, wilfully pull down, pluck up, throw down, level, or otherwise destroy any turnpike-gate, or any post, rail, wall, chain, bar, or other fence, belonging to any turnpike-gate, or any other chain, bar, or fence, of any kind whatsoever, set up to prevent passengers from passing by without paying toll, directed to be paid by act of parliament; or any house erected for the use of such turnpike-gate; or any crane, machine, or engine, made on any turnpike road by authority of parliament, for weighing carriages; or shall forcibly rescue any person lawfully in custody of any officer, for any of the offences before-mentioned; then every person so offending shall be guilty of felony, and transported for 7 years, or shall be committed to prison for not exceeding 3 years, at the discretion of the judge or court before whom such offender is tried; and any indictment for such offences may be determined in any adjacent county within Eng., as if the facts had been therein committed, *id.* s. 42. [See 1 G. 4. c. 115. s. 1., which repeals the punishment of death for this offence inflicted by 8 G. 2. c. 20. s. 1., but does not mention this act, and the 8 G. 2. c. 20. was Rep. by 7 G. 3. c. 40. s. 61., see STATS. rep., &c. pl. 1., and INLAND NAVIGATION, pl. 4, s.]

51. The inhabitants of every hundred within Eng. within which

such offence is committed, shall make full satisfaction for the damages thereby suffered; and such damages shall be recovered by action of debt, &c. or information in any court of record, by and in the name of the clerk of the peace of the county, without naming his name; and such action shall not be abated by the death or removal of such clerk, but may be prosecuted by his successors, and such damages shall be to the only use of the trustees of such turnpike road, where the offence was committed, to be by them applied to such uses as the several tolls, by virtue of such act, shall be applied; and all the inhabitants of such hundred shall be rateably taxed toward an equal contribution for the relief of such inhabitants against whom execution for such damages shall be had, which tax shall be levied by such means as is prescribed in any act, 27 *El. c. 15*, [see *HUE and CAY*] for levying the damages recovered against hundreds, in case of robberies; provided, that upon conviction of such offender, within 12 months after the offence committed, any hundred, having made such satisfaction, shall be repaid the sums they have so paid out of tolls of the turnpike, 13 *G. 3. c. 84. s. 43*.

52. No person shall be a trustee in execution of any act, unless he be in his own right, or in the right of his wife, in the actual possession of the rents of lands, &c. of clear yearly value of 40*l.*, or possessed of, or entitled to, a personal estate to the value of 800*l.*, or be heir-apparent of a person possessed of an estate in land of the clear yearly value of 80*l.*; and unless he hath taken, or shall (not being such heir-apparent) before he acts, take and subscribe the oath following before 2 trustees, who are empowered to administer the same in words following, *viz.*

'I *A. B.* do swear, that I truly and *bonâ fide* am, in my own right, or in the right of my wife, in the actual possession and enjoyment, or receipt of the rents and profits of lands, tenements, or hereditaments, of the clear yearly value of 40*l.*, or possessed of, or entitled to a personal estate to the value of 800*l.*, [as the case may be.] So help me God.'

And if any person shall presume to act contrary to the meaning hereof, he shall forfeit 50*l.* to any person who shall sue, to be recovered in any court of record, by action of debt or information, &c., wherein no essoin, &c. and only one imparlance allowed; and such person so prosecuted shall prove that he is qualified, or otherwise pay the 50*l.*, without any other proof on the part of the plaintiff, than that such person hath acted as a trustee, *id. s. 44*.

53. All clerks, treasurers, surveyors, and other officers, appointed by any act for repair of turnpike roads, and their executors or administrators shall, within 10 days after notice in writing to them given by trustees, or 5 of them, at a meeting held pursuant to such act, produce and deliver up to such trustees, all books, accounts, papers, or writings, relative to such offices, which shall be in their custody; and such person neglecting to produce and deliver up such books, &c. after such notice, shall forfeit 20*l.*, *id. s. 45*.

54. No person who shall keep any victualling-house, ale-house, or other house of public entertainment, or who shall sell any wine, cyder, beer, ale, spirituous or other strong liquors, by retail, shall be capable of acting as a trustee, or of enjoying any place of trust or profit under trustees of any act, for erecting turnpikes, or of collecting the tolls thereby granted; but no such person shall be precluded from farming such tolls, provided he employs a person to collect them who shall not be under such incapacity, *id. s. 46*.

55. The trustees of the roads, or 5 of them, at a public meeting, may direct prosecutions by indictment against the offender for any nuisance done upon any turnpike roads under their care, at the expence of the revenues belonging to such roads, to be allowed by such trustees, or 5 of them, at some subsequent meeting; but this act shall not empower the trustees to prosecute any person for such offence, unless the confession of the offender, or one witness can be had to prove the offence, *id. s. 47*.

56. All justices before whom there shall be any information for any penalty inflicted by this or any act made for repairing turnpike roads, where any information or conviction shall be set up, by way of defence, or to defeat any information, or any forfeiture, may examine into the real merits of such information or conviction; and if it appear that the same was not done effectually, to recover and apply the penalty for the real ends for which such penalties were enacted, but to favour the offender, such information shall be deemed fraudulent and void; and such justice shall determine and convict, as if no such information, &c. had been made or obtained, *id. s. 48*.

57. Where a sufficient number of trustees shall not meet on the day appointed by any act for their first meeting, or on the day appointed by adjournment for their meeting, or for want of a proper adjournment, by which means the intent of such act may be frustrated; in either such cases, so many of the trustees as shall meet, or the major part of them, or in case no such trustee shall be present, their clerk, may cause notice in writing to be affixed on all turnpike-gates then erected on such roads, or if no turnpike-gate shall be then erected, may cause the like notice to be affixed in the most conspicuous place in one of the

principal towns nearest to which the roads directed to be repaired do lie, and also in some public newspaper circulated in that country, 10 days before the intended meeting, appointing such trustees to meet at such place where the preceding meeting was appointed to have been held, or at the place directed for first meeting of such trustees if no preceding meeting shall have been held; and trustees, when met in pursuance of such notice, shall carry such act into execution, 13 *G. 3. c. 84. s. 49*.

58. No meeting of such trustees shall be adjourned for longer than 3 calendar months; and no business shall be done by trustees, at any meeting held under this or any other act, before 10 in the forenoon; and no adjournment shall be made to any hour later than 2 in the afternoon of the day of meeting; and every act agreed upon at any meeting shall be then signed by a competent number of trustees, or otherwise such meeting, adjournment, and act shall be void, *id. s. 50*.

59. If the trustees appointed to put any turnpike-road act into execution shall abuse or exceed their power, by erecting, or continuing any gate where they have not power to erect such gate, the justices, in their general quarter sessions, upon complaint of such abuse, in a summary way may determine the same, and thereupon order the sheriff of county to remove such gate, who may accordingly do so, *id. s. 51*.

60. All mortgagees, that shall take or be in possession of, any toll-gate erected on any turnpike road, or of any lands, the rents whereof are appropriated to the repairs of any turnpike road, shall, within fourteen days after he shall have received notice in writing from the trustees or five of them, render upon oath, to be administered by one justice or one trustee, an exact account, in writing, of all monies received by such mortgagee, or by any other person, for his use, or by his authority, at such toll-gate, or otherwise, and of what he has expended in keeping or repairing the same; and in case he shall neglect to render such account when required, as herein directed, he shall forfeit to trustees, for each such omission, 10*l.*, to be recovered by the trustees, or 5 of them, or by the treasurer or their clerk, in a summary manner, before one justice, which, when recovered, shall be applied to the use of the road whereon such toll-gate is placed, *id. s. 52*.

61. If such mortgagee shall keep possession of any toll-gate, by himself, or any other person on his behalf, and receive the tolls thereat, or of any such rents, after such mortgagee shall have received the full sum due on mortgage, and the interest thereof, with costs, such mortgagee shall forfeit to such trustees, double the money received over the money due, with treble costs, to be recovered by trustees, or by the treasurer or clerk, by action of debt, &c. or information, in any court of record; which, when recovered, shall be applied to the use of the road whereon such toll-gate is placed, *id. s. 53*.

62. Two trustees, upon the death of any toll-gatherer appointed to collect the tolls, may nominate some other person in his place until the next meeting of the trustees, which person shall have the like power, and be accountable in same manner as the person dying; and if any toll-gatherer, who shall be discharged from his office by the trustees, shall refuse to deliver up the possession of the house, &c. which he enjoyed in right of his appointment to that office, within 2 days after notice of his discharge is given to him, or left at his house; or if the wife or family of such toll-gatherer, who shall die, shall refuse to deliver up the possession of such house, &c. within 4 days after such new appointment made, then any justice for such limit, by warrant under his hand and seal, may order the constable or peace officer, with such assistance as shall be necessary, to enter such house in the day-time, and to remove the persons found therein, together with their goods, and to put the new-appointed officer into the possession thereof, *id. s. 54*.

63. The gate-keeper, and every surveyor of any turnpike road shall, when required by notice in writing from the trustees, or 5 of them, render upon oath, to be administered by one justice or trustee, a true account in writing, to such trustees, of all monies received by him at such toll-gate or otherwise, on account of such turnpike road, not before accounted for, under the penalty of 5*l.*, to be recovered in a summary manner before one justice, and applied to the use of such road, *id. s. 55*.

64. No gate-keeper, or person renting the tolls thereof, and residing in any toll-house belonging to the trust, shall be removeable from such toll-house by the order of any justices, in pursuance of any laws now in being for relief of poor, unless he shall become actually chargeable to the parish in which such toll-house is situate; and no such gate-keeper, or person renting such tolls, and residing in such toll-house, shall thereby gain a settlement in any parish, and no tolls taken at any gate, nor any toll-house erected for collecting the same, nor any person, in respect of such tolls, or toll-house, shall be rated towards the poor-rates or any other public or parochial levy, *id. s. 56*.

65. If any toll-gatherer or gate-keeper shall permit any waggon, wain, cart, or carriage, to be drawn upon any turnpike road within view, or with knowledge of such gate-keeper, or to pass through any toll-gate with any greater number of horses, or with any carriage constructed or drawn in any other manner than before directed, or with-

out such names and descriptions painted thereon as are hereby directed, and shall not, within one week, proceed for recovery of forfeiture for such offence, as directed by this act, he shall forfeit 40s., 13 G. 3. c. 84. s. 57.

66. "As there may be turnpike roads in such a state with regard to repairs, and revenues, that statute-duty required to be performed upon same may be dispensed with, and employed more conveniently for the benefit of other highways within the same parish, &c." the justices, at any special sessions, upon application to them made by the surveyor of any parish, &c., in the situation before described, may summon the clerk and surveyor of such turnpike road to appear before them, at some other special sessions, and to produce before them a state of the revenues and debts belonging to such road, and such justices may then enquire into the state of the repairs thereof, and also of such other highways; and if it appear that the whole, or part of such statute-duty, may be dispensed with from such turnpike road, without endangering the securities for the money advanced upon the credit of the tolls, and that such statute-duty is wanted for the repairs of other highways within such parish, &c., then such justices may order the statute-duty to be performed upon the highways, not being turnpike, within such parish, under the direction of the surveyor thereof, during such time as to them shall seem just, and the same shall be performed accordingly, *id.* s. 58. [See as to statute-duty, HIGHWAY, *pl.* 102.]

67. The justices within *W.*, at their general quarter sessions, in the week after *Michaelmas*, may license an increase of the number of horses to be employed in drawing carriages on any turnpike road within their jurisdictions, over the number before limited, if upon inquiry into the state of such roads they find any additional number necessary, and at any *Michaelmas* quarter sessions, revoke or vary the same, as they think fit; and neither the owner or driver, so licensed, shall incur any forfeiture for using such increased number, *id.* s. 59.

68. No toll shall be collected for carriages solely employed in carrying materials for the repair of any turnpike road or public highway, or for going to be, or returning after having been so employed, *id.* s. 60.

69. No surveyor shall cause to be gathered any stones for the use of the highways, upon the common fields or inclosed lands, without the consent of the occupier, or a licence from a justice, after having summoned such occupier to come before him, and heard his reasons, if he appear and give any, for refusing his consent, *id.* s. 61.

70. "As many persons are liable by tenure, &c. to the repair of highways, which having become turnpike roads, are more used, and occasion an increase of the expense in repairing," it is ENACTED that the trustees of such turnpike roads may agree with the person liable to repair such highway, for the repair thereof, and may contribute so much out of the tolls, or out of the statute-duty belonging to the same, as they think just, *id.* s. 62.

71. "As parts of highways or turnpike roads may be turned by legal authority, to make the same more commodious," the inhabitants of every parish, &c. or persons liable to the repair of any old highway or road, which shall be turned, shall continue liable to the repair of such new highway, or so much as shall be equal to the burthen of repairing such old highway from which he shall be exonerated by turning the same; and if the parties interested cannot agree therein, the same shall be viewed by two justices, and determined by them, as they think just; and after such determination of justices, the inhabitants of such parish, &c. or persons liable to repair such new highway, shall bear all charges of indictments for not repairing the same; and if it be found more convenient to fix a gross or an annual sum, to be paid by such inhabitants or persons, towards the repair of such new highway, instead of fixing the part of such new highway to be repaired by them, such justices may, with the consent of such persons, and also of the inhabitants interested therein, obtained at a vestry or public meeting, and also of two trustees at a public meeting, if it be turnpike road, order the same, which shall be binding, *id.* s. 63.

72. Where any action shall be brought by or against any trustee of any turnpike road, evidence of such trustee having acted, together with the act by which he was appointed, or the order, or a copy of the order, for his appointment, in case he was appointed by the trustees, shall be sufficient proof of his being a trustee, *id.* s. 64.

73. Every treasurer and surveyor of any turnpike road shall, within one month after his appointment, give a bond to the trustees, with a sufficient surety, in such penalty as the trustees, at any public meeting, shall direct, conditioned for duly paying and accounting for all money which he shall receive as treasurer or surveyor, according to the acts respecting such road; which bond shall be wrote upon paper without stamp, *id.* s. 65.

74. The trustees of every turnpike road within *Eng.*, shall cause to be put up, and afterwards continued, upon every toll-gate within their districts, a table of all the tolls payable at such gate, distinguishing each toll, and the different sorts of carriages for which they are to be paid, where there is any variation therein; and also a table of weights allowed for each carriage with the loading thereof in summer and winter; and such trustees

shall, from time to time, examine every weighing engine erected upon their roads, to see that the same, with the weights, are kept in good condition to weigh the carriages and loading with accuracy, 13 G. 3. c. 84. s. 66.

75. In all carriages wherein oxen or neat cattle shall be used, 2 oxen or neat cattle shall be considered as one horse, with respect to tolls, &c. *id.* s. 67.

76. The owner of every waggon, wain, or cart, and also of every coach, post-chaise, or other carriage let to hire, shall paint upon some conspicuous part of his waggon, &c. and upon the pannels of the doors of all such coaches, post-chaises, or other carriages, before the same are used upon any turnpike road, his christian and surname, and the place of abode, in large letters, and continue the same thereupon so long as such waggon, &c. shall be used upon such turnpike road; and the owner of every common stage waggon or cart, employed in travelling stages from town to town, shall, above his christian and surname, paint on the part, and in manner aforesaid, the following words, COMMON STAGE WAGGON, (or CART, as the case may be); and every person using such carriage, without names and descriptions painted thereon as aforesaid, or who shall paint any false name or abode on such waggon or other carriage, shall forfeit from 20s. to 5*l.*, *id.* s. 68.

77. "As the powers given by several turnpike acts are ineffectual for digging, providing, and carrying materials, for the use of the turnpike roads, and also for enlarging and turning such roads, and stopping up, selling, and disposing of old roads so to be turned; and also for making, opening, and cleansing of ditches and drains, and cutting and pruning of hedges and trees; and also for compelling the performance of statute duty which shall belong to such turnpike roads; and more ample powers, under proper restrictions, may be given for the purposes aforesaid, by certain clauses in the acts for the amendment of the highways," [See 13 G. 3. c. 78. HIGHWAYS, *pl.* 4.]; be it ENACTED, that the surveyors of every turnpike road shall, with the approbation of the trustees, apply any part of the tolls and statute-duty arising in respect of such turnpike road, in the execution of such powers, which are contained in any acts for the amendment of the highways, and may execute the same to the benefit of such turnpike roads, for the purposes aforesaid, as fully, but upon such terms as the surveyor of any parish, &c. can do under such acts, *id.* s. 70.

78. When any materials shall be dug by surveyor of any turnpike road, in the inclosed lands of any person, for the use of any turnpike road, under authority of this or such acts, for the amendment of the highways, satisfaction shall be made by the trustees to the owner or occupier of such lands, for materials dug, and also for the damages done in carrying away the same, in such manner as satisfaction is required to be made for damages occasioned by digging and carrying away materials in inclosed lands, by virtue of such acts for the amendment of highways, *id.* s. 71.

79. The forms of proceedings relative to the matters in this act, set forth in the schedule, shall be used upon all occasions, and no objection shall be made for want of form in such proceedings, *id.* s. 72.

80. Every constable, headborough, or tithingman, neglecting to put this act into execution, or to account for and deliver any forfeiture according to this act, and every surveyor of any turnpike road, and every toll-gatherer, and all persons employed by trustees appointed for repairing roads, as shall receive salaries, who shall wilfully neglect, for one week after offence committed, to lay such information upon oath before one justice, shall, upon information made upon oath before one justice forfeit 10*l.*, *id.* s. 73.

81. No conviction shall be had under this act, unless upon confession of party accused, or upon the oath of one witness, and any inhabitant of any parish shall be a competent witness, and any justice may act notwithstanding he may be a creditor, or a trustee for repairing the roads whereon offence committed, *id.* s. 74.

82. In case any person shall resist, or make forcible opposition against any person employed in the execution of this act, or any particular act made for amending any particular highway; or shall assault any collector of tolls in the execution of his office, or shall pass through any turnpike-gate, rail, chain, or other fence, set up, by authority of parliament, without paying toll, or shall attempt to prevent such person in measuring the wheels of any carriage, or make any rescue of cattle or goods, distrained by virtue of this act; or if any constable, &c. shall neglect to execute any warrant granted by any justice, pursuant to this act, such person offending therein, and being convicted thereof in manner aforesaid, shall forfeit from 40s. to 10*l.*, to be paid to surveyor of turnpike roads where offence committed, and laid out in repairs thereof; and in case he do not forthwith pay, or secure to be paid, the forfeiture, after conviction, then such justice may commit such person to the common gaol, or house of correction, for not exceeding 3 months, unless forfeiture sooner paid, *id.* s. 75.

83. All penalties and costs allowed by this act (the manner of recovering of which is not otherwise directed) shall be levied by distress and sale of the goods of the offender, by warrant under the hand and seal

of some justice for the limit where such offence, &c. shall happen, or such order is made, rendering overplus to the party, after deducting charges of making the same; which warrants such justice shall grant, upon conviction of offender, by confession or upon oath of one witness, or upon order so made; the penalties, costs, and charges, shall be paid, one half to the informer, and the other to the surveyor of the turnpike road, to be employed towards the repair thereof, unless otherwise directed by this act; and in case such distress cannot be found, and such penalties or costs shall not be forthwith paid, such justice, by warrant under his hand and seal, may commit such offender or person liable to pay same to the common gaol or house of correction, for not exceeding 3 months, unless the penalty, &c. shall be sooner paid; and if such offender shall live out of the jurisdiction of the justice hereby authorized to grant such warrant, any justice, where such person shall inhabit, upon a true copy of the conviction whereby forfeiture was incurred, or of the order for payment of such costs, produced and proved by a witness upon oath, by warrant under his hand and seal, may cause the penalty mentioned in such conviction, or the costs mentioned in such order, to be levied by distress and sale of the goods of such offender; and if no sufficient distress can be had, may commit such offender to the common gaol or house of correction in manner and for time aforesaid, 13 G. 3. c. 84. s. 76.

84. No warrant of distress, unless otherwise directed by this act, shall be issued for levying any penalty or charges, until 6 days after offender shall have been convicted, and an order made and served upon him for payment thereof, *id.* s. 77.

85. Whatever penalty shall be levied on information of surveyor, or of any toll-gatherer, or other person employed by the trustees, and receiving salaries for their services, and not otherwise directed by this act, shall go to the amending of the turnpike roads, *id.* s. 78.

86. Every prosecutor may, at his election, recover any forfeiture imposed by this or any other act for erecting turnpikes, or for repairing turnpike roads thus: viz. if the same shall not amount to 40s., it shall be recoverable only by information before a justice; and if same shall amount to 40s. or upwards, it may be recovered either by information, as aforesaid, or by action of debt, in any court of record, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of—/ being forfeited by an act passed in the 13 G. 3., intitled, "An act to explain, amend, and reduce into one act of parliament the general laws now in being, for regulating the turnpike roads in that part of G. B. called Eng., and for other purposes;" and the plaintiff, if he recover in such action, shall have full costs, provided, that there shall not be more than one recovery for the same offence, and that 10 days' notice in writing be given to party offending previous to commencement of such action, and that the same be brought within one month after the offence, *id.* s. 79.

87. Where any distress shall be made for any money, to be levied by this act, the distress itself shall not be deemed unlawful, nor party a trespasser, on account of any want of form in any proceedings; nor shall the party distraining be deemed a trespasser *ab initio*, on account of any irregularity afterwards done by party distraining; but the person aggrieved may recover satisfaction in an action on the case, *id.* s. 80.

88. No plaintiff shall recover in any action for irregularity, if tender of sufficient amends be made before such action brought; and in case no tender is made, the defendant, by leave of court at any time before issue joined, may pay into court such money as he shall see fit, and the usual proceedings in such cases shall be adopted, *id.* s. 81.

89. Any person aggrieved by any thing done by any justice under this act, except under the circumstances hereafter mentioned, and for which no relief hath been appointed, may appeal to the general quarter sessions, such appellant first giving to such justice, by whose act he thinks himself aggrieved, notice in writing of his intention to appeal, and of the matter thereof, within 6 days after cause of complaint arose, and within 4 days after such notice entering into recognizance before some justice, with one surety conditioned to try such appeal at, and abide the order of, and pay such costs as shall be awarded by the quarter sessions; and every justice having received notice of such appeal, shall return all proceedings had before them touching such appeal to such quarter sessions, on pain of 5/; and such sessions, upon proof of such notice being given, and of entering into such recognizance, shall determine such appeal in a summary way, and award costs to either party as they think proper, to be levied as in s. 76; *pl.* 83. directed, and the determination of such sessions shall be conclusive; and no proceeding under this act shall be quashed for want of form, or removed by *certiorari* into any court at Westminster, *id.* s. 82.

90. No such appeal shall be made against any conviction for any penalty incurred by this act, unless the person convicted shall, at time of conviction if he be then present, if not, within 6 days after, give notice of his intention to appeal, and at same time enter into a recognizance, or give security, with sureties, to pay such penalty in case conviction affirmed upon such appeal; and upon his giving such security,

the further proceedings for such penalty shall be suspended until such appeal shall be determined, 13 G. 3. c. 84. s. 83.

91. Where any oath is to be made, the justices, or trustees of any turnpike road (as the case may be), shall administer the same, *id.* s. 84.

92. Actions against any person for any thing done in pursuance of this act, shall be commenced within 3 calendar months; and shall be brought in the county where the person against whom such action is commenced doth reside, or where the fact was committed; and defendants in such actions may plead the general issue, and give this act and the special matter in evidence; and if on the trial it appears that the thing complained was done under this act, or that such action was brought after the time limited, or is laid in the wrong county, the jury shall find for the defendant; or if plaintiff is nonsuited or discontinues after appearance, or if the judgment is given against him on demurrer, the defendant shall have treble costs, with the usual remedy to recover the same, *id.* s. 85.

93. All the provisions, &c. contained in 13 G. 3. c. 84., which have not been altered or repealed (except so much thereof as gives an additional term of 5 years to turnpike acts), shall be deemed to extend to all acts made since the passing thereof, and to be made for repairing turnpike roads, 21 G. 3. c. 20. s. 1.

94. FOR LIMITING THE EXEMPTIONS FROM TOLL GRANTED by any act of parliament for repairing turnpike roads, on account of cattle going to and from water or pasture, 17 G. 3. c. 16.

95. In all cases where any exemptions from toll for cattle going to and from water or pasture, is given by any act for repairing any turnpike roads, such exemption shall extend to such cattle only as shall be driven to and from water or pasture from one parish to the adjoining parish, or to such cattle as shall not pass upon any such road for more than 2 miles, in going to or returning from water or pasture, *id.* s. 1.

96. Provided this act shall not exempt from payment of toll, any cattle going to and from pasture or water, for which any person is liable to pay toll by any turnpike acts, *id.* s. 2.

97. FOR ENABLING TRUSTEES UNDER PARTICULAR TURNPIKE ACTS, to meet and carry such acts into execution, notwithstanding they may not have met or adjourned agreeable to the directions of such acts; and for preventing disputes touching the payment of tolls for horses or carriages belonging to or employed by officers or soldiers on duty, 18 G. 3. c. 63.

98. In all cases where the trustees appointed by any acts for repairing any particular turnpike roads, shall not have met on the day appointed for their first meeting by such acts, or on the day appointed by adjournment, or shall not adjourn in the manner by any such acts directed, 5 or more of them may cause notice under their hands to be affixed on all turnpike gates erected on such roads, and in case no such gates, may cause the same to be affixed on some conspicuous place in a market town near the roads directed to be repaired; and inserted in some newspaper circulated in that part of the country, 20 days before the intended meeting, appointing the trustees to meet at the place where the last preceding meeting was to have been held, or at the place directed for the first meeting, if no preceding meeting was held; and such trustees, when met, may put such acts in execution in the same way as if no such neglect had happened, *id.* s. 1.

99. No toll or duty shall be taken under any act of parliament now made, or hereafter to be made for repairing any turnpike road, for any horses belonging to officers or soldiers upon march or duty, or for any horses, cattle, or carriages employed in carrying the arms or baggage of such officers or soldiers, or carrying any sick or wounded officers or soldiers, and no carriages so employed, shall be subject to be weighed at any engine erected on any turnpike road, or the owner or driver thereof liable to any penalty for carrying any greater weight than allowed by law (*See* 13 G. 3. c. 84. s. 1. *pl.* 4.) in any such carriage, *id.* s. 2.

100. TO EXEMPT CARRIAGES CARRYING THE MAIL from paying tolls at any turnpike gate in G. B., 25 G. 3. c. 57.

101. All carriages or horses employed in conveying the mail or packet which shall be made up under the authority of H. M.'s postmaster-general or his deputies, shall be exempt from payment of any tolls demanded for the passage of horses or carriages through any turnpike, toll-bar, &c. at which any toll is collected by any act now in force, and all turnpike-keepers or toll-collectors, shall permit such carriages and horses to pass without taking toll for the same, *id.* *ibid.*

102. TO EXPLAIN THE EXEMPTION FROM TOLL IN SEVERAL acts of parliament for carriages employed in husbandry, and for regulating the tolls to be paid on other carriages and on horses in certain other cases therein specified, 52 G. 3. c. 145. PUBLIC clause, s. 8. [AMD. 53 G. 3. c. 82. PUBLIC clause, s. 5. EXPLD. 57 G. 5. c. 37. PUBLIC clause, s. 5.]

103. In every case in which under any act for making, widening, repairing, or otherwise relating to any turnpike roads, there is an exemption from toll or duty for any horse, mule, ass, oxen, waggon, cart, or other carriage, drawing any dung, mould, soil, marl, lime, or compost

of any kind for manuring or improving land, or hay, straw, or other fodder for cattle, such exemption shall extend to every such waggon, &c. and to the cattle drawing the same, going or returning empty or loaded only with implements necessary for the more convenient carriage or loading or unloading such lading, notwithstanding such waggon, &c. shall go to or return from any place in which such turnpike road does not lie, 52 G. 3. c. 145. s. 1.

104. Provided that the driver of any empty waggon, &c. claiming the exemptions hereby extended, shall in all cases first pay the toll before he passes such turnpike; and the collector shall give him a ticket marked "Manure Exemption," with the name of gate, and date when delivered, and amount of toll paid, which sum shall be repaid to such driver on his returning the same day with such waggon, &c. and producing ticket; and every collector of toll neglecting to return the same on return of such waggon, &c. and production of such ticket, shall forfeit to the owner of such waggon, not less than 10s., or more than 40s., on conviction before the justice for the county, &c. where the offence committed, on oath of one witness; and if the same is not paid, such justice may commit the offender to the common gaol or house of correction, for not exceeding one month, *id.* s. 2.

105. The restriction as to returning the same day in 32 G. 3. c. 145. s. 6. contained, shall be *REP.*, and all provisions of all local turnpike acts, granting such exemption without such restriction, shall be in full force, 53 G. 3. c. 82. s. 3.

106. Provided party aggrieved hereby may appeal to the justices of peace [so in the act] to be held for the limits wherein the cause of complaint arose, on giving such notice and entering into such recognizance as by 13 G. 3. c. 84. s. 82. *pl.* 89. directed, and thereupon such proceeding shall be had as in such act directed, 52 G. 3. c. 145. s. 3.

107. Trustees shall release lessees of tolls from their contracts at Michaelmas next, *id.* s. 4.; and after contracts are so determined, trustees may relet the tolls, *id.* s. 5. [Exp.]

108. The regulations of weight in the 13 G. 3. c. 84. s. 1. *pl.* 4. shall not extend to any waggon, cart, or other carriage laden with manure for land, passing through any gate, so as to subject the owner or driver to payment of toll for overweight, by reason of any empty baskets, sacks, or tubs, or any spade, shovel, or fork for loading or unloading the same, being upon the same so as the loading is substantially manure; provided the fellys of the wheels of such carriages are of breadth of 6 inches; and that such waggon, &c. and loading, shall not exceed a certain weight, *id.* s. 6. [See *pl.* 11.]

109. The 52 G. 3. c. 145. s. 6. *pl.* 108., so far as it relates to breadth of wheels, and the weight of such carriages, with their loading, shall be *REP.*, 53 G. 3. c. 82. s. 1.

110. The owner or driver of any such carriages laden with manure shall not pay toll for passing through any gate by reason only of any empty basket or sacks for more convenient carriage, or any spade, shovel, or fork, necessary for loading the same, being upon such carriage, if the loading is substantially manure, *id.* s. 2. [See *pl.* 108.]

111. Nothing in the 53 G. 3. c. 82. s. 2. or any other act, shall extend to exempt any carriages therein mentioned, or the horses or other cattle drawing the same, from any tolls imposed by virtue of any local act under which any such tolls have been, or shall be imposed, for the maintenance and repairs of the roads upon which such carriages shall go or travel, 57 G. 3. c. 37. s. 1.

112. But nothing in this act shall repeal or alter any clause in 53 G. 3. c. 82., nor any other act, so far as respects any turnpike roads, or the tolls to be collected at any gates erected, or to be erected thereon, within the cities of London or Westminster, or within the distance of 15 miles from the Royal Exchange, 57 G. 3. c. 37. s. 2.

113. Where any coach or other four-wheel carriage shall pass through any gate, tied to a waggon or cart, it shall pay toll as if drawn by two horses; and where any two-wheel carriage shall pass any such gate, tied to a waggon or cart, it shall pay toll as if drawn by one horse; and where any horse shall be tied to any waggon, &c. but not used in drawing the same, it shall pay toll for a single horse; provided that where any such coach, &c. or other carriage so tied, shall have any goods conveyed therein other than the harness thereof, and such articles of package as shall be necessary for the protection of such carriage, it shall pay double the toll, 52 G. 3. c. 145. s. 7.

114. This act shall not extend to Scot. or to any other turnpike road out of Eng., 53 G. 3. c. 82. s. 4.

115. TO ENABLE THE TRUSTEES OF TURNPIKE ROADS to abate the tolls on carriages, and allow of their carrying extra weight in certain cases, 55 G. 3. c. 119.

116. Any seven trustees acting in execution of any acts for maintaining and repairing turnpike roads in Eng. at any of their meetings, may, by order there to be made, exempt from payment of all or part of any additional tolls for every cwt of 112lbs. which any waggon, cart, or other such carriage, with its loading, shall weigh over and above the weights, by 13 G. 3. c. 84. s. 1. *pl.* 4. and 14 G. 3. c. 82. s. 2. *pl.* 5. allowed, provided such carriages have the bottoms of the fellys of all the wheels of the breadth of 6 inches, 9 inches, or 16 inches and upwards, and of the same diameter inside next the carriage as on the outside, and so that the wheels may bear equally for the whole breadth when rolling on flat surfaces; and that part of the axletrees that goes into the naul is horizontal, and each pair of wheels equidistant at top and bottom when resting on the ground; provided no such exemption shall be allowed for such carriages having the fellys of the wheels 6 inches and upwards, and less than 9 inches in breadth, although they be so made, and the axletrees so fixed as aforesaid, if such overweight exceed 8 cwt.; nor for such carriages having the fellys of the wheels 9 inches and upwards in breadth, and less than 16 inches, although they be so made, and axletrees so fixed, if such overweight shall exceed 6 cwt., nor for such carriages with such axletrees, and having the fellys of the wheels thereof 16 inches and upwards in breadth, although they be so made, if such overweight shall exceed 30 cwt., *id.* s. 1.

117. Any seven such trustees, at any of their respective meetings, may, if they deem it expedient, reduce the tolls payable by virtue of such acts, for every waggon, cart, or other carriage, or the horses, or other cattle drawing the same, having the wheels and fellys so made, and the axletrees so fixed; provided, this act shall not extend to enable trustees to reduce the tolls more than one-fourth of what might otherwise be demanded for such carriages and cattle drawing the same, *id.* s. 2.

118. This act shall not extend to enable such seven trustees to reduce such tolls or penalties for overweight, during the continuance of any lease, without consent, in writing, of the lessees first had, *id.* s. 3.

UNITED STATES. (See AMERICAN COLONIES).

(STATUTES repealed and expired.)

1. FOR PREVENTING CERTAIN INSTRUMENTS from being required from ships belonging to the United States, and to give to H. M. for a limited time, certain powers for better carrying on trade and commerce between G. B. and the United States, 23 G. 3. c. 59. [Exp.] CON. and AMD. 24 G. 3. S. 1. cc. 2, 15., S. 2. cc. 1, 23., 25 G. 3. c. 5., 26 G. 3. c. 4., 27 G. 3. c. 7. s. 1., 28 G. 3. c. 5. s. 1., 29 G. 3. c. 1. s. 1., 30 G. 3. c. 11. s. 1., 31 G. 3. c. 12. s. 1., 32 G. 3. c. 14. s. 1., 33 G. 3. c. 10. s. 1., 34 G. 3. c. 5. s. 1., 35 G. 3. c. 26. s. 1., 36 G. 3. c. 58. s. 1., 37 G. 3. c. 37. s. 1. [All Exp.]

2. For carrying into execution the treaty of amity, commerce, and navigation, concluded between G. B. and United States, 37 G. 3. c. 97. [CON. and AMD. by 45 G. 3. c. 35., 46 G. 3. c. 16., 47 G. 3. S. 2. c. 2. and 48 G. 3. c. 6. till end of that session. All Exp. and see note to 23 G. 3. c. 39. in *Statutes at Large.*]

3. FOR EMPOWERING H. M. TO CAUSE THE DUTIES, imposed by 37 G. 3. c. 97. [Exp.] to cease, or be suspended till 25th Mar. 1803, under certain circumstances, 42 G. 3. c. 27. [Exp.]

4. FOR PERMITTING, TILL END OF SESSION THEN NEXT AFTER 25th Mar. 1809, the importation of certain enumerated articles into

British colonies on the continent of North America, from the United States, and for exportation of other enumerated articles from the same colonies to the United States, 47 G. 3. S. 2. c. 38. [Exp.]

5. Enumerated articles of *Import*, were scantling planks, stores, heading-boards, shingles, hoops, or any squared timber, horses, neat cattle, &c., poultry, or any live stock, bread, biscuit, flour, potatoes, and any grain, pitch, tar and turpentine; of *Export*, were gypsum, grindstones, or other produce of the provinces, U. K., or West Indies, except ship-timber, *id.* s. 2.

6. FOR APPOINTING COMMISSIONERS FOR DISTRIBUTING the money, (see next *pl.*) stipulated to be paid by the United States of America, under the Convention made between H. M. and the United States, signed, 8th Jan. 1803, [43 G. 3. c. 135.] among the persons having claims to compensation out of such money, and described in the 6th article of the treaty of 4th Nov. 1794, 43 G. 3. c. 59. [Exp.]

7. TO EMPOWER THEM TO WITHDRAW the same from the bank and invest it in exchequer bills, 48 G. 3. c. 21. [Exp.]

8. FOR REMOVING DOUBTS RESPECTING the validity of assignments made pursuant to the awards of the commissioners, acting under the 7th article of the treaty with the United States, signed 19th Nov.

1794, and of the convention of 8th Jan. 1803, and for better enabling H. M. to recover the interests so assigned, 43 G. 3. c. 135. [Exp.]

9. TO REGULATE THE TRADE BETWEEN G. B. and the United States, till the end of the then next session, 48 G. 3. c. 85. [Exp.]

10. FOR CARRYING INTO EFFECT A CONVENTION of commerce, concluded between H. M. and the United States of America, 56 G. 3. c. 15. AMD. 56 G. 3. c. 51. REP. 59 G. 3. c. 54.

11. FOR ALLOWING *British* goods to be exported direct from this country to the United States of America, upon the same terms as when exported to any foreign country, 57 G. 3. c. 58. [REP. 59 G. 3. c. 54.]

(STATUTES in force.)

1. FOR PERMITTING THE TRADE BETWEEN G. B. and the United States of America to be carried on in vessels belonging to the inhabitants of the latter, 49 G. 3. c. 59.

2. Goods, the produce, growth, and manufacture of any of the United States, and not by law prohibited to be imported from foreign countries, may be imported into G. B., in *American* built, or in vessels lawfully condemned as prize in any court of admiralty of the United States, of which condemnation proof shall be given to any 4 or more commissioners of customs in *Eng.* or *Scot.*, owned and manned with the master, and 3-4ths of the crew *American* subjects, on paying like duties as if they were imported in ships not *British* built, *id. ibid.*, [And see 59 G. 3. c. 54. s. 2. pl. 4.]

3. FOR CARRYING INTO EFFECT A CONVENTION OF COMMERCE concluded between H. M. and the United States of America, and a treaty with the prince regent of *Portugal*, (see s. 8.) 59 G. 3. c. 54. [CON. as long as the convention of 20th Oct. 1818, with United States, and treaty of 19th Feb. 1810, with *Portugal*, or other like treaty shall continue, 59 G. 3. c. 54. s. 12.]

4. Goods of the growth, production, or manufacture of the United States, imported direct from thence in *American* built, or prize vessels lawfully condemned, owned by subjects of the said States, and manned by a master and 3-4ths of the crew *American* subjects, shall pay like duties, as if imported in *British* built, navigated, and registered vessels, notwithstanding 49 G. 3. c. 98. [now REP. 59 G. 3. c. 52.] 59 G. 3. c. 54. s. 2.

5. Goods so imported in *American* built vessels may be sold by auction, in 12 months after importation, duty free on first sale, on account of the original importer making entry at the custom-house, *id. s. 3.*

6. The same duties shall be payable on export of *British* goods, in *British* or *American* built ships, as on export of like articles to *Europe*, *id. s. 4.*

7. The same bounties shall be allowed on export of *British* goods in *American* as in *British* built vessels, *id. s. 5.*

8. *American* built vessels shall be allowed to clear out from the U. K. for *Calcutta*, *Madras*, *Bombay*, and *Prince of Wales's Island*, subject to same regulations as *British* built ships, *id. s. 6.*

9. Saving for the duties of package, scavage, bailage, or postage, or other duties payable to the mayor or city of *London*, or to any other city or town corporate in G. B., and for any other special exemptions of particular persons, *id. s. 7.*

10. The duties so payable to corporation of *London*, on account of *American* or *Portuguese* subjects, shall be paid out of the consolidated duties of customs to the collector thereof, who shall transmit an account of such duties quarterly to the commissioners of customs for payment, *id. s. 8.*

11. Duties leviable on *American* and *Portuguese* vessels entering or touching at the ports of the U. K., or H. M.'s dominions in *Europe*, shall be the same as those payable on *British* ships, *id. s. 9.*

12. The *Trinity House*, trustees of *Ramsgate* harbour, and other persons interested, shall be indemnified out of the consolidated duties of customs for the difference of their duties on *British* and foreign vessels taken away by this act; the persons interested transmitting their claims to the *Trinity House*, who shall examine and certify same with their own claim to commissioners of customs in *London* quarterly for payment, which shall be made to *Trinity House*, for distribution by them, *id. s. 10.*

UNIVERSITY.

1. FOR INCORPORATION OF BOTH THE UNIVERSITIES, 15 El. c. 29.

2. "The chancellor, masters, and scholars of the university of *Oxford*," for the time being, shall be incorporated and have perpetual succession, in fact, deed, and name, by the name of the chancellor, &c. and shall from henceforth, by that name only, be named for evermore, and shall have a common seal to serve for their necessary causes, touching themselves and their successors: [then follows a like provision for "the chancellor, masters, and scholars of the university of *Cambridge*."] And the chancellors, &c. of *Oxford* and *Cambridge* respectively, may, by the above names, severally sue and be sued for all causes, quarrels, and

actions of all kinds, and may demand all manner of liberties and franchises for the profit or right of either university, before any spiritual or temporal judge, in any courts and places within H. M.'s dominions. The letters patent 1st April, 14 H. 8. granted to *Oxford*, and those of 26th April, 5 El. granted to *Cambridge*, are confirmed with all franchises, &c. therein. Saving all private and other rights to the things in those patents contained, or conveyed by any act of such chancellor, &c. before the dates of such patents; and saving for the liberties and privileges of the mayors, bailiffs, and burgesses of *Cambridge* and *Oxford*, *id. ibid.*

3. FOR MAINTENANCE OF THE COLLEGES IN THE UNIVERSITIES, and of *Winchester* and *Eton*, 18 El. c. 6. (or 21. on the Roll.)

4. No master, provost, president, warden, dean, governor, rector, or chief ruler of any college, cathedral, church, hall, or house of learning in the universities, nor any provost, warden, or other head officer of the colleges of *Winchester* or *Eton*, nor the corporation of any of them, shall make any lease for life or years of their lands or other hereditaments, to which any tithes, arable land, meadow, or pasture shall appertain, except 1-3d of the old rent is reserved in corn; viz. in good wheat, at 6s. 8d. the quarter, or under; and good malt at 5s. the quarter, or under; to be delivered yearly at the said colleges, &c., and for default thereof, to pay to the said colleges, &c. in ready money, at the election of the lessees, after the rates of the best wheat and malt in the markets of *Cambridge*, *Oxford*, and *Winchester*, for the rents respectively payable there; and in the market of *Windsor* for the rents payable to the houses at *Eton*; the next market day before the rent shall be due, without fraud: all leases otherwise to be made, and all collateral bonds or assurances to the contrary shall be void. The same wheat, malt, or money shall be expended to the relief of the commons and diet of the colleges, &c. only, and by no fraud, let or sold away from the profit of the said colleges, &c. in the same, and the use aforesaid, on pain of deprivation of the governor and chief rulers of the same, and all other consenting, *id. s. 1.*: but this act shall not extend to any lease to be made by the president and scholars of *St. John's, Oxford*, to any heir-male of Sir *Thomas White*, their founder, according to the meaning of the foundation and statutes of the said college of the manor of *Fifield*, and no other hereditaments, *id. s. 3.*

UPHOLDERS.

1. FOR THE TRUE STUFFING OF FEATHER BEDS, MATTRESSES, and cushions, 11 H. 7. c. 19., 5 & 6 E. 6. c. 23.

2. No person shall make or put to sale any feather-beds, bolsters, or pillows, except they be stuffed with dried pulled feathers, or clean down alone, and with no scalded feathers, nor fen down [thistle down, sand, lime, gravel, hair, or other unlawful stuff, 5 & 6 E. 6. c. 23. s. 1.] on pain to forfeit the same: [except that all persons may make beds of such corrupt stuff for their own use, so as they be not sold, 11 H. 7. c. 19.] No person shall make or put to sale any quilts, mattresses, or cushions, other than such as are stuffed with [feathers, 5 & 6 E. 6. c. 23. s. 2.] wool or flock alone, on pain to forfeit the same, or the value thereof, 11 H. 7. c. 19., 5 & 6 E. 6. c. 23. ss. 1, 2.

3. The moiety of all such forfeitures shall go to H. M., and the other to such person as will sue for the same in any court wherein no essoin, &c., 5 & 6 E. 6. c. 23. s. 3.

USES AND TRUSTS.

1. FOR GIVING EXECUTION AGAINST FEOFFERS TO USES, 19 H. 7. c. 15.

2. Every sheriff or other officer to whom any writ or precept is directed at suit of any person, to have any execution of any lands or hereditaments against another, of, for, or on any condemnation, statute, merchant, staple, or recognizance, shall make and deliver execution to the party suing of all such lands of which any other person is seised in anywise, to the use of the party against whom execution is so sued, as if the latter had been solely seised thereof, *id. s. 1.*

3. The lord of whom any such lands or tenements are holden in socage shall, after the death of the *cestui que use* (and no will thereof declared), have his relief, heriot, and all other duties as he ought to, or might have had, if he had died seised of the same, *id. s. 2.*

4. Every such *cestui que use* shall have all such advantage in the law against him who hath execution of the said lands, as he might have had had he been solely seised of the said lands, &c. at the time of execution sued, *id. s. 3.* [*cestui que use* being a bondman, the land may be entered upon by his lord, *id. s. 4.* Exp.]

5. CONCERNING USES AND WILLS, 27 H. 8. c. 10. ss. 1—5. 10—12. [see ss. 6—9. DOWER, pl. 16—19., and as to *Ire.*, 10 C. 1. S. 2. c. 1. (*Ir.*)]

6. Where any person shall stand seised of any honours, castles, manors, lands, tenements, rents, services, reversions, remainders, or

other hereditaments, to the use or trust of another, or of any body politic, by reason of any bargain, sale, feoffment, fine, recovery, covenant, contract, agreement, will, or otherwise, such person and bodies that shall have such use or trust shall stand seised, and be deemed in lawful seisin, of the same honours, &c. with their appurtenances in such like estate, as they had in the use or trust, and the estate, title, right, and possession shall, from henceforth, be adjudged to be in them, 27 H. 8. c. 10. s. 1.

7. Where any persons shall be jointly seised of and in any lands, tenements, rents, reversions, or remainders, or other hereditaments, to the use or trust of any of them that be so jointly seised, then the person that shall have such use or trust, shall be deemed to have only such estate, possession, or seisin, of and in such lands, &c., in like nature, manner, and condition, as they had before in the use or trust, saving to all persons and bodies politic, their heirs and successors, other than those that shall be actually seised of any lands to any use or trust, all such right, entry, possession, action, &c. as they had before this act made, *id.* s. 2.

8. Saving also to all persons and their heirs hereafter seised to any use, all such former right, title, entry, possession, action, &c. as they had to their own proper use, in any lands, &c. whereof they may be seised to any other use, as if this act had not been made, *id.* s. 3.

9. Where any person shall stand seised of any lands, &c. in fee-simple or otherwise, to the use and intent that another shall have and perceive a yearly rent, and some other person another annual rent out of such lands, &c., for a term of life or years, or for some special time declared and limited; in such case, the same persons, their heirs and assigns, that have such use to perceive such rents, shall be deemed to be in possession of the same rent in such estate as they had in use of the said rent, and as if a lawful conveyance had been made to them by the persons seised to the use of any such rent; and all persons having title, use, and interest to any such rent, may distrain for the nonpayment thereof, and may make recoveries in their own names or cognizances by their bailiffs, and have all other suits, entries, and remedies for such rents, as if the same were actually granted to them, with clauses of distress and re-entry, &c. according to the conditions, &c. limited upon the trust, *id.* ss. 4, 5.

10. This act shall not release, discharge, or suspend any statute, recognizance, or other bond, by the execution of any estate of or in any lands, &c. under this act, to any person or bodies politic, *id.* s. 10.

11. Fines for alienations, reliefs, and heriots, shall be paid to H. M., and also liveries and *ouster le mains* shall be sued, for uses and trusts to be made of any lands holden of H. M., in such manner as heretofore accustomed, *id.* s. 12.

12. FOR REGULATING THE GRANT, PROOF, ASSIGNMENT, and descent of trust estates, with the mode of making execution thereon, 29 C. 2. c. 3. ss. 7—11. [AMD. 4 & 5 A. c. 16. s. 15. (*The above title is framed to shew the object of the recited sections.*) See 29 C. 2. c. 3. ss. 1—4. and s. 17. *tit. FRAUDS*, *pl.* 25—28.; ss. 5, 6. 12. 19—24. *tit. WILLS*, and s. 12., also in *tit. ESTATES (Life)*, *pl.* 5.; ss. 13—15. JUDGMENT, *pl.* 4—5.; s. 16. EXECUTION, *pl.* 18.; s. 18. RECOGNIZANCE, *pl.* 15.; s. 25. EXECUTORS, &c. *pl.* 38.]

13. All declarations or creations of trusts or confidences, of any lands, tenements, or hereditaments, shall be manifested and proved by some writing signed by the party, who is by law enabled to declare such trust, or by his last will in writing, or else shall be utterly void, 29 C. 2. c. 3. s. 7.

14. Provided, that where any conveyance shall be made of any lands or tenements, by which a trust or confidence may arise or result, by implication or construction of law, or be transferred or extinguished by an act or operation of law, then such trust, &c. shall be of like force as if this statute had not been made, *id.* s. 8.

15. All declarations or creations of uses, trusts, or confidences, of any fines or common recoveries of any lands, &c., manifested and proved by any deed, by the party who is by law enabled to declare such uses and trusts, after levying or suffering any such fines or recoveries, are as effectual in the law as if 29 C. 2. c. 3. ss. 7, 8. had not been made, 4 & 5 A. c. 16. s. 15.

16. All grants and assignments of any trusts shall be in writing, signed by the party granting or assigning the same, or by last will and devise, or else are utterly void, 29 C. 2. c. 3. s. 9.

17. It shall be lawful for every sheriff or other officer to whom any writ or precept is directed at suit of any person or persons, for and upon any judgment, statute, or recognizance, to make and deliver execution to the party suing in that behalf, of all such lands, tenements, rectories, tithes, and hereditaments, as any other person, &c. is in any wise seised in trust for him against whom such execution is sued: which lands, &c., by virtue of such execution, shall accordingly be held free from all incumbrances of such person as shall be so seised in trust for the person against whom execution shall be sued; and if any *cestui que* trust hereafter shall die, leaving a trust in fee simple to descend to his heir, there such trust shall be deemed assets by descent, and the heir shall be chargeable with the

obligation of his ancestors by reason thereof, as fully as he might have been, if the estate in law had descended to him in possession, in like manner as the trust descended, 29 C. 2. c. 3. s. 10.

18. No heir who shall become chargeable by reason of any estate or trust made assets in his hands by this law, shall, by reason of any kind of plea or confession in this action, or suffering judgment of *nient dedere*, or any other matter, be chargeable to pay the condemnation out of his own estate; but execution shall be sued of the whole estate so made assets in his hands by descent, in whose hands soever it shall come after the writ purchased, in the same manner as it is to be at common law, where the heir at law, pleading a true plea, judgment is prayed against him thereupon, *id.* s. 11.

USURY.

(STATUTES repealed and expired.)

1. USURY SHALL NOT RUN against any within age, 20 H. 3. c. 5. [REP. 37 H. 8. c. 9. s. 1.]

2. AGAINST USURY AND UNLAWFUL BARGAINS, 3 H. 7. c. 5. and c. 6. latter part, [REP. by 37 H. 8. c. 9. s. 1.]

3. AGAINST USURY, 11 H. 7. c. 8. [REP. 37 H. 8. c. 9. s. 1.]

4. AGAINST USURY, 37 H. 8. c. 9. [This statute first fixed a rate of interest at 10*l.* per cent.; was REP. 5 & 6 E. 6. c. 20.; but was REV. 13 El. c. 8. s. 1. *see infra.*]

5. AGAINST USURY, (or against taking any interest for money,) 5 & 6 E. 6. c. 20. [This statute repealed the rate of interest fixed by 37 H. 8. c. 9., but was REP. 13 El. c. 8. s. 2: The common rate of interest notwithstanding the law was now 14 per cent. *Hume's Hist.*]

6. AGAINST USURY, 13 El. c. 8. [Reviving 37 H. 8. c. 9. thus again fixing interest at 10*l.* per cent. *id.* s. 2. MADE PERP. 59 El. c. 18. s. 30. and 32., but *semb.* virtually EXP. since 12 A. St. 2. c. 16. s. 1.]

7. AGAINST USURY, 21 J. 1. c. 17. [Interest reduced from 10*l.* to 8*l.* per cent. MADE PERP. 3 C. 1. c. 4. s. 5. but virtually EXP. since 12 A. St. 2. c. 16. s. 1.]

8. FOR RESTRAINING THE TAKING of excessive usury, 12 C. 2. c. 13. [CON. 13 C. 2. St. 1. c. 14. Interest reduced to 6*l.* per cent., *id.* s. 2. but virtually EXP. since 12 A. St. 2. c. 16.]

(STATUTES in force.)

1. PUNISHMENTS OF USURY BY H. M. OR THE ORDINARIES, 15 E. 3. St. 1. c. 5.

2. H. M. and his heirs shall have cognizance of usurers dead, and the ordinary of usurers living, as to them pertaineth, to make compulsion by censures of holy church for the sin, to make restitution of the usuries taken against laws of holy church, 15 E. 3. St. 1. c. 5.

3. AGAINST USURY, 37 H. 8. c. 9. [Interest reduced to 10 per cent., ss. 3—4., which *seem* EXP. since 12 A. St. 2. c. 16. s. 1.]

4. No person shall sell his merchandizes to another, and within 3 months after buy the same, or any part thereof, knowing them to be the same, 37 H. 8. c. 9. s. 2.

5. Such offence shall be punished by forfeiture of the things sold, as also by imprisonment and fine, and ransom at H. M.'s will; one moiety thereof being to H. M., and the other to him that will sue in any of H. M.'s courts of record, by action of debt, &c. or information, in which no wager of law, essoin, &c. shall be allowed, *id.* s. 5.

6. Nothing in this act shall extend to any lawful obligation indorsed with a condition, nor to any statute or recognizance for payment of a lesser sum, if made for a true, just, and perfect debt, or for performance of any other true covenants, made on a just intent had between the parties, other than in cases of usury, interest, corrupt bargain, shift, or chevizance, nor to any recovery, fine, feoffment, release, confirmation, or grant, made on condition with a true intent, other than those made on usury, &c. *id.* s. 6.

7. TO REDUCE THE RATE OF INTEREST WITHOUT ANY prejudice to parliamentary securities, 12 A. St. 2. c. 16. [See as to mortgages in *Ire. and West Indies*, 14 G. 3. c. 79. *us* AMD. 1 & 2 G. 4. c. 51. MORTGAGES.]

8. No person, from and after 29th Sept. 1714, upon any contract which shall be made from and after that day, shall take directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities soever, above the value of 5*l.* for the forbearance of 100*l.* for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and all bonds, contracts, and assurances for payment of any principal or money to be lent, or covenants to be performed on usury, whereupon shall be reserved or taken above 5*l.* in the 100*l.*, shall be void; and every person which shall receive, by means of any corrupt bargain, loan, exchange, chevizance, shift, or interest, of any wares or other thing, or by any covin, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, for their money or other thing, above 5*l.*, and after that rate for a greater or lesser sum,

or for a longer or shorter time, shall forfeit treble value of the monies and other things, so lent, bargained, &c. 12 A. S. 2. c. 16. s. 1.

9. Every scrivener, broker, solicitor, and driver of bargains for contracts, who shall, after 29th Sept. 1714, take or receive, directly or indirectly, any money, reward, or thing, for brokerage, soliciting or procuring the loan or forbearing of any money above the rate of 5s. for the loan, &c. of 100l. for a year, or above 12d. above the stamp duties for making or renewing of the bond or bill for loan, &c. thereof, or for any counter bond or bill concerning the same, shall forfeit 20l., with costs, and suffer imprisonment for half a year; the one moiety of which forfeitures shall be to H. M., and the other to him or them that will sue for the same, in the county where the offences are committed, and not

elsewhere, by action of debt or information, in which no essoin, &c. shall be allowed, 12 A. S. 2. c. 16. s. 2.

10. To AFFORD RELIEF TO THE *bond Ade* HOLDERS OF NEGOTIABLE securities, without notice that they were given for an usurious consideration, 58 G. 3. c. 93.

11. No bill of exchange or promissory note, drawn or made after passing this act, (*viz.* 10th June 1818,) shall, though it may have been given for an usurious consideration, or on an usurious contract, be void in the hands of an indorsee, for valuable consideration, unless he had, at the time of discounting or paying such consideration for the same, actual notice that such bill, &c. had been originally given for an usurious consideration, or, on an usurious contract, *id. ibid.*

VAGRANT.

(STATUTES repealed and expired.)

1. FOR THE PUNISHMENT of vagabonds, 7 R. 2. c. 5. [REP. 21 J. 1. c. 28. s. 11.]

2. THE PUNISHMENT of wandering beggars, 12 R. 2. c. 7. [REP. 21 J. 1. c. 28. s. 11.]

3. PERSONS BEGGING as distressed travellers from abroad, shall have testimonials, under the penalties in chap. 3. [See LABOURERS, STATS. *rep.*, &c. *pl.* 9.] contained, 12 R. 2. c. 8. [REP. 21 J. 1. c. 28. s. 11.]

4. AGAINST VAGABONDS and beggars, 11 H. 7. c. 2., 19 H. 7. c. 12. [The 11 H. 7. c. 4. AMD. as to selling ale, 5 & 6 Ed. 6. c. 25., 1 J. 1. c. 9. Both acts REP. 39 El. c. 4. 21 J. 1. c. 28. s. 11.]

5. FOR THE PUNISHMENT of sturdy vagabonds and beggars, 27 H. 8. c. 25. [CON. 31 H. 8. c. 7. s. 2. EXP.]

6. FOR THE PUNISHMENT of vagabonds, and the relief of the poor and impotent persons, 1 Ed. 6. c. 3. [REP. 3 & 4 Ed. 6. c. 16.]

7. TOUCHING the punishment of vagabonds and other idle persons, 3 & 4 E. 6. c. 16. [REP. 14 El. c. 5. s. 1. and 21 J. 1. c. 28. s. 11.]

8. FOR THE PUNISHMENT of vagabonds, and for the relief of the poor and impotent, 14 El. c. 5. [CON. 39 El. c. 18. s. 47., and as to levying gaol money, 1 J. 1. c. 25. s. 32. 21 J. 1. c. 28. s. 1. 3 C. 1. c. 4. s. 14. and indefinitely 16 C. 1. c. 4. and which seems REP. 12 G. 2. c. 29. s. 22. and REP., as to vagrants, 35 El. c. 7. s. 24. and the rest is EXP.]

9. FOR THE PUNISHMENT of rogues, vagabonds, and sturdy beggars, 39 El. c. 4. [CON. 1 J. 1. c. 7. 1 J. 1. c. 25., with a saving to John Dutton, of Chester, for licensing minstrels annexed, 21 J. 1. c. 28. s. 1. 3 C. 1. c. 4. and indefinitely, 16 C. 1. c. 4. REP. 12 A. St. 2. c. 23.]

10. FOR THE MORE effectual punishment of vagrants, and sending them whither they ought by law to be sent, 11 & 12 W. 3. c. 18. [CON. 1 A. St. 2. c. 13. ss. 4—5. 5 & 6 A. c. 32. s. 1. EXP.]

11. FOR THE CONTINUANCE of the laws for the punishment of vagrants, and for making such laws more effectual, 1 A. St. 2. c. 13. ss. 4—8. (ss. 4. 5. EXP.) 5 & 6 A. c. 32. (s. 1. EXP.) [NOTE. The sections 6—8. of 1 A. St. 2. c. 13., and sections 2—4. of the 5 & 6 A. c. 32., relate to the rules for the conveyance of vagrants by constables, and seem virtually REP. by 17 G. 2. c. 5. ss. 16. 17. See also 1 & 2 G. 4. c. 64. s. 1. *pl.* 45.]

12. FOR REDUCING the laws relating to rogues, vagabonds, sturdy beggars, and vagrants, into one act of parliament, and for more effectually punishing such rogues, &c. and sending them whither they ought to be sent, 12 A. S. 2. c. 23. [REP. 13 G. 2. c. 24. 17 G. 2. c. 51. s. 34. EXPL. and AMD. as to players, 10 G. 2. c. 28. See THEATRES, &c.]

13. FOR AMENDING and enforcing the laws relating to rogues, vagabonds, and other idle and disorderly persons, and for reducing the same into one act of parliament, and also for amending the laws for erecting, providing, and regulating houses of correction, 13 G. 2. c. 24. [REP. 17 G. 2. c. 5. s. 34.]

(STATUTES in force.)

1. AGAINST LEWD and WANDERING PERSONS PRETENDING themselves to be soldiers and mariners, 39 El. c. 17. and recital in s. 1. [CON. 3 C. 1. c. 4., and indefinitely 16 C. 1. c. 4.; see 43 G. 3. c. 61. *pl.* 76.]

2. All idle and wandering soldiers or mariners, or idle persons wandering as such, shall settle themselves to labour without wandering, or repair to their dwelling places, betaking themselves to some lawful trade, upon pain that persons so offending shall be reputed as felons without benefit of clergy, 39 El. c. 17. s. 2.

3. Every idle and wandering soldier or mariner, which, coming from his captain, from the seas or from beyond seas, shall not have a testimonial of some justice of peace near the place where he landed, setting down the place and time when he landed, and the place of his dwelling or birth, unto which he is to pass, and a convenient time limited for his passage, or having such testimonial, shall wilfully exceed the time above 14 days, every such idle and wandering soldier or mariner, as also every other idle person wandering as soldier or mariner, which shall forge any such testimonial, or have with him such testimonial forged, knowing the

same to be forged, every such act shall be felony without clergy, 39 El. c. 17. s. 3. [See 32 G. 3. c. 45. s. 7. *pl.* 32.]

4. The justices of assize, justices of gaol delivery, and the justices of peace having power to hear and determine felonies, may hear and determine all such offences in their general sessions, and execute the offenders: except some honest person valued at the last subsidy to 10l. in goods, or 40s. in lands, or else some honest freeholder, as by the justices shall be allowed, will be contented, before such justices, to take them into his service for one year, and will be bound by recognizance of 10l. to H. M., if he keep not the person for one year, and bring him to the next session for the peace, and gaol delivery after the year: and if such person depart within the year, without the licence of him that retained him, then to be adjudged as a felon, and not have benefit of clergy, *id.* s. 4.

5. Provided that if any such idle and wandering person fall sick by the way, so that he cannot travel within the time limited in his testimonial, no such to be within the danger of this statute, so as he settle himself in some lawful course within convenient time after the recovery of his sickness, *id.* s. 5.

6. When any such soldier or mariner shall repair to the place of his dwelling or birth, according to the testimonial, and cannot get work; upon complaint made by such soldier or mariner, to 2 justices of peace, they shall take order to set him to some honest labour; and for want of such work, such 2 justices shall tax the hundred for the relief of such soldier, &c., *id.* s. 6.

7. If any such soldier or mariner on landing shall not go the direct way to the place whither he is going, he shall resort to some justice of peace and make known his poverty, such justice shall license such soldier or mariner to pass the next way to the place where he is to repair, and limit him so much time as shall be necessary for his travel thither; and he pursuing his licence, may for his necessary relief ask the relief that any person shall willingly give him, *id.* s. 7.

8. This act shall not work any corruption of blood in the heirs of any offender, *id.* s. 8.

9. FOR THE DUE EXECUTION OF THE LAWS HERETOFORE MADE against rogues, vagabonds, and sturdy beggars, and other lewd and idle persons, 7 J. 1. c. 4. [CON. 3 C. 1. c. 4., and indefinitely, 16 C. 1. c. 4.; REP. as to privy search, 12 A. St. 2. c. 23.]

10. Former laws against rogues and vagabonds shall be executed, 7 J. 1. c. 4. s. 1.

11. There shall be provided within every county in Eng. or Wa., one house of correction, together with mills, turns, cards, and other implements, to set rogues and other idle persons to work, which houses shall be conveyed unto such person as the quarter sessions for each county shall appoint in trust, to be employed in keeping and setting rogues on to work, *id.* s. 2.

12. The justices at their quarter sessions, shall elect one or more to be governor or master of the house so to be provided, who shall set such rogues, vagabonds, idle and disorderly persons, as shall be sent to such house, to work, and punish them by putting fetters or gyes upon them, and by moderate whipping; and such rogues, &c. during such time as they shall continue in the house of correction, shall not be chargeable to the county, but shall have such allowance as they shall deserve by their own labour, *id.* s. 4.

13. The masters of the houses of correction shall have such sums of money yearly, as shall be thought meet by the justices at the quarter sessions, to be paid quarterly beforehand by the treasurers appointed by 43 El. c. 2. s. 14., [which seems REP. by 12 G. 2. c. 29. s. 22.; see COUNTY RATE, *pl.* 24.] (such master giving security for the performance of the service); which if the treasurer shall neglect, the master shall levy the same in such manner as by such statute the treasurers are appointed to levy the weekly payment, *id.* s. 6.

14. Wilful people having children, and being able to labour, and running away out of their parishes, shall be deemed incorrigible rogues; and if such man or woman, being able to work, shall threaten to run

away and leave their families, the same being proved by 2 witnesses before 2 justices of peace, they shall be sent to the house of correction (unless they put in sureties for discharge of the parish) to be dealt with as a sturdy wandering rogue, and to be delivered at the meeting or quarter sessions, 1 J. 1. c. 4. s. 8. [See 5 G. 1. c. 8. Poor, pl. 189., 17 G. 2. c. 5. ss. 1, 2. pl. 27, 29.]

15. If the masters of the houses of correction shall not every quarter sessions yield account unto the justices of all persons committed to their custody; or if the persons committed shall be troublesome to the country, by going abroad, or otherwise escape from the house of correction; such justices shall set fines upon the master, which shall be paid to the treasurer, *id.* s. 9.

16. FOR THE DUE APPREHENSION OF VAGRANTS and other idle and disorderly persons, and for rewarding persons who shall apprehend them, 13 & 14 C. 2. c. 12. ss. 16—18. 20. 23.; [See the rest of this act, Poor, pl. 245., and the note there as to its being in force or not. This title is framed from these sections.]

17. Any justice of the peace to whom any rogue, vagabond, or sturdy beggar shall be brought, may reward any person who shall apprehend any rogue, &c., by giving him an order or warrant, under hand and seal, to the constable, headborough, and tithingman of such parish, through which such rogue, &c. passed, without being apprehended, requiring him to pay such person 2s. [See as to this reward, 17 G. 2. c. 5. ss. 1, 5. pl. 27., 1 & 2 G. 4. c. 64. s. 2. pl. 36.] for each rogue, &c. so apprehended; and if such constable shall refuse, such justice or another may proceed against such constable, &c., according to the 39 El. c. 4. and 1 J. 1. c. 7., [both acts REP., 12 A. St. 2. c. 25.], to compel him to pay the sum he has forfeited under the 1 J. 1. c. 7., and allow thereof such 2s., and an allowance for loss of time, 13 & 14 C. 2. c. 12. s. 16. [See 17 G. 2. c. 5. s. 5. pl. 34.]

18. If any person shall apprehend any rogue, &c. at the confines of any county, which passed through any parish of another county unapprehended, such person may go before some justice of such last-mentioned county, who shall (on certificate, under the hand of some justice of the county where such rogue was apprehended) grant such order as in 4. 16. pl. 18.; and in case such constable, &c. shall refuse to pay the same, such justice shall proceed against him, and cause him to pay 10s., or so much thereof as such justice shall think fit to such person, which such constable forfeited under 39 El. c. 4. *id.* s. 17. [See 17 G. 2. c. 5. s. 5. pl. 34. s. 34. pl. 73.]

19. All constables, headboroughs, and tythingmen, out of purse, by relieving, conveying with passes, and carrying rogues, &c. to the house of correction, together with the churchwardens and overseers of the poor, and other inhabitants of such parish, may tax all persons chargeable under 43 El. c. 2. s. 1. [Poor, pl. 1.] within such parish, and which rate being confirmed under the hands and seals of two justices, such constables, &c. may, by like warrant from such justices, levy by distress and sale of the goods of the party refusing to pay the same, *id.* s. 18.

20. Persons sued under this act may plead general issue, and if they obtain a verdict, or if the plaintiff is nonsuited or discontinued, they shall have treble damages, *id.* s. 20.

21. The justices in every county in Eng. and Wa. in quarter sessions, may transport such rogues, vagabonds, and sturdy beggars, as shall be adjudged incorrigible, to the Eng. plantations, beyond seas, *id.* s. 25. [See a similar power given to the president, &c. of the workhouse established under this act, 13 & 14 C. 2. c. 12. s. 6. Poor, pl. 248. But see now, 17 G. 2. c. 5. ss. 4. and 9. pl. 33. 50.]

22. ALL LEWD AND DISORDERLY MEN, SERVANTS, AND EVERY idle person, both men and boys, who are deemed rogues, vagabonds, and sturdy beggars (not being felons) by 39 El. c. 4. [which was REP. 12 A. St. 2. c. 25.] shall be taken up and conveyed into H. M.'s sea service, as by 11 & 12 W. 3. c. 18. [Exp.] directed, 2 & 3 A. c. 6. s. 16.

23. THE JUSTICES, CHIEF MAGISTRATES, TREASURER and constables, and other officers residing in liberties and towns corporate, having quarter sessions distinct from the county, and separate treasurers, shall, in the certifying and conveying of passengers, vagabonds, beggars, and other idle persons, and raising and paying of money, act in such liberties, &c. as they are by 11 & 12 W. 3. c. 18. [which is Exp.] and 1 A. St. 1. c. 13. [which is REP. by 17 G. 2. c. 5. ss. 16. 17.] in counties at large, 5 & 6 A. c. 32. s. 5.

24. FOR PASSING ROGUES AND VAGABONDS, 14 G. 2. c. 33. s. 3. [For rest of title, see BRIDGES, pl. 29. PRISONS, pl. 102.]

25. Any justice of peace may send any person apprehended as a rogue, &c. to the house of correction in the county where he dwells, or to any other house of correction in the same county, as shall be most convenient for passing such persons, *id.* *ibid.*

26. TO AMEND AND MAKE MORE EFFECTUAL THE LAWS relating to rogues, vagabonds, and other idle and disorderly persons, 17 G. 2. c. 5. [AMD. 25 G. 2. c. 36. s. 12.; and as to the expences of passing vagrants, 26 G. 2. c. 54. s. 2. and EXT. to persons having implements of house-breaking, 23 G. 3. c. 88.; and further AMD. 32 G. 3. c. 45.; and passes and

rewards DISCONTINUED, 1 & 2 G. 4. c. 64, which will expire 1st Sept. 1822, *id.* s. 9.]

27. All persons who threaten to run away and leave their wives or children to the parish, and all persons who unlawfully return to such parish or place from which they have been legally removed, by order of 2 justices of peace, without bringing a certificate from the parish whereunto they belong, and all persons not having wherewith to maintain themselves, live idle, and refuse to work for the usual wages, and all persons going about from door to door, or placing themselves in the streets, highways, or passages, to beg alms in the parishes where they dwell, shall be deemed idle and disorderly persons; and any justice may commit such offenders (being convicted by his own view, or by confession, or by the oath of one witness), to the house of correction, there to be kept to hard labour for any time not exceeding one month; and any person may apprehend and carry before a justice any such persons going about from door to door, or placing themselves in streets, highways, or passages, to beg alms in the parishes where they dwell; and if they resist or escape, they shall be subject to the same punishment as rogues and vagabonds are made liable to by this act; and such justice, by warrant, under his hand and seal may order any overseer of the poor of the parish or place where such offender is apprehended, to pay 5s. to any person apprehending them, for every offender so apprehended, [see as to this reward, 1 & 2 G. 4. c. 64. s. 2. pl. 36.] which shall be allowed to such overseer in his account, he producing the justice's order, and a receipt under the hand of the person to whom such sum was paid; but if such overseer neglect to pay such sum, such justice, on oath thereof made, may, by like warrant, order the same to be levied by distress and sale of the goods of such overseer; who in such case shall not be allowed the sum so levied in his account, 17 G. 2. c. 5. s. 1.

28. If it is made appear to any 2 justices that any poor person shall not use proper means to get employment, or if he is able to work, by his neglect of work, or by spending his money in alehouses or places of bad repute, or in any other improper manner, shall not apply a proper proportion of his earnings towards the maintenance of his wife and family, whereby they become chargeable to the parish, he shall be considered an idle and disorderly person, and be subject to punishment as such, under the 17 G. 2. c. 5., 32 G. 3. c. 45. s. 8.

29. All persons going about as patent gatherers, or gatherers of alms under pretences of loss by fire or other casualty, or going about as collectors for prisons or hospitals, all fencers and bearwards, all common players of interludes, and all persons who for hire or reward act or cause to be acted any interlude or entertainment of the stage, or any part therein, not being authorized by law; all minstrels, jugglers, all persons pretending to be gypsies, or wandering in the habit of Egyptians, [See GYPSY,] or pretending to have skill in physiognomy, palmistry, or like crafty science, or pretending to tell fortunes, or using any subtle craft to deceive, or playing or betting at unlawful games, and all persons who run away and leave their wives or children chargeable to the parish, and all petty chapmen and pedlars wandering abroad, not being licensed or authorized by law, and all persons wandering abroad, and lodging in alehouses, barns, out-houses, or in the open air, not giving a good account of themselves, and all persons wandering abroad and begging, pretending to be soldiers, mariners, seafaring men, or pretending to go to work in harvest, and all others wandering abroad and begging, shall be deemed rogues and vagabonds, 17 G. 2. c. 5. s. 2.

30. Every person who shall be apprehended, having upon him any picklock key, crow, jack, bit, or other implement, with intent feloniously to break and enter any dwelling-house, warehouse, coach-house, stable, or out-house, or shall have any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any persons, or shall be found in or upon any dwelling-house, &c. or in any inclosed yard, garden, or area belonging to any house, with intent to steal any goods, such person shall be deemed a rogue and vagabond within the 17 G. 2. c. 5., 23 G. 3. c. 88.

31. This act shall not extend to soldiers wanting subsistence, having certificates from their officers or the secretary at war, or to seafaring men licensed by some testimonial under the hand and seal of some justice of peace, setting down the time and place of their landing or discharge, and the place to which such soldiers or mariners are to pass, and the names of the chief towns through which they are to pass, and limiting the time of their passage while they continue in the way to the place to which they are to pass, and during the time so limited; or to any person going abroad to work in harvest, so as he carry with him a certificate signed by the minister and one of the churchwardens or overseers of the poor of the parish where he inhabits, declaring that he hath a dwelling-house or place there, in which he inhabits, 17 G. 2. c. 5. s. 3.

32. Soldiers and mariners wandering abroad and begging, shall be deemed rogues and vagabonds within 17 G. 2. c. 5. notwithstanding any certificate from their officers, or the secretary at war, or any testimonial under the hand of a justice of peace, 32 G. 3. c. 45. s. 7. [See 39 El. c. 17. s. 3. pl. 3. and 43 G. 3. c. 61. pl. 76.]

33. All end-gatherers offending against 13 G. 1. c. 23. [For the regulation of woollen manufactories] and being convicted, and all persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice, or to be examined upon oath, or to be conveyed by any such pass as is herein-after directed, or knowingly giving a false account of themselves, after warning given them of their punishment, and all rogues and vagabonds who break or escape out of any house of correction before the expiration of the term for which they were committed, and all persons who, after having been punished as rogues and vagabonds and discharged, again commit any of such offences, shall be deemed incorrigible rogues, 17 G. 2. c. 5. s. 4. [See 13 & 14 C. 2. c. 12. s. 23. pl. 21.]

34. Any person may apprehend offenders against this act, and convey to some justice the persons so apprehended, to be proceeded against as is herein-after directed; and in case any constable or other such officer refuse or neglect to use his best endeavours to apprehend or convey to some justice any such offender, it shall be deemed a neglect of duty, and he shall be punished as is herein-after directed; and in case any other person charged by any justice so to do, refuse or neglect to use his best endeavours to apprehend and deliver to the constable, or such other officer, or to carry such offender before some justice, where no officer can be found, being convicted upon view, or by the oath of one witness, before a justice, he shall forfeit 10s. to the use of the poor of the parish; to be levied by distress and sale of the offender's goods, by warrant from any justice; and in case any person, not being a constable or officer, apprehend any such rogue or vagabond, and deliver him to a constable or other officer, or convey him to some justice, according to this act, or if any constable or other such officer, so apprehend and convey such rogue or vagabond, such justice may reward any such constable or other person, by making an order under hand and seal upon the high constable to pay 10s. to the person so apprehending him, within one week after demand, and producing such order, and giving a receipt; and the same shall be allowed by the treasurer of the county or liberty to such high constable, on his passing his accounts and delivering such order and receipt, and also his own receipt for the same, to such treasurer; and such justices, at the general or quarter sessions, shall allow the same to such treasurer in his accounts, upon his producing such vouchers; and in cities and places where there are no high constables, such petty constables and other officers shall pay or retain such reward, and be allowed it by virtue of this act, in their respective accounts, upon their producing and delivering up their like vouchers; and in case any high constable, or where there is no high constable, such petty constable or other officer neglect to pay such reward on demand, such justice, by like warrant, may levy the sum of 20s. by distress and sale of the goods of such officer, and thereout allow to the person entitled the reward of 10s. and such other recompence for his trouble, time, and expences, as such justice thinks fit, *id.* s. 5.

35. No justice shall order any reward to be paid to any constable or other person for apprehending any rogue or vagabond, until such rogue, &c. has been punished, as in s. 1. pl. 27., and until the examination required by 17 G. 2. c. 5. s. 7. pl. 40. has been transmitted to the sessions, to be filed on record, 32 G. 3. c. 45. s. 2.

36. No person shall claim from any justice any order for any sum or reward for apprehending and carrying before such justice, or delivering to any constable or other person, any rogue, &c. nor shall any justice order any sum to be paid in that behalf, 1 & 2 G. 4. c. 64. s. 2.

37. When any rogue, &c. is apprehended, and brought before any justice of peace, or is apprehended and delivered to any constable or other such officer by any person, (not being a constable or other such officer) such justice may, in his discretion, by warrant under his hand and seal, order any overseer of the parish or place where the act of vagrancy was committed, to pay any sum not exceeding 5s. for every offender so apprehended; which sum he shall be allowed in his accounts on producing such order, and the receipt of the person, to whom it was paid, for the same; and if such overseer neglect to pay it, such justice, on oath thereof made, may by like warrant levy the same by distress and sale of his goods, returning the overplus after charges of distress and sale deducted, and in such case such sum shall not be allowed him in his accounts, *id.* s. 3.

38. The justices for every county, town corporate, division, or liberty, or any 2 of them shall, 4 times in the year, or oftener if need be, meet in their respective divisions, and by their warrant command the constables or other peace officers of every hundred, parish, town, and hamlet, (who shall be assisted with sufficient men of the same places) to make a general privy search in one night throughout their several limits, for the apprehending of rogues and vagabonds; and every justice shall, on receiving information that rogues and vagabonds are in any place within his jurisdiction, issue his warrant to the constable or other officer of such place, to search for and apprehend them; and such rogues and vagabonds as they apprehend upon such searches, they shall cause to be

brought before any justice of peace of the same county, &c. 17 G. 2. c. 5. s. 6.

39. Two justices in any county, city, or liberty, if any person apprehended upon any general privy search, or by virtue of a special warrant, shall be charged before them as a rogue and vagabond, or an idle and disorderly person, or with suspicion of felony, though no direct proof be then made, may examine him on oath as to the place of his last legal settlement, and as to his means of livelihood; the substance of which examination shall be put in writing, and signed by the person examined, and such justices, who shall transmit it to the next quarter sessions, to be filed of record; and if such person has not any lawful means of livelihood, or shall not procure some responsible housekeeper to appear to his character, and give security for his appearance on a day to be fixed, if the same is required, such justices may commit such person to prison for not exceeding 6 days, and in the mean time order the overseers of the poor to insert an advertisement in some public paper, describing such person, and the things found upon him, and suspected not to have been honestly come by, and mentioning the place where he is committed, and the time and place of his re-examination; and if no accusation is then laid against him, he shall be discharged, 25 G. 2. c. 36. s. 12.

40. Where any rogues or vagabonds, apprehended by any constable or other person, or upon such search, are brought before any justice, such justice shall inform himself, by the examination upon oath of the person apprehended, or of any other person, of the condition and circumstances of the person so apprehended, and of the parish where he was last legally settled; the substance of which examination shall be put into writing, and be signed by the person examined, and by such justice, who shall transmit it to the next general or quarter sessions, there to be filed on record, and such justice shall order all such persons so apprehended to be publicly whipt by the constable, petty constable, or tithing-man, or some other person appointed by such constable, &c. of such parish or place where such persons were apprehended; or order such persons to be sent to the house of correction until the next general or quarter sessions, or for any less time; and after such whipping or confinement, such justice may, by a pass under hand and seal, as hereafter directed, cause such persons to be conveyed to the place of their last legal settlement; but if it cannot be found, then to the place of their birth; or if such persons be under the age of 14 years, and have any father or mother living, then to the place of abode of such father or mother, there to be delivered to some churchwarden or overseer of the poor; which pass shall be in the form or to the effect following:

'To the constable of — in the county of — or to the tithingman, or other officer, (as the case is; or if the offender is committed to the house of correction, then to the governor or master thereof,) and also to all constables and other officers whom it may concern, to receive and convey, and to the churchwardens, chapelwardens, or overseers of the poor of the parish (town, or place, as the case is) of — in the county of — or either of them, to receive and obey.

'Whereas — was (or were) apprehended in the parish of — (or in the town, or — or other place, describing it) as a rogue and vagabond, (or as rogues and vagabonds,) viz. wandering and begging there (or as the case shall be), and upon examination of the said — taken before — upon oath (which examination is hereunto annexed), it doth appear that his (her, or their) last legal settlement is at — in this county, (or in the county of —) [or, that the said — was (or were) born in the parish of — in this county (or in the county of —) and hath (or have) not since obtained any legal settlement] [or that the said — is (or are) under the age of 14 years, and hath (or have) a father and mother living at abiding in the parish (or town) of — (or other place,) describing it.] These and therefore to require you, the said constable, or other officer, (or governor or master of the house of correction, as the case shall be) to convey the said — in the next direct way to the said parish (or town) of — (or other place) within the said county, and there to deliver him (her, or them) to some churchwarden, chapelwarden, or overseer of the poor of the same parish, (town, or place,) to be there provided for according to law, [or in case the said parish, town, or place, to which such person is to be sent, lies in some other county or franchise, having separate general or quarter sessions of the peace, then the form shall be as followeth, viz. to convey the said — to the parish (or town) of —, that being the first parish (or town) in the next precinct through which he (she, or they) ought to pass in the direct way to the said parish, (or town) of — to which he (she, or they) is (or are) to be sent, and to deliver him (her, or them) to the constable or other officer of such first town (or parish) in such next precinct, together with this pass, and the duplicate of the examination of the said — taking his receipt for the same; and the said — is (or are) to be thence conveyed on in like manner to the said parish (or town) of — there to be delivered to some churchwarden, chapelwarden, or overseer of the poor of the same parish (town, or place) to be there provided for according to law.] And you, the said churchwardens, chapelwardens, and overseers of the poor, are hereby required to receive the said person (or persons) and provide for him (her, or them) as aforesaid, 17 G. 2. c. 5. s. 7. [See, as to suspending vagrant passes, in cases of sickness, 35 G. 3. c. 101. s. 2. Poor, pl. 228., and see also passes abolished for a time, 1 & 2 G. 4. c. 64. s. 1. pl. 45.]

41. When any justice of peace shall order to be conveyed by pass under his hand and seal, any rogue or vagabond, according to 17 G. 2.

s. 5. & 7. *pl.* 40.; such rogue or vagabond, shall be either publicly whipped, or be sent to the house of correction until the next general or quarter sessions, or for such less time as such justice shall think proper, not being less than 7 days, and such justices shall certify in such person's pass, that the same has been done; provided no person shall be so whipped or imprisoned unless he has committed an act of vagrancy within such act, 59 G. 3. c. 45. s. 1. [But see now 1 & 2 G. 4. c. 64. s. 4. *pl.* 46.]

42. Whenever any female shall be guilty of any offence for which she shall be convicted as a rogue or vagabond, or incorrigible rogue before any justice or sessions, the punishment of whipping shall not be inflicted on her, *id.* s. 3.

43. The judges at assizes, and the justices at sessions, or any justice of peace, may order any convict upon his discharge from prison to be conveyed by pass, under hand and seal, according to the 17 G. 2. c. 5. s. 7. *pl.* 40.; and the judge, justice or justices, may also convey by pass any person acquitted at such assizes or sessions, or discharged by proclamation or otherwise, who shall apply to the court whereat acquitted or discharged, or to any justice to be so conveyed; and such judge, &c. shall certify in such pass, that such person was so discharged from prison, or acquitted, or otherwise discharged at the assizes or sessions; and no fee shall be paid for such pass, *id.* s. 4.

44. The general or quarter sessions for any county, riding, city, place, &c., or any adjournment thereof, may make an order that all rogues and vagabonds apprehended within their respective counties, &c., and who are ordered to be conveyed by pass, shall be conveyed by the master of the house of correction, or his servants, or by a constable, as such sessions or any adjournment thereof shall think proper; and may also make an order, that all constables to whom rogues or vagabonds brought from another county, &c. are delivered, shall forthwith convey them to the nearest house of correction in their county, &c., to be forwarded by the master as aforesaid, according to the provisions of the 17 G. 2. c. 5., *id.* s. 5.

45. All provisions heretofore made, and now in force, for passing any rogue, vagabond, vagrant or incorrigible rogue, or other idle and disorderly person to his place of legal settlement or birth, or abode of his father or mother, shall cease; and from 1st Sept. 1821, [until 1st Sept. 1823, *id.* s. 9.] no justice shall grant any pass, or give any directions for the conveyance of any rogue, &c. to any such place or grant any walking or permissive or other pass, 1 & 2 G. 4. c. 64. s. 1.

46. No justice, except the justices in general or quarter sessions, shall commit any rogue, &c. to any gaol or house of correction for any time exceeding 3 months, or less than one month, unless the offender is so committed to remain until the sessions; and offenders so committed shall be kept to hard labour; but any justice or justices before whom any person apprehended as a rogue, &c. is brought, may in his discretion either commit or discharge such person, although an act of vagrancy be proved against him, *id.* s. 4.

47. Provided that whenever it appears to 2 justices, that any person apprehended as a rogue, &c., and directed to be discharged without committal, or to 2 visiting justices of any gaol or house of correction where any person has been committed to and discharged from gaol, necessary that such persons, or any of them, ought to be passed as vagrants to their places of birth, settlement, or abode of their fathers or mothers, such justices may pass such persons as before this act, *id.* s. 7.

48. This act shall not affect the 59 G. 3. c. 12. [see Poore, *pl.* 97.], or the mode of passing poor persons born in *Scot.* and *Ire.*, and the isles of *Man*, *Jersey* and *Guernsey*, who may become chargeable to the parishes in *Eng.*, or the laws in force for the removal of poor persons not having committed any act of vagrancy, *id.* s. 8.

49. Such justice shall make a duplicate of such pass and examination, and sign the same; and shall transmit the duplicate of such pass annexed to the examination, to the next general or quarter sessions, there to be filed on record; and shall annex the duplicate of the examination to the pass, and send it with the same; and such pass, examination, and duplicates, may be read in any court of record in *Eng.*, *Wa.*, or *Ber.*, as evidence, 17 G. 2. c. 5. s. 8.

50. Where any offender against this act is committed to the house of correction until the next general or quarter sessions, and the justices at such sessions adjudge such person a rogue or vagabond, or an incorrigible rogue; they may order such rogue or vagabond to be kept in such house of correction to hard labour for any further time not exceeding 6 months; and such incorrigible rogue, for any further time not exceeding 3 years, nor less than 6 months from the making such order of sessions; and during such confinement, to be corrected by whipping, in such manner and at such times and places within their jurisdictions as they think fit; and such person may afterwards be sent away by such pass, *mutatis mutandis*, as in s. 7. *pl.* 40.; and if such person, being a male, is above the age of 18 years, the justices at their sessions may, at any time before he is discharged, send him to be employed in H. M.'s service, either by sea or land. And in case any such incorrigible rogue, so kept in the house of correction, before the expiration of the time for which he or she is so detained, break out or escape therefrom, or offend again in like man-

ner, such person shall be deemed guilty of felony, and being convicted, shall be transported for any time not exceeding 7 years, 17 G. 2. c. 5. s. 9.

51. The justice who makes the pass shall, at the same time, cause likewise to be delivered to the constable, or other officer appointed to convey them, a certificate, ascertaining how they are to be conveyed, by horse, cart, or on foot, and what allowance such officer is to have for conveying them, (according to the rates appointed by the general or quarter sessions of the peace, as is herein after directed) in the form, or to the effect following, *viz.*

'Whereas by a pass (reciting the substance of the said pass) I (or we) do hereby order and direct the said person (or persons) to be conveyed on foot, (or in a cart, or by horse, &c.) to the said town (or parish) of — in — (or other place, describing it) in the way to such parish (town or place, as the case shall be) in — day's time; for which the said constable (&c.) is to be allowed the sum of — and no more. Given under my hand (or our hands), this — day, &c. *id.* s. 10.

52. The constable, or officer who receives such pass and certificate, shall convey the person named in such pass in such manner, and in such time, as by the same pass is directed, the next direct way to the place where he or she is to be sent, if such place be in the same county or franchise where such person was apprehended; but if the place to which the person so apprehended is to be sent lies in some other county or franchise, he shall deliver such person to the constable or other such officer of the first town or place in the next county or franchise, in the direct way to the place to which such person is to be conveyed, together with such pass and duplicate of examination, taking his receipt for the same; and such constable, or other officer, shall without delay apply to some justice of peace in the same county or franchise, who shall make the like certificate as before (*mutatis mutandis*) and deliver it to such constable or other officer, who shall convey the person unto the first parish or place in the next county or franchise, in the direct way to the place to which such person is to be conveyed; and so in like manner from one county or franchise to another, till they come to the place to which such person is sent; and the constable or other officer who delivers such person to the churchwarden, or other person ordered to receive him by such pass, shall deliver such pass with the duplicate of examination, taking their receipt for the same; and if the churchwarden or person who receives any person so sent think the examination to be false, he shall carry the person so sent before some justice of peace, who, if he see cause, may commit such person to the house of correction, till the next quarter sessions; and the justices there, if they see cause, may deal with such person as an incorrigible rogue, but the person so sent shall not be removed from the place to which sent, but by order of 2 justices, in the same manner as other poor persons are removed to the place of their settlement, *id.* s. 11.

53. Any justice of peace, before whom any vagrants are carried, may order such vagrants to be searched, and their bundles to be inspected by the constable, tithingman, churchwarden, or overseer of the poor, in the presence of such justice; and if it appear, that any such vagrants have sufficient to pay their passage, either in the whole or in part, to the parish to which they belong, then such justice shall order so much of the money to be paid, or other effects found upon such vagrants to be sold, and employed towards the expence of taking up and passing such vagrants, returning the overplus after deducting the charges of such sale to such vagrants, *id.* s. 12.

54. The constable, or other officer of any parish or place in the counties of *Cumberland*, *Northumberland*, *Durham*, or town of *Berwick*, shall, upon any person being delivered to them by a pass and examination, who has been apprehended in such counties or town, or brought to them according to this act, whose place of legal settlement is in *Scot.*, deliver such examination to the clerk of the peace for such respective county, to be kept among the records of the sessions of that county, and convey such person, with such pass, into the next adjoining shire, stewartry, or place in *Scot.*, and deliver him to some constable or other officer of the next parish or district within such shire, &c. taking his receipt for him, and such officer shall receive such person, and give such receipt, and dispose of him according to law; and in case any such vagrant, after being so sent into *Scot.*, be found wandering, begging, or misbehaving in *Eng.*, he shall be deemed an incorrigible rogue, and be punished as such, *id.* s. 13.

55. Every master of any ship or packet-boat bound for *Ire.*, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, shall, upon warrant to him directed, under the hand and seal of any justice of the peace of the county or place where such ship lies, take on board the same such vagrants as be named in such warrant, and convey them to such place in *Ire.*, the isles of *Man*, *Jersey*, *Guernsey*, or *Scilly*, as such ship is bound to, or shall arrive at; and for the charges thereof, such master shall take, and the constable or person who serves him with such warrant shall pay him such rate per head, as the justices at quarter sessions appoint; and such master shall, on the back of such warrant, sign a receipt for the money, and also for the vagrants; which warrant, so indorsed, shall then be produced to the justice who signed and sealed the same, and

upon his allowance thereof, under his hand, the money so paid shall be repaid by the county, in such manner as by this act the money to be paid for conveying vagrants is directed; and every master of such ship neglecting to receive or transport such vagrants, or to indorse and sign such receipt, shall forfeit *5l.* to the use of the poor of the parish, to be levied by distress and sale of the ship, or any goods within the same, by like warrant of any justice for the same county, &c., 17 G. 2. c. 5. s. 14.

56. Provided that no master of any ship be compelled to take on board more than one vagrant for every 20 tons burthen of such ship, *id.* s. 15.

57. The justices of any county, &c. shall, at the general or quarter sessions, appoint what rates *per* mile, or otherwise, shall be made for the passing or maintaining of rogues, vagabonds, or incorrigible rogues, and may likewise make such other orders for the more regular proceeding therein, within their respective jurisdictions, as they think proper; which rates and orders shall be observed by all justices, constables, and other persons within the same jurisdiction, *id.* s. 16. and 32 G. 3. c. 46. s. 6.

58. In case any petty constable, or other such officer of any parish, or place, bring to any high constable any such certificate, as in s. 10. *pl.* 51. ascertaining how or for what rates he is required to convey any vagabonds, &c., together with a receipt from any constable, or other person to whom the person so to be conveyed was delivered, such high constable shall pay unto such petty constable the rates ascertained by such certificate, taking from such petty constable such certificate, and his receipt for the same; and such high-constable shall be allowed the same by the treasurer of the county, &c. on his passing his accounts, upon his producing and delivering up such certificate and receipt, and giving his own receipt to such treasurer; and the justices at the general or quarter sessions shall allow the same to such treasurer in his accounts, upon his producing and delivering up such vouchers, and in case any high constable neglect to pay such petty constable, or other person, such rates ascertained by such certificate and receipt, on demand, any justice, by warrant, may levy double such sum, by distress and sale of such high constable's goods, and thereout allow such petty constable, or other person, the sum so ascertained, and such other recompence for his trouble, time, and expences, as such justice thinks fit; and the overplus shall be returned to such high constable upon demand: and in cities and places where there is no high constable, such petty constables or other officers shall be allowed what they so pay, pursuant to such certificate, in their accounts, upon their producing and delivering up such vouchers; or in case any master of a house of correction deliver such certificate and receipt to any treasurer, such treasurer shall pay the rates therein ascertained to such master, taking his receipt, which shall be allowed to such treasurer in his accounts, on his producing and delivering up such vouchers, 17 G. 2. c. 5. s. 17.

59. All rogues, vagabonds, and incorrigible rogues, sent by passes from one county, corporation, franchise, &c. into another, shall be delivered to the constable or other such officer of the first town, parish, or place in the next county, &c., and shall be by him conveyed forward, as in 17 G. 2. c. 5. s. 7. *pl.* 40. directed; and the treasurer of each county, &c. shall pay to such constable, &c. the charges of conveying such rogues, &c. upon such constable producing to him the certificate and such other vouchers as are by such act (s. 17. *pl.* 58.) required; and the sums so paid shall be allowed such treasurer in his accounts, upon producing such vouchers, together with such constable's receipt, 26 G. 2. c. 34. s. 2.

60. In case any such petty constable, or other officer or master of any house of correction, counterfeit any such certificate, receipt, or note, or make, or knowingly permit to be made, any alteration therein, he shall forfeit *50l.*; and in case he convey not the persons to the place where they ought to be conveyed, or deliver them not to the proper person, or if any constable or other person refuse to receive any such persons sent to them, or to give a receipt as before directed, such constable or other person shall forfeit *20l.*, which respective forfeitures shall be levied by distress and sale of the offender's goods, by warrant of the justices where such offence is committed, at their general or quarter sessions; one moiety to be paid to the person who first makes information, and the other to the treasurer of the county or place, to be applied as part of the public stock; and the overplus shall be returned to such constable, &c. upon demand, 17 G. 2. c. 5. s. 18.

61. The parish or place to which any rogue, vagabond, or incorrigible rogue, is so conveyed, by pass, shall employ in work, or place in some workhouse or almshouse, the person so conveyed to them, until he or she betake themselves to some service or employment; and in case any such person refuse to work, the overseers of the poor of such parish may cause such person to be carried before some justice of the peace, in order to be sent to the house of correction, there to be kept to hard labour, *id.* s. 19.

62. Where persons by lunacy or otherwise are furiously mad, and dangerous to be permitted to go abroad, 2 justices where such lunatic

is found, by warrant directed to the constables, churchwardens, and overseers of the poor of the parish or place, may cause such person to be apprehended, and kept safely locked up in some secure place within the county or precinct, as such justices direct, and, if such justices find it necessary, to be there chained, if the last legal settlement of such person be in any place within such county; and if such settlement be not there, such person shall be sent to the place of his last legal settlement, by a pass, *mutatis mutandis*, as in s. 10. *pl.* 51., and shall be locked up or chained, by warrant of 2 justices of the county or precinct to which such person is to be sent, and the charges of removing, and of maintaining, and curing such person during such restraint (which shall be for such time only as such madness continues) shall be paid (being first proved upon oath) by order of 2 justices, directing the churchwardens or overseers where any goods, lands, or tenements, of such person be, to seize and sell so much of the goods, or receive so much of the rents of the lands as is necessary to pay the same, and to account for what is so seized, sold, or received, to the next quarter sessions; but if such person hath not an estate to pay the same, over and above what is sufficient to maintain his or her family, then such charges shall be paid by the parish or place to which such person belongs, by order of 2 justices directed to the churchwardens or overseers, 17 G. 2. c. 5. s. 20. [See 48 G. 3. c. 96. s. 19. IDIOT AND LUNATIC, *pl.* 82.]

63. This act shall not abridge the prerogative of H. M., or the power of the lord chancellor, or the chancellor or vice-chancellor of the county palatine of Lancaster, or of the chamberlain or vice-chamberlain of the county palatine of Chester, concerning such lunatics, or restrain any friend or relation of such lunatics from taking them under their own care, *id.* s. 21.

64. In case any constable or other officer or master of any house of correction be negligent in his duty in the execution of this act, in any case for which no punishment is particularly provided, or in case any person disturb the execution of this act, or rescue any person apprehended or passing by virtue thereof, or be assisting to his or her escape, and be thereof convicted, upon the oath of one witness, before a justice, where such offence is committed, the person so offending shall forfeit any sum not exceeding *5l.* nor less than *10s.* to the use of the poor of the parish, to be levied by distress and sale of the offender's goods, by warrant from such justice; and if sufficient distress cannot be found, such justice may commit the person so offending to the house of correction, there to be kept to hard labour for any time not exceeding 2 months, *id.* s. 22.

65. If any person shall knowingly permit any rogue, vagabond, or incorrigible rogue, to lodge in his or her house, barn, or other out-house or building, and shall not apprehend and carry such vagabond, &c. before some justice, or give notice to some constable, or other officer so to do, such person being thereof convicted, either on confession or upon oath of one witness before a justice where such offence is committed, shall forfeit any sum not exceeding *40s.* nor less than *10s.* one moiety to the informer, and the other to the poor of his parish, to be levied by distress and sale of his goods, by warrant from such justice; and if any charge be brought upon any parish or place, by means of any such offence, the same shall be answered to such parish by such offender, and be levied by distress and sale of goods; and if sufficient distress cannot be found, such offender shall be committed to the house of correction by the justice, for any time not exceeding one month, *id.* s. 23.

66. "And whereas persons are often found offending against this act having children with them," if any such child above the age of 7 years be committed to the house of correction, the justices at the quarter sessions, if they see convenient, at any time before such child be discharged, may order such child to be placed out in such manner as they think fit, as a servant or apprentice to any person within their jurisdictions, who is willing to take such child, to serve such person till such child arrive at the age of 21 years, or for any less time; and if any offender who was found with such child, be again found with the same child, (which was so placed out) offending against this act, such offender shall be deemed an incorrigible rogue, *id.* s. 24.

67. "And whereas women wandering and begging are often delivered of children in parishes to which they do not belong," where any such woman is so delivered and becomes chargeable, the churchwardens or overseers of the poor of such parish or place, may detain such woman in their custody until they can safely convey her to some justice of the peace, who shall examine her, and commit her to the house of correction, until the next general or quarter sessions, who may (if they see convenient) order her to be publicly whipt, [no female shall be whipt for any offence against this act, 39 G. 3. c. 45. s. 3. *pl.* 42.] and detained in the house of correction, for any further time, not exceeding 6 months; and upon application by the churchwardens or overseers of the place where she was delivered, the justices at such sessions shall order the treasurer of the county or district to pay them such a sum as is adjudged a satisfaction for the charges such place has been put to

on such women's account; and if such woman be detained and conveyed to a justice, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, but the settlement of such woman shall be deemed the settlement of such child, 17 G. 2. c. 5. s. 25.

68. Any persons aggrieved by any act of any justice out of sessions, concerning the execution of this act, may appeal to the next general or quarter sessions of the county, &c., giving reasonable notice thereof, whose order thereupon shall be final, *id.* s. 26.

69. In all cities and towns, where by special acts of parliament the charge of passing vagrants is to be defrayed in other manner than is by this act directed, or where such vagrants, by virtue of special statutes, are to be apprehended and conveyed to the places whither they are to be sent by any persons or officers, other than those named for that purpose in this act, such charge shall be defrayed in such cities and towns as before the making of this act; and the person or officer liable to such service in such cities and towns, by the said special acts of parliament, shall continue liable. And if any person be delivered to a beadle or constable within the city or liberties of the city of London, to be conveyed on, as directed by this act, such beadle or constable shall not deliver such person in any other precinct within such city or liberties, but in the next county, as directed by this act, *id.* s. 27.

70. Where any persons offending against this act, have been committed to the house of correction, until the next general or quarter sessions, if, upon the examination of the persons so committed, no place can be found to which they may be sent by a pass, such justices shall at such sessions order such persons to be detained and employed in the house of correction, until they can provide for themselves, or until the justices at sessions can place them out in some lawful calling, as servants, apprentices, soldiers, mariners, or otherwise, either within this realm, or H. M.'s colonies of America, which sessions may do in such manner as they think fit, *id.* s. 28.

71. This act shall not prejudice the heirs or assigns of John Dutton, of Dutton, late of the county of Chester, Esq., concerning the liberty which they lawfully may use within the county palatine of Chester, and county of Chester, *id.* s. 29.

72. To defray the expences of apprehending, passing, conveying, and maintaining rogues, &c. and likewise the expence of erecting, purchasing, altering, hiring, &c. houses of correction, and for purchasing land to build them on, and of fitting up and purchasing the same, and of sending persons to and from the same, and employing them therein according to this act, and all other expences, the justices at quarter sessions shall cause such sums as may be necessary, to be raised as county rates, as in 12 G. 2. c. 29. directed, *id.* s. 33. [See COUNTY RATE.]

73. Persons sued for any thing done under this act, may plead the general issue, and give the special matter in evidence; and if a verdict passes against the plaintiff, or if he is nonsuited or discontinues, the defendant shall have treble costs. The 13 G. 2. c. 24. and all acts repealed by that act hereby Rev., *id.* s. 34.

74. When any justice of peace shall commit any person apprehended as a rogue, vagabond, vagrant, or idle, or disorderly person, to the house of correction till the next general or quarter sessions, such justice may require the person by whom the offender is apprehended to become bound in recognizance to H. M., to appear at such sessions to prosecute, and give evidence against such offender touching his offence, and the justices at such sessions shall, at the request of any person so bound, and who shall appear to prosecute and give evidence, order the treasurer of the county, riding, division, or place in which the offence was committed, to pay to such prosecutor and witnesses such sum as they deem reasonable for their expences and loss of time, which order the clerk of the peace shall make out and deliver to the prosecutor, on payment of 1s., and such treasurer shall, on sight thereof, pay the same, and be allowed it in his accounts, 1 & 2 G. 4. c. 64. s. 5.

75. When any such offender who has been committed to gaol or house of correction is duly discharged therefrom, the visiting justices of such gaol, &c. may order such portion of his earnings during his confinement, or such sum to be paid by the gaoler or keeper to such offender, as such justices think fit; which sum shall be repaid to such gaoler, &c. by the treasurer of the county, &c. *id.* s. 6.

76. FOR RELIEF OF SOLDIERS, SAILORS, AND MARINES, AND OF SOLDIERS' WIVES IN CERTAIN CASES, as relates to Eng., 43 G. 3. c. 61. [See 58 G. 3. c. 92. *Addenda*.]

77. Every soldier or marine duly discharged out of any regiment, and every sailor duly discharged from any H. M.'s ships, carrying his discharge by the 3d day at latest from its date to the mayor or chief magistrate of the city, town, port, or corporate place, nearest to, or within 15 miles from his place of discharge, shall receive from the latter a certificate under his hand, stating the place to which such discharged person wishes to go, being his home or legal settlement; with the time to be fixed not exceeding 10 days for every 100 miles, and so in proportion, except for a reasonable cause therein expressed; and such person having and pro-

ducing to such persons as lawfully demand to see the same such discharge and certificate, and being in his route accordingly, both as to time and road, shall not by asking relief, be deemed a rogue or vagabond within 17 G. 2. c. 5. or 32 G. 3. c. 45.; provided every such discharge bears the true date of time and place where given, and shall express the sum (if any) then paid to such soldier or sailor, 43 G. 3. c. 61. s. 1.

78. The wife of any non-commissioned officer or soldier ordered for foreign service, making due proof of not being permitted to embark with her husband before the mayor, &c. as in s. 1. pl. 77., or of any other city, &c. at which the regiment may be on its march, under orders for embarkation, shall receive from such mayor, &c. a certificate under his hand and the corporate seal of such city, &c. stating the place to which she is desirous of going, being her home or legal settlement, with the time to be fixed, not exceeding 10 days for 100 miles, and so in proportion, except for a reasonable cause expressed in the certificate, which person on producing the same, and being in her route as in s. 1. pl. 77., shall not be deemed rogue or vagabond within either of such acts, *id.* s. 2.

79. In case of accident or sickness duly proved, which shall prevent the person having such certificate from proceeding on his or her journey according to its terms, the chief magistrate of any other city, &c. as in s. 1. pl. 77. where such person shall be or arrive, may grant a new one, stating the true reasons for granting it, and containing the like provisions, and shall annex the same to the former, *id.* s. 3.

80. Admiralty or war-office certificates, or passes granted as heretofore to discharged sailors, soldiers, or marines, or to the families of such persons serving abroad, or lately deceased, shall have the same effect as the above certificates, and the terms thereof may be extended in any instance where necessary by a new certificate, as in s. 3. pl. 79., *id.* s. 4.

VESTRY. (See POOR.)

(STATUTE expired.)

FOR REGULATING SELECT VESTRIES, 15 C. 2. c. 5. [Exp.]

(STATUTES in force.)

1. FOR THE REGULATION OF PARISH VESTRIES, 58 G. 3. c. 69. (To extend only to Eng. and Wa. PUBLIC clause, *id.* s. 11.) [AMD. 59 G. 3. c. 85.]

2. No vestry or meeting of the inhabitants in vestry of or for any parish shall be holden until public notice shall have been given of such vestry, and of the place and hour of holding the same, and the special purpose thereof, three days before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel on some Sunday, during or immediately after divine service, and by affixing the same on the principal door of such church or chapel, 58 G. 3. c. 89. s. 1.

3. And for the more orderly conduct of vestries, in case the rector or vicar, or perpetual curate shall not be present, the persons so assembled shall forthwith appoint, by plurality of votes, to be ascertained as hereinafter directed, one of the inhabitants to be the chairman of and preside in every such vestry; and in all cases of equality of votes the chairman shall (in addition to such vote or votes as he may, by virtue of this act, be entitled to give in right of his assessment) have the casting vote; and minutes of the proceedings and resolutions of every vestry shall be fairly entered in a book (provided by the churchwardens and overseers), and shall be signed by the chairman, and by such other of the inhabitants present as shall think proper to sign the same, *id.* s. 2.

4. In all such vestries every inhabitant present who shall, by the last rate made for the relief of the poor, have been assessed in respect of any annual rent, profit, or value not amounting to 50s., shall give one vote; amounting to 50s. or upwards (whether in one or in more than one charge) shall be entitled to give one vote for every 25s. in respect of which he shall have been assessed; so that no inhabitant shall give more than 6 votes; and where 2 or more of the inhabitants present shall be jointly rated, each shall vote according to the proportion which shall be borne by him of the joint charge; and where only one of the persons jointly rated shall attend, he shall vote according to the whole of the joint charge, *id.* s. 3. [See pl. 12—14.]

5. And when any person shall have become an inhabitant of any parish, or become liable to be rated therein, since the making of the last rate, he shall be entitled to vote in respect of the property for which he shall have become liable to be rated, and shall consent to be rated in like manner, as if he should have been actually rated for the same, *id.* s. 4.

6. No person who shall neglect to pay any rate for the relief of the poor, which shall be due from, and have been demanded of him, shall be entitled to vote, or to be present in any vestry until he has paid the same, *id.* s. 5.

7. "Whereas the word 'and' was inserted by mistake in the 58 G. 3. c. 69. s. 5, IT IS ENACTED," that no person who shall neglect to pay

any rate for the relief of the poor, due from and demanded of him, shall vote or be present at any vestry of the parish for which the rate was made, till such rate is paid, 59 G. 3. c. 85. s. 5.

8. As well the books hereby directed to be provided and kept for the entry of the proceedings of vestries, as all former vestry books, and all rates and assessments, accounts and vouchers of the churchwardens, overseers of the poor, and surveyors of the highways, and other parish officers, and all certificates, orders of courts and of justices, and other parish books, documents, writings, and public papers of every parish, except registry of marriages, baptisms, and burials, shall be kept by such person, and deposited in such place and manner as the inhabitants in vestry shall direct; and if any person in whose custody the same shall be, shall wilfully or negligently destroy, obliterate, or injure the same, or suffer the same to be destroyed, obliterated, or injured, or shall, after reasonable notice and demand, neglect to deliver the same to such person, or to deposit the same in such place as shall by the order of any such vestry be directed, he shall, on conviction, on confession, or on the oath of one witness before 2 justices of peace, upon complaint thereof made, forfeit not exceeding 50*l.*, nor less than 40*l.*, as such justices shall adjudge; and the same shall be levied by warrant in such manner as poor rates may be, and be paid to the overseers and applied for the relief of the poor; but nevertheless, every person who shall unlawfully retain in his custody, or refuse to deliver to any person authorized to receive the same, or who shall obliterate, destroy, or injure, or suffer to be obliterated, &c. any book, rate, assessment, &c. paper belonging to any parish, or to the churchwardens, overseers of the poor, or surveyors of the highways thereof, may be proceeded against in any courts, civilly or criminally, as if this act had not been made, 58 G. 3. c. 69. s. 6.

9. All provisions in this act in relation to parishes shall extend to all townships, villis, and places having separate overseers, and maintaining their poor separately, and all the directions herein, in regard to vestries, shall be applied to all meetings which may by law be holden of the inhabitants of any parish, township, vill, or place, for any of the purposes in this act expressed; and the notices hereby required to be given of every vestry may, in places in which there shall be no parish church or chapel, or where there is not divine service, be given in such manner as notices of the like nature have been there usually given, or as shall be most effectual for communicating the same to the inhabitants, *id.* s. 7.

10. Nothing in this act shall alter the time of holding any vestry, parish, or town meeting which is by the authority of any act required to be holden on any certain day, or within any certain time; nor shall any thing in this act affect the powers of any vestry or meeting holden by virtue of any special act, of any ancient and special usage or custom, or change or affect the manner of voting in any vestry or meeting so holden, *id.* s. 8.

11. Nothing in this act shall extend to any parish within *London*, *id.* s. 9.; or the borough of *Southwark*, *id.* s. 10.; But only to *Eng.* and *Wa.*, *id.* s. 11.

12. Any person rated for the relief of the poor in respect of any annual rent, profit, or value arising from any lands, tenements, or hereditaments situate in any parish, in which any vestry is holden under 58 G. 3. c. 69., although such person shall not reside in, or be an inhabitant thereof, may be present at such vestry, and be entitled to give so many votes at such vestry, in respect of the amount of such rent, or value, as by such act, any inhabitant of such parish, present at such vestry, might, as if such person were an inhabitant of such parish, 59 G. 3. c. 85. s. 1.

13. In all cases where any corporation, or company of such corporation, &c. shall be charged to such rate, either in the name of such corporation, or of any officer of such corporation, the clerk, secretary, steward, or other agent duly authorized, may at such vestry, be present at any vestry; and such clerk, &c. shall be entitled to give at such vestry such and so many votes, in respect of the amount of the rent, &c. of such lands, &c. as by 58 G. 3. c. 69. any inhabitant assessed to such rate present might, *id.* s. 2.

14. No clerk, secretary, steward, or agent, shall be entitled to be present or to vote at any vestry, unless all rates which have been assessed in respect of the annual rent, &c. in right of which any such clerk, &c. shall claim to be present and vote, which shall be due, and which have been demanded before the meeting of such vestry shall have been paid, *id.* s. 3.

VICTUALS.

(STATUTES repealed and expired.)

1. THE SEVERAL PRICES OF A CAPON, HEN, PULLET, and goose, (*viz.* a young capon 3*d.*, an old one 4*d.*, a hen 2*d.*, a pullet 1*d.*, and a goose 4*d.*, 37 Ed. 3. c. 3. [REP. 21 J. 1. c. 21. s. 1.]

2. THE MAYOR OF *London*, and chief officers of towns corporate, shall be sworn to observe the foregoing ordinance, touching fishmongers and victuallers, 6 R. 2. St. 1. c. 12. [REP. 7 R. 2. c. 11.]

3. JUSTICES SHALL REGULATE THE GAINS OF victuallers, 13 R. 2. St. 1. c. 8. s. 3, 4. [CONF. 4 H. 4. c. 25. and both acts, REP. 21 J. 1. c. 21. s. 1.]

4. CONCERNING BAKING OF HORSEBREAD, 39 H. 8. c. 41. [REP. 21 J. 1. c. 21. s. 1.]

(STATUTES in force.)

1. STATUTE OF THE PILLORY AND TUMBREL, 51 H. 3. St. 6.

2. If a baker or a brewer be convict because he hath not observed the assize, the first, second, and third time, he shall be amerced according to his offence, if it be not over grievous; but if the offence be grievous and often, he shall suffer punishment of the body, *viz.* a brewer to the tumbrel, or some other correction. First, six lawful men shall be sworn truly to gather all measures of the town, *viz.* bushels, half and quarter bushels, gallons, pottles, and quarts, as well of taverns as of other places; measures and weights, *viz.* pounds, half pounds, and other little weights, wherewith bread of the town or of the court is weighed; and upon every measure, bushel, and weight, the name of the owner shall be written; and likewise they shall gather the measures of mills: after which twelve men shall swear to make true answer to all such things as shall be demanded of them in H. M.'s behalf upon articles here following; and such things as be secret, they shall utter secretly, and answer privately; and the bailiff shall be commanded to bring in all bakers and brewers with their measures: and, first, they shall inquire the price of wheat, how a quarter of the best wheat was sold the last market-day, and how the second wheat, and how the third, and how a quarter of barley and oats; after, how the bakers bread doth agree; also upon how much increase or decrease in the price of wheat a baker ought to change the assize and weight of his bread; also for default in the weight of the bread a baker ought to be amerced, or to be judged unto the pillory; also if any steward or bailiff, for any bribe, doth release punishment of the pillory and tumbrel, *id.* s. 1.

3. Also if they have in the town a pillory as appertains to the liberty of the market, which they may use without bodily peril; next they shall inquire of the assize and price of wine after the departure of the justices in *eyre* of the town, or of them that were last in office of the market, *viz.* of the vintners' names, and how they sell a gallon of wine, and also of corrupted and unwholesome wine; also of the assize of ale in the court of the town, and how it is, and whether it be observed, and if not, what brewers have sold contrary thereto, and they shall present their names; and they shall be amerced for every default, or be judged to the tumbrel, *id.* s. 2. [See pillory abolished, 56 G. 3. c. 138.]

4. Also if there be any that sell by one measure and buy by another; and if any do use false yards, weights, or measures; also if any butcher do sell bad flesh or that died of murrain, or if any buy flesh of Jews and sell it to Christians; also of cooks that seethe flesh or fish, with bread or water, or otherwise, that is not wholesome, and after it is kept so long that it loseth its wholesomeness, and then seethe it again and sell it; also of forestallers that buy any thing before the due hour, or that pass out of the town to meet such things that come to the market, buying out of town, with intent that they may sell the same more dear than they could who brought them, and in case it had come to market, *id.* s. 3.

5. When a quarter of barley is sold for 2*s.* then 4 quarts of ale shall be sold for 1*d.*; when for 2*s.* 6*d.* then 7 quarts of ale for 2*d.*; when for 3*s.* then 3 quarts of ale for 1*d.*; when for 3*s.* 6*d.* then 5 quarts 2*d.*; and when for 4*s.* then 2 quarts for 1*d.*; and so on as the price shall increase or decrease after the rate of 6*d.*, *id.* s. 4. [See BEER AND ALE.]

6. NO OFFICER OF A CITY OR BOROUGH SHALL SELL WINE OF victuals during his office, 12 E. 2. St. 1. c. 6. [SUPERSEDED BY 3 H. 8. c. 8. pl. 12.]

7. NO VICTUALLER SHALL EXECUTE A JUDICIAL PLACE in a city or town corporate, 6 R. 2. St. 1. c. 9. [QU. REP., 7 R. 2. c. 11. pl. 9.]

8. Neither in *London* nor in other cities, boroughs, or town, or seaport, shall any victualler exercise any judicial office, except in towns where no other sufficient person can be found; and in such case he shall abstain from victualling, on pain of forfeiting the victuals sold, 6 R. 2. St. 1. c. 9. [SUPERSEDED BY 3 H. 8. c. 8. pl. 12.]

9. All the statutes of 5 R. 2. cc. 4, 5, and 6 R. 2. cc. 7, 11, 12. (and QU. c. 9.) concerning victuallers, &c. shall be REP. Vintners, victuallers, and fishmongers in *London* shall be under the rule of the mayor and aldermen, 7 R. 2. c. 11.

10. FOR ANNULLING OF LETTERS-PATENT made to searchers and surveyors of victuals, 12 E. 4. c. 8.

11. All letters-patent granted to any persons for searching or surveying of wine, beer, ale, or other victuals, shall be void; and persons exercising such grants, other than the mayors, &c. of cities and towns, shall forfeit 40*l.*, to go one moiety to H. M. and the other to the person suing by action of debt, wherein no essoin, &c. allowed, *id.* *ibid.*

12. CONCERNING THE ASSIZING AND SETTING OF PRICES OF victuals, 3 H. 8. c. 8.

13. When any victualler chosen to bear any office within any city, borough, or town corporate, which should have been the assessing and correction of selling of victuals, then 2 persons of the same city, &c. shall

be chosen by the commonalty thereof, in like form as such victualler was, who shall be sworn to set the price of victuals there, so long as such victualler shall remain in office; and such officers, after the same victuals be set by him, and such 2 persons, may sell wines and other victuals, in gross or in retail, whilst in office, the 12 E. 2. c. 6. notwithstanding, 3 H. 8. c. 8. s. 1.

14. This act shall not extend to the cities of London, York, and Coventry, for wine or victuals to be sold therein, *id.* s. 2.

15. OF PROCLAMATION TO BE MADE CONCERNING VICTUALS, 25 H. 8. c. 2.

16. On complaint made of any enhancing the prices of victuals, the prices shall be assessed by H. M.'s chancellor, counsellors, justices, and officers, and who shall afterwards make proclamation under the great seal thereof, *id.* s. 1.

17. All farmers, owners, broggers, and all other victuallers, shall sell their victuals at the price set by such proclamation, upon the pains to be therein expressed, to be forfeited to H. M.'s use, and levied as in proclamation mentioned, *id.* s. 2.

18. This act shall not be hurtful to mayors, sheriffs, bailiffs, and other officers of cities and towns corporate, or other persons or bodies, having authority to set prices on such victuals, *id.* s. 3.

19. CONCERNING HOSTLERS AND INNOLDERS, 21 J. 1. c. 21.

20. No hostler or innholder shall make horsebread in his hostrey nor without, but bakers shall make it, and the assize shall be kept, and weight given after the price of grain in the market; and hostlers or innholders shall sell their hay, oats, provender, and all kinds of victuals, both for man and beast, for reasonable gain, according to the neighbouring markets, without taking any thing for litter, *id.* s. 2.

21. Every hostler or innholder, dwelling in a town or village, and being no city, town, corporate, or market-town, where there is [no, QU. this word omitted in the act?] baker dwelling, may make horsebread in his house according as the price of grain is, *id.* s. 3.

22. If any hostler or innholder, making such bread, shall not make it of the usual price and of due assize, or if they offend herein, the justices of assize and oyer and terminer, &c. and the justice of peace and sheriffs in their turn, and stewards in their leets, may enquire of the same; and for first offence, shall fine them at discretion; for the second, shall imprison them without bail for one month; and for the third, they shall stand in the pillory; and for the fourth, shall be prejudged for keeping any inn, *id.* s. 4. [See pillory abolished, 56 G. 3. c. 138. PILLORY.]

VIEW.

1. IN WHAT CASES THE VIEW ON LAND IS GRANTABLE, and what not, 13 E. 1. (West. Sec.) c. 48. Stat. Incert. Temp. xxiv. Stat. at Large 8vo. ed. 414.

2. View shall not be granted but where the view is necessary; as if one lose land by default, and moveth a writ to demand the same land; and where one by an exemption dilatory abateth a writ after the view, as by non-tenure, or misnaming of the town, &c. if he purchase another writ in this case, and in the case before mentioned, the view shall not be granted, if he had view in the first writ. In a writ of dower, where the demand is of land that the husband aliened to the tenant or his ancestors, though the husband died not seized, yet view shall not be granted. In a writ of entry also that is abated, because the demandant misnamed the entry, if he purchase another writ of entry, if the tenant had view in the first writ he shall not have it in the second. In all writs also where lands be demanded by reason of a lease, made by the demandant or his ancestor unto the tenant, and not to his ancestor, as that which he leased to him being within age, not whole of mind, being in prison, &c. view shall not be granted; but if the demise were made to his ancestor, view shall lie as before, 13 E. 1. (Stat. West. Sec.) c. 48.

3. View shall not be granted in a writ of ward, in a writ of customs and services, in a writ of advowson of a church, but in case when there be more churches than one in a town, and all of one saint, in a writ of dower and in a nuper obiit, Stat. Incert. Temp. xxiv. 8vo. ed. 414.

4. IN ANY ACTION BROUGHT IN ANY COURT OF RECORD at Westminster, where it appears to the court in which such action is depending, that it will be necessary that the jurors, who are to try the issue, should have a view of the messuages, lands, or place in question, then such courts may order special writs of *distringas* or *habeas corpora* to issue, by which the sheriff or such other officer, to whom the writ is directed, shall be commanded to have six out of the first 12 jurors named in the writ, or some greater number at the place in question, some time before the trial, who shall then and there have the matter in question shown them, by two persons in such writ named, to be appointed by the court; and such sheriff or officer, who is to execute such writ shall by a special return on the same, certify that view had been had according to such writ, 4 & 5 A. c. 16. s. 8.

WALES.

(STATUTES repealed and expired.)

1. CERTAIN RESTRAINTS laid on wholly born Welshmen, 2 H. 4. c. 12. [Exp.]

2. CONCERNING Welshmen, 2 H. 4. cc. 16—18. and c. 20. [Rep. 21 J. 1. c. 28. s. 11.]

3. CONCERNING Welshmen, 2 H. 4. c. 19. [Exp.]

4. CONCERNING Welshmen, 4 H. 4. cc. 26—34. [Virtually SUPERSEDED by 26 H. 8. c. 6. and 27 H. 8. c. 26. and cc. 26—28. and 30—34. are expressly REP. by 21 J. 1. c. 28. s. 11.]

5. CONCERNING FELONIES and robberies in Wa., 9 H. 4. c. 3. [Rep. 21 J. 1. c. 28. s. 11.] and 9 H. 4. c. 4. [seemingly Virtually REP. by 27 H. 8. c. 26.]

6. CONCERNING the [rebellion, 1 H. 5. c. 6.] [rebels 2 H. 5. St. 2. c. 5.] in Wa. [Both Exp.]

7. CONCERNING [outrages by] Welshmen, 20 H. 6. c. 3. [Con. 27 H. 6. c. 4. Exp.]

8. ALL FORMER STATUTES AGAINST Welshmen confirmed, 23 H. 6. c. 1. [Expressly REP. by 21 J. 1. c. 28. s. 11.]

9. CONCERNING WELSHMEN OUTLAWED OF TREASON or felony, escaping into Herefordshire, 23 H. 6. c. 4. [seemingly Exp.]

10. FOR PUNISHMENT OF WELSHMEN ATTEMPTING any assault or affray upon any of the inhabitants of Hereford, Gloucester, and Shropshire, 26 H. 8. c. 11. [Cont. till the next parliament, 33 H. 8. c. 17. s. 1. Exp.]

11. FOR PURGATION OF [CLERKS] CONVICTS in Wa., 26 H. 8. c. 12. [seemingly virtually REP., 27 H. 8. c. 26. or Exp.]

12. TO GIVE H. M. AUTHORITY NEWLY to allot the townships in the shires and marches of Wa., at any time within 3 years next ensuing, 28 H. 8. c. 3. [Con. for 3 years, 31 H. 8. c. 11. Both Exp.]

13. FOR EXECUTING JUDGMENTS AND DECREES passed in the marches court of Wa., before 1 June 1689, and which were saved in 1 W. & M. Sess. 1. c. 27. s. 5. ["for taking away the court of the marches of Wa."] 9 & 10 W. 3. c. 16. [Exp.]

(STATUTES in force.)

1. THE STATUTE OF WALES, 12 Ed. 1. [NOTE.—The following

digest of this instrument or statute, has been carefully compared with the Latin record, *claus. 12 E. 1. dorso in Turr. Lond.*, printed in the appendix to *Hawkins's Statutes*, and also with its digest by Mr. Williams, but from the obscure nature of many of its provisions, much hath been omitted, which will not, it is hoped, be found material; particularly as no English translation of the whole hath yet been made in the *Statutes at Large*. The general effect of this statute, is stated in the preface to *Wotton's Leges Wallicæ*, thus:—*Quo sancitum erat ut in actionibus criminalibus veluti furti, latrocinii, homicidii et similibus, et in causis hereditariis de rebus immobilibus leges Wallicæ (excepto solummodo veteri partitionis jure, see now 34 & 35 H. 8. c. 26. ss. 91. 128. pl. 182.) locum non haberent. In actionibus autem de rebus mobilibus sicut de contractibus, debitis, fidejussionibus, &c. lege Wallicæ uti permiscuum erat; Uxores in posterum dotatas fore et feminas ob heredum masculorum defectum, hæreditatum jura consecuturas statuit.* And see *Reeves's Hist. E. Law*, c. 9. *Barrington on Statutes*, 121., &c. and the learned notes in 1 *Stat. at Large*, 8vo ed. 146-7. [Rep. virtually as to s. 2., by 27 H. 8. c. 5., &c. (see note to that section); as to s. 13. (as to appeal) and ss. 14, 15, by 59 G. 3. c. 46. s. 1.]

2. The justice of Snowden shall have the keeping of the King's peace in Snowden and the lands of Wa. adjacent, and shall do justice to all, according to the King's original writs and the laws and customs within written, 12 Ed. 1. s. 2. [Seemingly superseded by 27 H. 8. c. 5. s. 1. for making justices of peace in Wa., and by 34 & 35 H. 8. c. 26., for appointing (*inter alia*) justices for the Welsh counties, as there arranged in circuits, and by *id.* s. 53. as extended by 5 W. & M. c. 4. See *infra*, pl. 146.]

3. There shall be sheriffs, coroners, and bailiffs of commotes* in Snowden, (s. 3.) &c. viz. the sheriff of Anglesea, (s. 4.) of Carnarvon, (s. 5.) of Merioneth, (s. 6.) and of Flint, who shall be intendants to the justice of Chester, and answer for the issues of their counties at the exchequer there, *id.* s. 7.

4. There shall be coroners in the same counties to be chosen by the King's writ, *id.* s. 8.

* A commote is a portion of land equal to one fourth of a cantred, Girald. Camb. cap. 2. Cantred is from cant a hundred, and tre a town. Barrington, 125.

5. There shall be bailiffs of the commotes, who shall faithfully and diligently perform their duties, as enjoined them by the justices and sheriffs, 12 E. 1. c. 9.

6. There shall be sheriffs of Carmarthenshire and of Cardiganshire, and coroners and bailiffs of commotes in those countries as before, *id.* s. 10.

7. The sheriff shall exercise his office in this form, *viz.* when any one complains of any trespass done to him against H. M.'s peace, whether it be of the taking and unjust detaining of cattle, or *de namio vetito*, or of debt or other contract not kept, &c. by or without writ, he shall first take pledges of prosecuting or by his faith, if he be poor, and afterwards make execution thus: the defendants in every case shall be summoned to be at the next county [court] to answer the plaintiffs, at which county, the summons being made and witnessed, if they come not, they shall be again summoned, and so for 3 times; at which third summons, if they come not, the plaintiffs by consideration of the county, as well in pleas by writ as complaints without writs, shall recover their demands with their damages, as well in moveables as immoveables; for which defaults, pain shall be incurred to H. M., according to the laws and custom of *Wa.* [see this enforced, 34 & 35 H. 8. c. 26. s. 64. *pl.* 155. and 3 G. 1. c. 15. s. 22. *pl.* 156.] and when the parties appear, they shall proceed to judgment by consideration of the county, *id.* s. 11.

8. The county [court] ought to be held in this manner, *viz.* from month to month, in the place where H. M. shall order, and thus: on Monday in one county, [seemle Anglesea] on Tuesday in another county, [seemle Carnarvon] on Wednesday in the 3d county, [seemle Merioneth] and Thursday in the 4th county, [seemle Flint] and not on other days, and the sheriff shall thus hold his county, *id.* s. 12. [Qu. if now in force?]

9. First, he shall hear and receive before him and the coroners and suitors of the county, the presentments of felonies and casualties which shall have happened between the 2 counties [courts], of the death of man, thus: the 4 next towns to the place where the manslaughter or casualty shall have happened, shall come to the next county with the finder and the *Walescherie* or kindred of the man slain, and shall there present the fact and manner of it, saying that such a day and place it happened; that such a one, known or unknown, was found slain by felony, or drowned or dead by misfortune; and such a one found him, who is present, &c. and this presentment shall be inrolled, as well in the roll of the coroner, as in that of the sheriff, *id.* s. 13.

10. The sheriff shall make his turn in every commote * twice in the year, &c. to which turn all the freeholders and residents shall come, except clerks and women; and by the oath of 12 freeholders, or more, shall enquire of the underwritten heads touching the crown, *id.* s. 16.

11. Of seductores [deceivers, *Ainsworth*] of the king, and realm, of the queen, and their children, and their consenters, *id.* s. 17.

12. Of thieves, manslaughterers, robbers, murderers, and felonious burners, their receivers and consenters, &c. *id.* s. 18.

13. Also of rights withdrawn from H. M., and of those who have appropriated to themselves royal rights without warrant, &c. *id.* s. 19.

14. The sheriff in his turn shall first call before him all the people of the commote *, and cause them to swear, that they will present the truth to the 12, or more, jurors elected by the sheriff, &c. *id.* s. 20.

15. The sheriff in taking of verdicts shall not seek occasion against the presenters, nor take fines of them for not taking occasion against them, *id.* ss. 21, 22.

16. There shall also be in every commote * in *Wales*, one coroner at least, to be chosen by H. M.'s writ in full county, &c. *id.* ss. 23—26.

The writ of *Novel Disseisin*.

The king to the sheriff of *Anglesea* greeting; *A.* hath complained to us, that *B.* and *C.* have unjustly, and without judgment, disseised him of his freehold in *N.* after our peace proclaimed in *Wales* in the 11th year of our reign; we therefore command you, that if the said *A.* make you secure of prosecuting his claim, you shall cause that tenement, &c. to be in peace until a certain day, which our justice shall make known to you, &c. Dated at *Carnarvon*, &c. or elsewhere, *id.* ss. 27—30.

17. There shall be letters patents made in these words, until H. M. order otherwise:

The king to his justice greeting; know ye that we have constituted you our justice, together with those whom you shall think fit to be associated to you, to take assizes of *novel disseisin* and *mort d'ancestor* in the parts of *Wales*; and therefore we command you, that at certain days and places which you shall to this appoint, you take those assizes, doing therein what to justice shall appertain, according to the law and custom of our realm, &c., *id.* s. 31.

18. A common writ, which in some case toucheth the right, and in some case the possession:

The king, &c. command *A.* that justly, &c. he render to *B.* the maner of *N.* with the appurtenances, which the said *A.* to him deforceth, as he saith; and unless he do it, and the aforesaid *B.* make you secure of prosecuting his

claim, then summon by good summoners the aforesaid *A.* that he be before our justice, &c. 12 E. 1. ss. 34, 35.

19. In like manner the writ shall be granted before the justices in the bench, if the demandant will, *id.* s. 36. [And see ss. 37—40.]

20. Writs of debt shall not be granted to be pleaded before the justice, of a less sum than 40s.; but pleas of debt, which amount to 40s., shall be pleaded in the county, and in the commote *, *id.* s. 41.

21. The form of a writ of *attornment*:

The king to the sheriff greeting; know that *A.* hath attorned before us *B.* and *C.* to gain or lose in a plea which is before you by our writ, between him the said *A.* demandant, and *D.* tenant, of a messuage with the appurtenances in *N.*, and therefore we command you, that you receive the said *B.* and *C.* or either of them, if both cannot be present, instead of the said *A.* &c. *id.* s. 47. [And see ss. 48—54.]

22. In a writ of *mort d'ancestor* the proceedings shall be thus: pledges being found to prosecute, and the assize elected, and view had by the jurors, the tenant shall be summoned by 2 good summoners, that he be before the justice at a certain day, &c. and the summons shall contain 15 days at least, at which day, if he come, the justice shall proceed; and if he come not he shall be punished for his default, according to what is contained in the law of *Wales*, *viz.* by 3 cows, or the price of them; and he shall be resummoned by other summoners, &c. at which day, whether he come or not, the justice shall proceed, unless he cause himself to be essoined *de ultra mare*, and then shall be given him the space of 40 days, that he may have *ebb* and *flode*; but if he be within the four seas, and falsely esoin himself *de ultra mare*, and be convict thereof by good proof or enquiry, he shall be punished as for a default by the amercement which is contained in the law of *Wales*, and he shall be precluded from saying any thing against the assize, unless he can vouch to warranty, *id.* s. 55.

23. In no writ of plea of land lieth any esoin, but only the esoin *de ultra mare*, and this before the tenant or deforciant appear in court, and the esoin *de servitio domini regis*, which lies at any time of the plea when H. M. will warrant it; but if he who causeth himself to be essoined *de servitio domini regis*, fail of H. M.'s warrant, he shall be punished for his default by amercement according to the law of *Wales*, and shall refund to his adversary the costs of the day by the discretion of the justice, *id.* s. 56.

24. In the writs of *mort d'ancestor*, the proceedings shall be thus; the writ being first read, in which is contained the demand of the demandant, the deforciant shall be asked if he can say any thing wherefore the assize ought to remain, which, if he cannot, the justice shall take the assize, *id.* ss. 57, 58.

25. The deforciant may say many things against the assize, *viz.* that the ancestor, of whose death, &c. committed felony, for which he was hanged, or confessed the felony before the coroner, &c. abjured *Wales*, *id.* ss. 59—62.

26. Of pleas which are determined by inquests or juries, some are of immoveables as of tenements, some of moveables as of debts and chattels, some of both, some of trespasses; but first of immoveables, *id.* ss. 63, 64.

27. When the deforciant appears, because the demand of the demandant cannot be known by the words of the writ, inasmuch as there are many, and as it were an infinite number of differences, the demandant must count against the deforciant, and express the nature of his demand, and this by words containing the truth, not observing that hard custom, *qui cadit à syllabâ, cadit à totâ causâ*, *id.* s. 65.

28. When by the affirmance of the one party, and the denial of the other, they are descended to a lawful issue, the plea shall be determined by verdict of the inquest; because pleas of land in those parts are not determined by battle, nor by the great assize, *id.* s. 66.

29. Of moveables *viz.* of debt, the defendant shall be summoned to be before the justice at a certain day, at which, if he come not, he shall be again summoned, and if he come not at the second day, nor esoin himself, the debt shall be adjudged to the demandant by default, together with his damages by the discretion of the justice, or by inquest of the country, at the will of the justice. If the debtor come, the plaintiff must declare his demand, *viz.* that he is bound to him in 100 marks, &c. or for things sold, or of other contracts, upon which he must produce suit, or the writing obligatory, or shew a tally; then the debtor shall answer, and if he acknowledge the debt, it shall be adjudged and levied of his lands and chattels, &c. If he deny the debt, and his obligation be brought forth against him, the writing must be verified by the witnesses named in the writing, if they be living, together with the country, and if there be no witnesses named, or if they be dead, it shall be verified by the country alone. If the plaintiff have no obligation, but only produce suit or tally, the adverse party may defend that he is not bound to him, and defend this by the law, *viz.* by his own oath, together with 11 swearing with him, or by the country, at his election, *id.* s. 67.

30. If the debtor allege payment, he must shew an acquittance; or

the demandant may defend by the law, that he hath received nothing, or by the country, 12 E.1. s.68.

31. This writ of debt shall not be granted of a less sum than 40s., *id.* s.69.

32. In a writ of covenant, if at the second summons the defendant come not, nor is essoined, the petition of the demandant shall be heard, and the thing in demand shall be taken, if it be a tenement, into the hand of H. M.; and if it be a chattel, it or the value thereof shall be taken into H. M.'s hand, and another day shall be given, &c., *id.* ss. 71, 72.

33. In some case an action lies to demand a tenement by writ of covenant, and in some case money or damages, or the tenement, *id.* s. 73. [And see ss. 74, 75.]

34. In personal trespasses, the plaintiff shall swear, before the justice near him, that his action exceeds the sum of 40s., *id.* s. 76. [And see ss. 77—87.]

35. Inheritances shall remain partible among heirs-males, as it hath been accustomed, but bastards shall have no part, *id.* s. 88. [But now such partition abolished, 34 & 35 H.8. c. 26. ss. 91. 128. pl. 182., and 37 H.8. c. 26. s. 2. pl. 64.]

36. LORDS OF THE MARCHES OF *Wa.* shall be attending to the crown of *Eng.*, as they and their ancestors have always been, and not to the principality of *Wa.*, 28 E. 3. c. 2.

37. FOR THE PUNISHMENT OF JURORS IN THE lordship marchers of *Wales*, [now divided into counties, 27 H.8. c. 26. s. 3. pl. 65.] 26 H.8. c. 4.

38. On the charge given to any inquest taken and sworn before any justicer, steward, lieutenant, or other officer within *Wa.*, or the marches of the same, for or upon any traverse against H. M., or the trial of any recognizance broken, or other forfeiture to H. M., or upon the trial of any murder, felon, or accessory of felony or murder, one officer or other person shall be deputed, and in the presence of such justicer, &c. and sworn for the keeping of such jurors, who shall not without the special command of such justicer, &c. suffer to be ministered to such jurors, any bread, drink, meat, fire, or light, nor suffer them to speak to any persons, nor shall such officer, without commandment, speak to them, but only to demand their agreement until they have given their verdict; and if he do not execute the premises, he shall be punished, and imprisoned, and make fine and ransom to H. M., in discretion of such justices, &c., *id.* s. 1.

39. If the jurors acquit any such felon, murderer or accessory, upon whose trial they are charged, or give any untrue verdict against H. M., on such trials, contrary to evidence of witnesses sworn before such justicer, &c. or if they eat, drink, or speak with any persons, other than such as be sworn with them, or otherwise misdeemean themselves after they are sworn, and before verdict given them the lord president and other of the council of the marches, upon notice thereof, may not only call such jurors, before them, [the court of the marches abolished, 1 W. & M. S.1. c. 27. s. 2. pl. 213.] such justices, &c. before whom such untrue verdict is given, but also shall have power to compel such jurors, upon pain of imprisonment, to be bound by recognizance in a certain sum, to be limited by their discretion, that such jurors shall personally appear at a certain day, by such justicer, &c. to be limited, before the lord president, &c. and there stand to such direction and order as such council shall decree; which council may, by examination or otherwise, hear and determine such cause, and commit such jurors to prison, or other punishment as they think most meet, or otherwise, at their discretion, impose on them a fine, to be levied of their lands, goods, &c. to the use of H. M., *id.* s. 2.

40. THAT MURDERS AND FELONIES COMMITTED WITHIN any lordship marches in *Wa.* shall be enquired of at the sessions holden within the next adjoining shire grounds, and for administration of justice therein, 26 H.8. c. 6. [Rep. as to s. 12. by 8 El. c. 20. CONF. as to s. 6. by 34 & 35 H.8. c. 26. s. 83.]

41. All persons dwelling within *Wa.*, or in the lordships marchers, upon such warning as hath been used, shall appear before the justice or other officer, at every sessions and court in any place within *Wa.*, or the jurisdictions of the lordships marchers, and shall give their personal attendance; on pain of such fines and amerçiaments, as shall be assessed by the justice or other officer, to H. M.'s use, if it be within any of H. M.'s lordships marchers, and if it be within any other lordships marchers, then to the use of the lord; the said forfeitures to be levied by distress, 26 H.8. c. 6. s. 1. [But see all forfeitures given to the king, 34 & 35 H.8. c. 26. s. 76. pl. 167.]

42. If any steward, or other officer of any lordship marcher, do sign or procure any untrue surmise against any person that shall give attendance before them at such courts, and upon the same commit them contrary to law; upon suit of H. M.'s commissioners, they shall have power to send for such steward or officer, and also for the person imprisoned; and if he can prove that his imprisonment was without cause, shall assess the officer to pay to the person wrongfully imprisoned 6s. 8d. for every day, *id.* s. 8.

43. The commissioners shall set further fine upon the officer to be paid to H. M.; and in case he refuse to appear before the commissioners,

they shall set on him such fine as is thought convenient, and compel him by imprisonment, as well to pay such fine, as to pay to every person so imprisoned such sums as they shall be ceased for their wrong imprisonment, 26 H.8. c. 6. s. 3.

44. No person dwelling in *Wa.*, or the lordships marchers, repairing to any court within *Wa.*, &c. shall bring to the court, or within 2 miles from the same, nor to any town, church, fair, market, or other congregation (except it be upon a hue or outcry of felony) nor in the highways, in affray of the king's peace, or people, any bill, long-bow, cross-bow, hand-gun, sword, staff, dagger, halberd, morespike, spear, or other weapon, privy coat or armour; upon pain of forfeiture of the armour, and to suffer imprisonment, and make fine and ransom to H. M., by the discretion of the commissioners of his marches, except it be by the assent of the said justices, or other officer, or of the commissioners of the marches, *id.* s. 4. [But court of marches is abolished, 1 W. & M. S.1. c. 27. s. 2. pl. 213.]

45. No person, without licence of the commissioners in writing, shall within *Wa.* or the marches, or in any shires adjoining, levy any commorth, bydale, tenants ale, or other collections, under colour of marriage, or suffering of their children saying or singing the gospels, or for redemption of any murder or felony, or other cause; nor shall make any games of running, wrestling, leaping, or other games (shooting excepted) on pain of one year's imprisonment, and such fine as by the commissioners shall be thought convenient; and the commissioners shall have power to hear and determine the said offences by their examination; and no person shall cast any thing into any court within *Wa.*, or in the lordships marchers, by name of an *arthei*, [or *vouchee* to clear him of a felony, *Jac. Dict.*] by reason whereof the court may be disturbed, on pain of one year's imprisonment, *id.* s. 5.

46. All courts within *Wa.* or the lordships marchers shall be kept within the surest place, where the justice shall appoint. And for the punishment and speedy trials of felonies, &c. committed within any lordship marcher of *Wa.*, the justices of gaol delivery, and of the peace, in the shires of *Eng.*, where H. M.'s writ runneth, next adjoining to the lordship marcher, or other places in *Wa.*, where such felonies shall be committed, shall have power to enquire by verdict of 12 men of the same shires within *Eng.* there to cause all such felons, &c. to be indicted according to the laws of this land, in like manner as if the felonies, &c. had been committed within the said shires in the realm; and to hear, determine, and judge the same, *id.* s. 6.

47. All foreign pleas pleaded by any of the said malefactors shall be tried and determined in the said shires; and the acquittal or fine making (as in s. 1.) for any of the causes aforesaid in any of the lordships marchers, shall be no bar for any person being indicted in the said shires within 2 years after such felony done, *id.* s. 7.

48. The said justices of peace and gaol delivery shall have power to award process, as well of outlawry as otherwise, against offenders so indicted, according to the laws of *Eng.*; and they, or 2 of them, before whom any such offender shall be outlawed, shall send unto H. M.'s officers of his lordships marchers, or to their deputies, or unto the lords marchers, or their officers, where such offence shall be done, or where such offender shall be resistant, a certificate under seal of such outlawry, commanding them, under pain of 100*l.*, to apprehend and attach the bodies of the offenders, and keep them till such time, before the next sessions of gaol delivery of the shire, where such offenders shall be outlawed or attainted, as shall be thought expedient to convey such offenders, by indenture to be made between the deliverers and the receivers, from one lordship marcher to another, and unto the time that such offenders be delivered before the said justices of gaol delivery, upon pain of 100*l.*, *id.* s. 8.

49. Every officer or lord to whom any certificate shall be directed as abovesaid, shall, at the next sessions and gaol delivery, after attachment of such offenders, return the certificate, and what they have done in that behalf, on the pain aforesaid; saving to all offenders all exceptions to the outlawry as accustomed, *id.* s. 9.

50. If any person indicted, outlawed, or attainted, by force of this act, find sureties before the justices of gaol delivery, that he shall not commit any felony or felonious offence, nor be accessory to any felony, &c. but at all times be of good behaviour; the justices shall for one time only, admit such offender to a fine, and discharge him of every such felony, murder, &c. so that he stand not appealed of the said offence; and such offender shall be for the same offences done within any of the lordships marchers discharged, *id.* s. 10.

51. This act shall not abridge any liberties of any lord marcher, unless the offenders be indicted or attainted by force of this act within 2 years after such felonious offence committed, *id.* s. 11.

52. Every officer, on command given by the commissioners, shall bring or deliver every offender to the officer of the lordship marcher, or other place, where any such offence shall be committed on the bounds of the said lordships, or to the said commissioners, as he is commanded, under pain of 40*l.*, *id.* s. 13.

53. FOR MAKING JUSTICES OF PEACE IN WALES, 27 H. 8. c. 5.

54. The lord chancellor shall have power to appoint justices of peace of the quorum and of gaol delivery, in the counties of *Chester, Flint, Anglesey, Carnarvon, Merioneth, Cardigan, Carmarthen, Pembroke, and Glamorgan*, by commission under the great seal, which shall have power to enquire, hear and determine all things inquirable, &c. before justices of peace, &c. in other shires of Eng., id. s. 1.

55. The estreats of the issues, fines, and amerciaments, before such justices of peace, &c. in the said counties of *Chester and Flint*, shall be returned into the exchequer of *Chester*, before the chamberlain, id. s. 2. Those of *Anglesey, Carnarvon, and Merioneth*, into the exchequer at *Carnarvon*, before the chamberlain of *North Wa.*, id. s. 3.

56. Those before the justices of *Carmarthen and Cardigan*, into H. M.'s exchequer at *Carmarthen*, before the chamberlain of *South Wa.*, id. s. 4. Those before the justices of *Pembroke*, into H. M.'s exchequer at *Pembroke*, id. s. 5. Those before the justices of *Glamorgan*, into H. M.'s exchequer at *Cardiff*, id. s. 6.

57. The justices of *Chester, Flint, Anglesey, Carnarvon, Merioneth, Cardigan, Carmarthen, Pembroke, and Glamorgan*, shall be paid of the said issues, &c. like fees, as other justices of peace, and clerks of the peace, in other shires, id. s. 7.

58. FOR THE ABUSES IN THE FORESTS OF *Wa.*, 27 H. 8. c. 7. (and recital in ss. 1—2.)

59. The custom of fining persons passing through forests in *Wa.*, or if they depart from the road, taking off a joint of their hands, and the custom of taking and detaining cattle strayed into such forests, shall be abolished, id. s. 3.

60. All persons may pass freely through such forests on foot, or on horseback, driving cattle, or carrying wares, or otherwise, without paying any fine to the foresters, or others; who for exacting such tolls, shall stand in danger of the statute [26 H. 8. c. 6. pl. 40.] against highway robberies, and the same shall be tried before the justices, in their next shire adjoignant, according to law, id. s. 4.

61. If any beast, or quick cattle, do come into such forests, by strays, thief stolen, or otherwise, and there be marked and seized by such foresters, &c. and the owner of such cattle come within a year and a day, and find such cattle so taken, and prove them his own, such cattle shall be redelivered to him, on paying for the keep thereof, and if such foresters, &c. deny the deliverance, they shall forfeit double value of the cattle taken and marked, to the party grieved; and the party grieved may have his action of detinue, at common law, for such cattle, to be tried in the shire adjoignant, wherein no essoin, &c. allowed, and like process of outlawry shall be made in such shire, against such foresters, &c. as in an action of trespass at common law, id. s. 5.

62. FOR LAWS AND JUSTICE TO BE MINISTERED IN *Wa.*, in like form as in this realm, 27 H. 8. c. 26. [AMD. as to s. 17. by 34 & 35 H. 8. c. 26. ss. 124—125., and as to s. 30. by 1 & 2 P. & M. c. 15. EXP. as to s. 25. ss. 32—33. 36—39.]

63. The dominion of *Wa.* shall be and continue united to the realm of Eng., and persons born in *Wa.* shall have all liberties as other H. M.'s subjects, 27 H. 8. c. 26. s. 1.

64. All persons inheritable to lands in *Wa.* shall inherit the same after the English tenure, without partition; and the laws, ordinances and statutes of Eng., and no other, shall be used in *Wa.*, id. s. 2. [But see s. 27. pl. 88.]

65. Divers of the lordships marchers shall be united to shires of Eng., and divers to shires of *Wa.*, in manner following: and the rest of the lordships marchers shall be divided into counties, viz. the counties of *Monmouth, Brecknock, Radnor, Montgomery, Denbigh*: and the lordships, &c. of *Monmouth, Chepstow, Matherne, Llanvihangel, Magour, Goldecliffe, Newport, Wellonge, Llanwerne, Caerlion, Usk, Treleck, Tintern, Shynfreth, Gronsmont, Wite-castle, Reglan, Calicote, Biston, Abergavenny, Penrose, Grenefield, Maghen, and Hochuyslade*, shall be parts of the shire of *Monmouth*; and the town of *Monmouth* shall be the shire town; and the county court shall be kept at *Monmouth and Newport, alternis vicibus*, id. s. 3.

66. All actions real within the county of *Monmouth*, and all actions personal of 40s. or above, and all actions mixt, shall be sued by original writ out of the chancery in Eng., and heard, determined, and tried before the justices in Eng., by assize, or nisi prius, within the county of *Monmouth*, in like manner as all other actions in any shire of Eng.; and the justices of K. B. or C. P. of *Westminster*, shall have power to direct process to the sheriff and other officer of the county of *Monmouth*, and also to direct writs of *venire facias* to the sheriff, for the trial of every issue joined before them, and also to award commissions of nisi prius into the county of *Monmouth*, for the trial of such issues joined before them, in like manner as to every shire of Eng.; and the sheriffs and escheators of the county of *Monmouth* shall make their accounts in the exchequer in Eng., id. s. 4.

67. The lordships, &c. of *Brecknock, Creckhowel, Yvelowre, Penkelly,*

English-Talgarth, Welsh-Talgarth, Dynas, the Haye, Glynebogh, Broyules, Camtercelly, Lando, Blaynlinby, Estrodew, Buellthe, and Lingros, shall be parts of the county of *Brecknock*; and the town of *Brecknock* shall be the shire town, 27 H. 8. c. 26. s. 5.

68. The lordship, &c. of *New Radnor, Elitherman, Eluelles, Bongherd, Glasebery, Glawdistre, Mihilles-church, Meleneth, Blewagh, Knighton, Norion, Preston, Commothuder, Rayder, Gwethronyon, and Stanage* shall be parts of the county of *Radnor*; and the town of *New Radnor* shall be the shire town, and the county court shall be kept at *New Radnor, and Rothergowy, alternis vicibus*, id. s. 6.

69. The lordships, &c. of *Mountgomery, Kedwenkerry, Cawrsland, Arustely, Keveliock, Doythur, Powesland, Clunesland, Balesley, Tempcester, and Alcester* shall be parts of the county of *Mountgomery*; and the town of *Mountgomery* shall be the shire town; and the county court shall be holden at *Mountgomery, and Magenleth, alternis vicibus*, id. s. 7.

70. The lordships, &c. of *Denbighland, Ruthin, St. Tasse, Cynllethowen, Bromfide, Yalc, Chirke and Chirkeland, Molesdale, and Hopedale*, shall be parts of the county of *Denbigh*; and the town of *Denbigh* shall be the shire town; and the county court shall be kept at *Denbigh and Wrexham, alternis vicibus*, id. s. 8.

71. H. M. shall have one chancery and exchequer at his castle of *Brecknock*, and one other at his castle of *Denbigh*; and the sheriffs and other officers, accountants of the counties of *Brecknock, Radnor, Montgomery, and Denbigh* shall be yearly appointed by H. M., and shall yearly make their accounts before H. M.'s auditors, and such chamberlain or baron of the said exchequer as shall be appointed by H. M., id. s. 9.

72. Justice shall be ministered to H. M.'s subjects of the said shires of *Brecknock, Radnor, Montgomery, and Denbigh*, according to the laws of Eng., and customs and laws used in *Wa.* aforesaid, as H. M. and his council shall allow, (see s. 27. pl. 88.) after such form as within the 3 shires of *North Wa.*, id. s. 10.

73. The lordships, &c. of *Oswestry, Whittington, Masbroke, Knocking, Ellesmere, Downe, and Chirbury* hundred, in the marches, shall be united to the county of *Salop*; and the lordships of *Oswestry, Whittington, Masbroke, and Knocking*, shall be named the hundred of *Oswestry*, and the lordship of *Ellesmere* shall be united to the hundred of *Pymhill*; and the lordship of *Doivne* to that of *Chirbury*, id. s. 11.

74. The lordships of *Ewyas Lacy, Ewyas Harold, Clifford, Wynforton, Yrdesley, Huntingdon, Whyncy, Wygmore, Logharneys, and Stepulton*, in the said marchers, shall be united to the county of *Hecford*; and the lordships of *Wygmore and Logharneys*, shall be named in the hundred of *Wygmore*; and the lordship of *Ewyas Lacy*, shall be named the hundred of *Ewyas Lacy*; and the lordship of *Ewyas Harold*, shall be united to the hundred of *Webtree*; and the lordships of *Clifford, Wynforton, Yrdesley, Whitney, and Huntingdon*, shall be named the hundred of *Huntingdon*, id. s. 12.

75. The lordships of *Wollastone, Tindam, and Becheley*, in the said marches between *Chepstow-bridge* and *Gloucestershire*, shall be united to the county of *Gloucester*, and to the hundred of *Wesebery*, id. s. 13.

76. The lordships of *Gowerkylvey, Bishops-town, Landaffe, Singhnithe supra, Singhnithe subus, Maskin, Ogmere, Glyncrothene, Tallagarney, Ruthien, Tallavan, Lanblethyan, Lantwid, Tyeryal, Avan, Ncthe, Landewey, and the Clays in Wa.*, shall be united to the county of *Glamorgan*; and the said shire of *Glamorgan, and Mordonnoke*, and the lordships annexed to the county of *Glamorgan*, shall be named the shire of *Glamorgan only*, id. s. 14.

77. The lordships of *Lanemthevery, Abermerlesee, Kedwely, Eskenning, Cornewolthou, Newcastle, Emell, Abergoyly*, in *Wa.*, shall be united to the county of *Carmarthen*, id. s. 16.

78. The lordships of [*Haverfordwest*, altered 34 & 35 H. 8. c. 26. ss. 124-5. pl. 79.] *Kilgarran, Lansteffan, Langeharne, otherwise Tellaugherne, Walwyscastle, Dewysland, Lannehadein, Lanfey, Herberth, Sleboche, Rosmarket, Castellan, and Landofseure*, in *Wa.*, shall be united to the county of *Pembroke*, id. s. 17.

79. The town of *Haverfordwest* shall be a county of itself, as before at will of H. M., and shall be separated from the county of *Pembroke*, at his pleasure; and H. M.'s high justice of that county, shall be justice of the county and town of *Haverfordwest*, with like power for administration of justice therein, and the mayor, sheriff, bailiffs, and burgesses of such town and county, shall be attendant to all precept and process directed by such justice to the sheriff of such county and town, and make return thereof; and all such process shall be served by the latter as the sheriff of *Pembroke* is bound to do; saving for the mayor, &c. and burgesses of such town and county, all lawful liberties and royal grants; the judicial seal of the shires of *Pembroke, Carmarthen, and Cardigan*, being in such justice's keeping, shall be used in the said county and town, as the original and judicial seal thereof, 34 & 35 H. 8. c. 26. s. 124. This article to be in force during H. M.'s pleasure, id. s. 125.

80. The lordships of *Tregaron, Glenergine, Landway, Urcny*, in

Wa., shall be united to the county of *Cardigan*; and justice shall be ministered to the inhabitants of the counties of *Glamorgan*, *Carmarthen*, *Pembroke*, and *Cardigan*, according to the laws of *Eng.*, and after no *Welsh* laws, as within the 3 shires of *North Wa.*, 27 *H. 8. c. 26. s. 18.*

81. The lordship of *Mouthway*, or *Dynas Mowddy*, in *Wa.*, shall be united to the county of *Merioneth*, *id. s. 19.*

82. All justices, sheriffs, coroners, and other officers of the law, shall proclaim and keep the sessions and other courts in the *English* tongue; and all oaths of officers, juries, and inquests, and other affidavits, &c. shall be in *English*; and no persons that use the *Welsh* language shall enjoy any office or fees within H.M.'s dominion, upon pain of forfeiting the same, unless they use the *English* language, *id. s. 20.*

83. The sheriff of every the shires of *Monmouth*, *Brecknock*, *Radnor*, *Montgomery*, and *Denbigh*, may put every misruled and suspect person under common mainprize, as the sheriffs do within *North Wa.*, *id. s. 21.*

84. The sheriff of the county of *Monmouth* shall certify such recognizances at every quarter sessions; and every person within the county of *Monmouth*, put under common mainprize, shall keep their personal appearance at the sessions next after *Easter*, and next after *St. Michael*, until they be released, *id. s. 22.*

85. Every of the sheriffs of *Brecknock*, *Radnor*, *Montgomery*, and *Denbigh* shall certify such recognizances before such justice as shall be appointed by H. M. within the said shires, at every sessions, *id. s. 23.*

86. Every person within the counties of *Brecknock*, *Radnor*, *Montgomery*, and *Denbigh*, and of *Glamorgan*, *Carmarthen*, *Pembroke*, and *Cardigan*, put under common mainprize, as well by the sheriffs as by the justices, shall keep their appearance before the justices of every sessions, in like manner as in *North Wa.*, *id. s. 24.*

87. The lord chancellor shall direct H. M.'s commission to view the shires of *Carmarthen*, *Pembroke*, *Cardigan*, *Monmouth*, *Brecknock*, *Radnor*, *Montgomery*, *Glamorgan*, and *Denbigh*, and to divide them into hundreds; and the hundreds so divided shall return with the commission into the chancery, *id. s. 26.*

88. The lord chancellor shall direct H. M.'s commission to inquire out all laws and customs used within *Wa.*, and the same shall certify to H. M. and his council; and such laws and customs as H. M. and his council shall think expedient in any shire of *Wa.*, shall stand as if this act had never been, *id. s. 27.*

89. For all parliaments 2 knights shall be chosen for the shire of *Monmouth*, and one Burgess for the borough of *Monmouth*, the burgesses' fees to be levied as well within that borough, as within all other ancient boroughs within the shire, *id. s. 28.*

90. One knight shall be chosen for every of the shires of *Brecknock*, *Radnor*, *Montgomery*, and *Denbigh*, and for every other shire within *Wa.*, and for every borough being a shire town, except the shire town of *Merioneth*, one Burgess; the burgesses' fees to be levied as well of the shire towns, as of all other ancient boroughs within the shires, *id. s. 29.*

91. All lay persons now being lords temporal marchers, and having any lordships marchers, or lordships royal, shall have the profits of their tenants as they used in times past at the first entry into their lands, and shall hold courts baron, leets, and law days within the precinct of their lordships, and shall have waife, straife, infanthef, outlanthef, treasure-trove, deodands, goods, and chattels of felons, and of persons condemned or outlawed of felony or murder, or put in exigent for same, and also wreck de mer, wharfage, and customs of strangers, as in time past, and as if granted to them by H. M.'s charter, *id. s. 30.* [Same provision for ecclesiastical lords, 1 & 2 *P. & M. c. 15. s. 6.*]

92. All spiritual lords of such lordships, as also the heirs of the lords temporal marchers shall have the moiety of every forfeiture of common mainprize, recognizance for the peace or appearance, forfeited by any of their tenants within such lordships marchers, or lordships royal, to be paid the same by the sheriff of the county, 1 & 2 *P. & M. c. 15. s. 5.* [And see 27 *H. 8. c. 26. s. 25.*, giving the same privileges to the lay persons then being lords marchers: but see 34 & 35 *H. 8. c. 26. s. 76. pl. 167.*, which seems to vest all forfeitures soever in H. M.]

93. This act shall not take away any laws or customs used within the 3 shires of *North Wa.*, nor the liberties of the county of *Lancaster*: but the latter may be used in every lordship parcel of the duchy within *Wa.*, as the liberties of the duchy are used in shire ground, and not county palatine within *Eng.*, 27 *H. 8. c. 26. s. 31.*

94. Nothing herein shall take away any other acts made for trial of treason, murder, or felonies, or accessories of the same, committed in any lordship marcher in *Wa.*, in the next shires of *Eng.* adjoining it, *id. s. 34.* [The proviso in *s. 35.* that lands and hereditaments in *Wa.* shall remain partible among issues and heirs-male, is *REP. 34 & 35 H. 8. c. 26. ss. 91. 128. pl. 182.*]

95. CONCERNING CERTAIN LORDSHIPS TRANSLATED from the county of *Denbigh* to that of *Flint*, 33 *H. 8. c. 13. ss. 3, 4.* [See as to proceedings on indictments or presentments made or suits depending in these lordships, 34 & 35 *H. 8. c. 26. ss. 97, 98. Exp.*]

96. The lordships of *Hope* and *Asaph*, and the lordship and parish of *Hawarden*, and the lordships of *Moldesdale*, *Mereford*, and *Oseley*, shall be part of the county of *Flint*, 33 *H. 8. c. 13. s. 3.*

97. The inhabitants of *Hope*, &c. shall pay their mises and tallages as before, and the lordships of *Hope*, *Moldesdale*, *Mereford*, *Oseley*, and *Hawarden*, shall be called the hundreds of *Moldesdale* in *Flint*; and the lordship of *Asaph* shall be part of the hundred of *Ruthland* in *Flint*, *id. s. 4.*

98. FOR CERTAIN ORDINANCES IN THE DOMINION and principality of *Wa.*, 34 & 35 *H. 8. c. 26.*, and recital in *s. 1.* [CONF. 21 *J. 1. c. 10. s. 5. AMD. as to ss. 5—10. by 18 *El. c. 8.*: as to *ss. 61. 113.* by 1 *W. & M. S. 1. c. 27. ss. 3—4.*: as to *s. 55.* by 5 *W. & M. c. 4.*: and as to *s. 114.* by 33 *G. 3. c. 68. s. 3.*: and generally by 3 *G. 1. c. 15. s. 22.*, 8 *G. 3. c. 14.*, 13 *G. 3. c. 51. ss. 3—5.* *REP. as to ss. 4. 62. 65, 66. and 83.* as to the court of the marches by 1 *W. & M. S. 1. c. 27. s. 2.*, as to *ss. 10. 99.*, as to trials before deputies of justices, 13 *G. 3. c. 51. ss. 3—4.*: as to *s. 55.* in part by 4 & 5 *W. & M. c. 4. s. 1.*: as to *s. 77.* as to the sheriffs awarding *ca. ss.* on judgment in county or hundred court on plaints under *s. 40.*: and as to *s. 114.* by 33 *G. 3. c. 68. s. 2.*: as to *ss. 119—120.* by 21 *J. 1. c. 10. s. 4.*; and see the recital in *ss. 1—3.* of that act; *ss. 121—123.* virtually by 11 & 12 *W. 3. c. 20. s. 2.* *EXP. as to ss. 11. 72. and 122.*]*

99. *Wa.* shall be divided into 12 shires: 8 ancient shires, viz. *Glamorgan*, *Carmarthen*, *Pembroke*, *Cardigan*, *Flint*, *Caernarvon*, *Anglesey*, and *Merioneth*, and 4 of the 12 new shires created by 27 *H. 8. c. 26. s. 3.* viz. *Radnor*, *Brecknock*, *Montgomery*, and *Denbigh*: besides *Monmouthshire* and the lordships in the marches of *Wa.* annexed by *pl. 73. 75.* to the shires of *Salop*, *Hereford*, and *Glocester*, 34 & 35 *H. 8. c. 26. s. 2.*

100. Limitation of the hundreds by H. M.'s commission out of chancery remains the same except as altered by acts of parliament, *id. s. 3.*

101. Appointment of the president and council of the marches, *id. s. 4.* *REP. by 1 W. & M. St. 1. c. 27. s. 2.* [See *pl. 214.*]

102. There shall be kept sessions twice in every year in every of the said shires, which shall be called H. M.'s great sessions in *Wa.*, 34 & 35 *H. 8. c. 26. s. 5.*

103. "By the preamble to 18 *El. c. 8.* entitled, 'An Act for appointing and authorizing of justices of assizes in the shires of *Wa.*,' viz. in *s. 1.* it is recited, that the appointment of great sessions in *Wa.* by 34 & 35 *H. 8. c. 26. ss. 5—10.*, to be held before one justice for each circuit, and in *s. 2.* that accordingly every trial, civil and criminal, in *Wa.*, can only be had before one justice, to his infinite trouble and great delay of justice," IT IS ENACTED, that H. M. may appoint two or more, learned in the laws to be justices for the counties of *Chester*, *Flint*, *Denbigh*, & *Montgomery*, 2 or more like persons to be justices of *North Wa.* viz. for the counties of *Anglesea*, *Caernarvon*, and *Merioneth*; 2 or more like persons for those of *Radnor*, *Glamorgan*, and *Brecknock*; and 2 or more like persons for those of *Cardigan*, *Carmarthen*, and *Pembroke*, and the town and county of *Haverfordwest*, 18 *El. c. 8. s. 3.*

104. The justice of *Chester* shall hold sessions twice every year in each of the shires of *Denbigh*, *Flint*, and *Montgomery*, with the old fee of 100*l.* yearly, 34 & 35 *H. 8. c. 26. s. 6.*: the like of the justices of *North Wa.* in each of the shires of *Caernarvon*, *Merioneth*, and *Anglesey*, with yearly fee of 50*l.* from H. M. *id. s. 7.*: the like of the justices of *Radnor*, *Brecknock*, and *Glamorgan*, in each of those shires, with like fee, *id. s. 8.*: and the like of the justices of *Carmarthen*, *Pembroke*, and *Cardigan*, in each of those shires with like fee, *id. s. 9.*, which justices shall have letters patent and commissions for their offices under the great seal of *Eng.*, 34 & 35 *H. 8. c. 26. s. 10.*

105. H. M. may grant commissions of association under the great seal to any like learned persons, to be associate with such justices on their circuits; and every such justice or justices with, during, or without such association or after it is ended, shall have all the jurisdiction which the single justice had within his circuit before this act: and shall take cognizance of all matters in last *pl.*, as well as of mayhems, conspiracies, and *quare impedit*, and all pleas of assize, actions real, personal and mixed, or grounded on statutes, processes, returns, verdicts, judgments, fines, warrants, executions, and other acts soever, all of which being returned, or had and executed by or before any such 2 or more justices, or before any such justice or justices and associate or associates, shall be valid, 18 *El. c. 8. s. 4.*

106. The said justices shall hold all pleas of the crown in as ample a manner as H. M.'s chief justice in *Eng.*, and others his justices of K. B. there; and also pleas of assizes, and all other pleas and actions real, personal, and mixed, in as ample a manner as the justices of C. P. in *Eng.*, 34 & 35 *H. 8. c. 26. s. 12.* And shall have power to enquire of treasons, murders, felonies, riots, routs, unlawful assemblies, extortions, embraceries, maintenances, retainers, concealments, contempt, and all other offences committed within the limits of their commissions against the common law or statutes of *Eng.*, and to hear and determine the premises, and generally to administer common justice to all H. M.'s

subjects within the like limits, according to the laws, statutes, and customs of *Eng.*, 34 & 35 H. 8. c. 26. s. 15.

107. No justice for the county of *Chester*, or for any county, circuit or shire, within *Wa.*, shall have any power to exercise his office by deputy, 13 G. 3. c. 51. s. 5. Except he appoint him by writing under his hand and seal, for the purpose of calling and adjourning any court receiving any motions appointed to be made thereon, and for taking and proclaiming fines, and arraigning recoveries in the respective great sessions, which hewhen so appointed may do, 13 G. 3. c. 51. s. 4 [REPEALING 34 & 35 H. 8. c. 26. s. 10. as to appointment of deputies; and s. 99. as to the suits to be tried before them.]

108. H. M. may, under the sign-manual, appoint one or more persons learned in the law, to execute the office of justice of *Chester*, or in any county of *Wa.*, in place of any of the said justices, who shall by illness be prevented attending such great sessions, or as often as is necessary, *id.* s. 5.

109. Every such session shall continue 6 days as used in the 3 shires of *North Wales*, and the justices shall have open proclamation to be made in the shire towns of the time and place of sessions, 15 days at least before keeping the same, 34 & 35 H. 8. c. 26. s. 14.

110. Days shall be given in all pleas, process, &c. from day to day, and sessions to sessions, at discretion of the justices, as used in *North Wa.*, *id.* s. 15.

111. The original seal for administration of justice in the 3 shires of *North Wa.*, viz. *Merioneth*, *Caernarvon*, and *Anglesey*, shall be in custody of chamberlain of *North Wa.*, *id.* s. 16.

112. One other such seal for the like purpose in the shires of *Cardigan*, *Pembroke*, and *Cardigan*, shall be in the keeping of the chamberlain of *South Wa.*, *id.* s. 17.

113. One other such seal in the shires of *Brecknock*, *Radnor*, and *Glamorgan*, shall be in custody of the steward and chamberlain of *Brecknock*, *id.* s. 18.

114. One other such seal in the shires of *Denbigh*, and *Montgomery*, shall remain in the custody of the steward and chamberlain of *Denbigh*, *id.* s. 19.

115. The seal of *Chester* shall be the original seal of *Flint*, and shall be in the custody of the chamberlain of *Chester*, *id.* s. 20.

116. The said stewards and chamberlains shall seal with the said seals all original writs and process returnable at the sessions, and shall answer H. M. for the profits of the seal; and no such stewards, &c. or chancellors shall, by colour of their offices, cause any persons within the 12 shires, to appear before them or their deputies, nor shall have power to hear or determine any pleas of the crown, or other matters of justice, otherwise than herein expressed; but shall have charge of the seals to seal all original writs and process, and shall seal and return the same as hath been used before the justice of *North Wa.*, *id.* s. 21.

117. H. M.'s stewards, chamberlains, or chancellors, within the 12 shires, which have the receipt of H. M.'s rents, farms, or profits, may direct process under the seal, in their charge against bailiffs, reeves, fermors, and other ministers accountant, to appear before them to answer for any of H. M.'s revenues as they have been accustomed, *id.* s. 22.

118. Stewards of lordships or manors in *Wa.* may hold such leets, law-days, or court-barons, as appertain to them, and hold pleas by plaint under 40s. and enjoy all other profits as such stewards in *Eng.* have been used to have, *id.* s. 23. Provided that neither they nor the sheriff shall have power to inquire of any felony in any leet or town, *id.* s. 24. And no leet shall be kept of any lordship, but where it was accustomed before 26 H. 8. c. 6., *id.* s. 25.

119. All mayors and head officers of corporate towns in *Wa.*, may hold pleas and determine actions, according to their grants and customs, so they follow the course of the laws and customs of *Eng.*, and not of any *Welsh* laws or customs; and in the said towns they may try issues in any action personal by men as heretofore, *id.* s. 26.

120. There shall be judicial seals devised by H. M., whereof one shall remain with the justice of *Chester*, to seal judicial process and bills that shall be sued before the said justice in the sessions; and one other in the custody of the justice of *North Wa.*; and the 3d in custody of the justices of the 3 shires of *Glamorgan*, *Brecknock*, and *Radnor*; and the 4th in the custody of the justices of the shires of *Pembroke*, *Caernarvon*, and *Cardigan*; and all process that shall be awarded from the said justices shall be sealed with such judicial seal, *id.* s. 29.

121. The said justices shall account to H. M. for the profits of the seals, *id.* s. 30.

122. The teste of every bill and process under the judicial seal shall be under the name of the justices from whom such process shall pass, in manner as in C. P. in *Eng.*, *id.* s. 31.

123. All actions, real and mixt, attainments, conspiracies, assizes, and *quare impedit*, appeals of murder and felony, and actions grounded upon statutes, shall be sued by original writs sealed with the original seal, returnable before the justices at their sessions; *id.* s. 32.

124. All personal actions amounting to 40s. shall be sued by writs ori-

ginal, or by bills, as the pleasure of the party suing, as in *North Wa.*, 34 & 35 H. 8. c. 26. s. 33.

125. All personal actions under 40s. may be sued before the justices in the sessions by bill, as in *North Wa.*, *id.* s. 34. But none under 20s. shall be so sued, *id.* s. 99.

126. Every original bill concerning actions personal shall be sealed with H. M.'s judicial seal, *id.* s. 35.

127. These fees shall be paid for writing and sealing of such original writs and bills, viz. for sealing every original writ, and for every bill in actions personal, whereof the debt and damage amounteth to 40s. or above 6d.; and for sealing every judicial process on any such original writ or bill, 7d., whereof H. M. shall have 6d. and the justice 1d., *id.* s. 36.

128. Every bill in personal actions, whereof the debt or damage amounteth not to 40s., and all judicial process upon the same, shall also be sealed with H. M.'s judicial seal, and the parties shall pay for the seal 3d., whereof H. M. shall have 2d. and the justice 1d., *id.* s. 37.

129. All writs of *scire facias*, and of good abearing, or for the peace, or of *supersedeas* on the same, and all other process on any record or suggestion admitted by the justices, shall also be sealed with the judicial seal; and the parties shall pay for the seal 7d., whereof H. M. shall have 6d. and the justice 1d., *id.* s. 38.

130. Every exemplification on any record before the justices, shall be sealed with the judicial seal; and the parties shall pay for the seal 20d. whereof H. M. shall have 16d. and the justice 4d., *id.* s. 39.

131. Recoveries and fines of record, and warrants of attorney for the same, may be taken before the justice, of lands within his authority, without any *dedimus*, in like manner as in C. P. in *Eng.*, *id.* s. 40. [See as to amending errors in them, 27 El. c. 9.]

132. All fines levied before any of the said justices, with proclamation made the same sessions that the fine shall be engrossed, and in 2 other great sessions next to be holden within the same county, shall be of the same force as fines levied with proclamations before the justices of C. P., *id.* s. 41.

133. Every person suing writs of entry in the *post*, or writs of covenant, or any other writs for any recovery by assent of parties, or otherwise, or for any fine to be levied, shall pay such fines to H. M., as well fines *pro licentia concordandi* as other fines, as is used in *Eng.*; which fines shall be paid to such persons as shall seal the original writ, who shall account for the same as for profits of the original seal, *id.* s. 42.

134. H. M.'s silver upon every fine shall be paid as is used in C. P., viz. 2s. which shall be paid to the justice afore whom such fine shall be levied, whereof H. M. shall have 20d. and the prenotary 2d., and the justice 2d.; and the justice shall account for H. M.'s part as for the profits of the judicial seal, *id.* s. 43.

135. There shall be 4 prenotaries for making of judicial process, and for entering pleas and matters of record in the sessions, whereof one shall attend upon the justices for *North Wa.*, one other upon the justices for *Flint*, *Denbigh*, and *Montgomery*; and the third upon the justices for *Caernarvon*, *Cardigan*, and *Pembroke*; and the fourth upon the justices for *Glamorgan*, *Brecknock*, and *Radnor*; and these prenotaries shall be appointed by H. M. by patent, under the great seal, *id.* s. 44.

136. There shall be a marshal and crier in every of the circuits, which shall be named by the justices in like manner as justices of assize do in *Eng.*; and shall attend on the justices in their circuits in person, and not by deputies, *id.* s. 45.

137. The marshal shall have on every judgment and fine, 4d., and the crier 1d., and like fees upon the acquittals of felons, and of them that shall be delivered by proclamation, or delivered out of common mainprize, *id.* s. 46.

138. The prenotaries shall have such fees as hereafter expressed; viz. for the writing of pleas, and engrossing writs of entry in the *post*, writs of right, *quod ei deforecat*, or any other writs pursued by assent of parties, 5s., and if it be with a double voucher, 6s. 8d., and for the exemplification thereof 2s., and for the engrossing of fines 3s. 4d., and if with proclamations 4s., *id.* s. 47.

139. For every bill of debt, detinue, trespass, and other actions personal, under 40s., the prenotaries shall have for the first bill 4d., for the second 4d., and for the third 4d., and for the entry of every declaration, plea, replication, and rejoinder, so he enrol the same in parchment, 4d., and for every *venire facias*, *tales*, *habeas corpus* and *distringas* 4d., and for the judgment 8d., and for every writ of execution in such action 6d., and for every warrant of attorney 4d., *id.* s. 48.

140. In all actions of detinue, trespass, and other actions personal, wherein the debt or damages amounteth to 40s. which shall be sued by bills, the prenotary shall have for the first bill 4d., for the second 4d., for the third 4d., and for every the declaration, the answer, replication, and rejoinder if enrolled in parchment 8d., and for the *venire facias*, *tales*, *habeas corpus* and *distringas*, for every of them 6d., and for the

judgment *sd.*, and for the warrant of attorney *4d.*, and for every writ of execution *6d.*, *34 & 35 H. 8. c. 26. s. 49.*

141. In original writs upon every action personal, the prenotaries shall have for every *iterum sum'* *6d.*, for every distress in trespass *6d.*, and for the declaration *8d.*, for the answer, replication, and rejoinder, if enrolled and engrossed, *12d.*, for the *venire, tales, habeas corpora* and *distringas*, for every of them *6d.*, and the prenotaries to have for the entry of the judgments *12d.*, and for every writ of execution *6d.*, for the exemplification of every record in the said actions *2s.*, for every warrant of attorney *4d.*; in all actions real and mixt, assizes, *quare impedit*, appeals of felony, murder, or maim, the prenotary to have for the declaration or plaint *2s.*, and for the plea, replication, rejoinder, sur-rejoinder, if enrolled, *1s.*, and for the writing of every *venire, tales, habeas corpora* and *distringas*, for every of them *6d.*, and for the entry of the judgment *2s.*, and for the writing of the writs of execution *1s.*, and for writs of *grand cape* and *petit cape*, and writs of view, writs upon voucher, and all other writs in such actions *12d.*, and for every warrant of attorney *4d.*, and for the essoins *4d.*, and for the adjournment *2d.*, and for the bail of every person of felony *12d.*, and for the bail for trespass *6d.*, and for the appearance and bailing of common mainprize *2d.*, *id. s. 50.*

142. For writing writs for the peace and good abearing granted by the justices in sessions *6d.*, and for the entering of every recognizance taken before the justices for every cause other than before expressed *12d.*, and if with condition *2s.*, and upon every acquittal and deliverance of felons or murderers by verdict, or by allowance of pardon, the prenotaries to have *2s.*, and if it be upon indictments certified from the justices of peace afore the great sessions, the clerk of the peace to have also *12d.*, and upon the delivery of any suspect of felony or murder by proclamation, the prenotary to have *12d.*, *id. s. 51.*

143. H. M. shall have all fines, issues, amercements, and all forfeitures of recognizances before the justices in the session; and the prenotaries shall yearly estreat the same into the exchequer appointed for that limit, that the sheriffs levy the same, which sheriffs shall yearly make their accounts before H. M.'s auditors, *id. s. 52.*

144. There shall be justices of peace and *quorum*, and one *custos rotulorum*, in every of the 12 shires, *id. s. 53.*

145. The justices of peace, justices of *quorum*, and *custos rotulorum*, shall be appointed by the chancellor, under the great seal of Eng. *id. s. 54.*

146. The said justices, and H. M.'s attorney and solicitor, shall be put in every commission of the peace, in every shire of Wa.; but only 8 justices of peace shall be appointed in each shire, except the above, *id. s. 55.* [REp. and as many as H. M. shall please may be appointed, *4 & 5 W. & M. c. 4. s. 5.*]

147. Justices of peace within the said shires shall be of good name and fame, and may exercise the office albeit they may not dispend *20l.* or be learned in the laws; and before they execute their commission they shall take their oaths before the chancellor, or one of the justices in Wa., by virtue of H. M.'s writ of *dedimus*, or before any other person to be limited by the lord chancellor, as like justices do in Eng., *id. s. 56.*

148. The justices of peace, or 2 of them, one being of the *quorum*, shall keep their sessions 4 times in the year, and at other times upon urgent causes, as justices in Eng., and shall have like power in all things, and fees of H. M. for the time of their sitting, as well for themselves as for their clerks, as in Eng., *id. s. 57.*

149. No justices or clerk of the peace, nor other clerk of any justice of peace in Wa., shall take for the writing of any warrant of the peace, or good abearing, above *6d.*, and for entering of pledges or boroughs to pay H. M.'s fine upon any indictment *9d.*, and if it be with protestation, then *12d.*, and for a *supersedeas* not above *8d.*, and for a recognizance *12d.*; and the justices of peace shall certify all recognizances taken before them for the peace or good abearing, into their sessions next after the taking; and recognizance taken before any of them for suspicions of felony, shall be certified before the great sessions next after, *id. s. 58.*

150. All fines and amercements before the justices of peace, shall be taxed and assessed by 2 justices, one being of the *quorum*, *id. s. 59.*

151. The said fines and amercements, and all issues lost before the justices of peace, and all forfeitures before the same justices, shall be yearly estreated by the clerks of the peace into the exchequer appointed for that limit, that process may be awarded for the levying the same to the sheriffs, who shall make their account before auditors; which auditors shall make allowance for the fees of the justices and clerks of the peace as in Eng., *id. s. 60.*

152. There shall be sheriffs in every of the said shires yearly appointed by H. M.; and none of the sheriffs shall have their office longer than is used by the laws of Eng.; [and for the yearly nomination of the sheriffs, the justices of great sessions in Wa., &c. shall yearly nominate 3 substantial persons in every shire, and certify their names to the lords of the privy council *crastino Animarum*, that H. M.

may appoint one of them to be sheriff for that year.] and thereupon the sheriffs shall have their patents and commissions under the great seal, and take oaths and knowledges of recognizances before the president and justices, by virtue of H. M.'s writ of *dedimus*, for the due execution of their offices, and for their true accounts before H. M.'s auditor or auditors assigned for Wa., *34 & 35 H. 8. c. 26. s. 61. and 1 W. & M. S. 1. c. 27. s. 3. s. r. as to all between brackets.*

153. The sheriffs shall have power as sheriffs in Eng., and shall execute process and all lawful precepts of the justices of Wa., and also of the justices of peace, escheators, and coroners, in all things appertaining to their offices, *34 & 35 H. 8. c. 26. s. 62.*

154. They shall do all things for the ministration of justice, and conservation of the peace, and the apprehension and redress of traitors, murderers, thieves, felons, and other offenders, as sheriffs of Eng., *id. s. 63.*

155. They shall yearly account before such H. M.'s auditor or auditors, as shall be assigned by H. M. for Wa., and every sheriff shall have for his fee *5l.*, *id. s. 64.*

156. The sheriffs shall not be compelled to appear to be apposed in the exchequer, but shall account before H. M.'s auditor of Wa., and a *quietus*, under his hand or that of his deputy, shall discharge them, *3 G. 1. c. 15. s. 22.*

157. All mayors, sheriffs, stewards, bailiffs, and other officers of justice, in Wa., and all H. M.'s subjects of the same, shall be obedient and assisting to the justices of Wa., and also to the justices of peace, sheriffs, and escheators, in things pertaining to their offices, *34 & 35 H. 8. c. 26. s. 65.*

158. Escheators shall be named in every shire by the lord-treasurer, by advice of the justices, who shall take their oaths, and knowledge their recognizances, before one of the said justices, by virtue of H. M.'s writ of *dedimus*, for due execution of their offices, and for their true account to be made before H. M.'s auditor, agreeable to the oath and recognizance used for escheators in Eng.; and shall yearly have their patents and commissions under the great seal, and shall exercise their offices as in Eng., *id. s. 66.*

159. All persons appointed to the said offices may exercise their offices if they may dispend yearly *5l.* of freehold, *id. s. 67.*

160. Two coroners shall be elected in every of the 12 shires, as is used in Eng., by virtue of the writ *de coronatore eligendo*, to be awarded out of the chancery of Eng., *id. s. 68.*

161. The writ *de coronatore eligendo* within the county of Flint, shall be directed out of the exchequer of Chester, *id. s. 69.*

162. The justices of peace, or 2 of them, one being of the *quorum*, shall appoint in every hundred 2 gentlemen or yeomen to be chief constables, *id. s. 70.*

163. Every of the sheriffs shall have a gaol within the castles of the shire-town, or other convenient place, and shall make the bailiffs of the hundreds to attend upon the justices in their sessions, *id. s. 71.* [s. 72. is Exp.]

164. The sheriffs shall keep their counties monthly, and their hundred courts for pleas under *40s.* as in Eng., and shall take for the entering of plaints, process, pleas, and judgments, such small fees as is used in Eng., *id. s. 73.*

165. All trials in their said courts, or before any stewards in courts baron, shall be by wager of law, or verdict of 6 men, at the pleasure of the plaintiff or defendant that pleaded the plea, *id. s. 74.*

166. The sheriffs shall hold their turns yearly after *Easter* and *Michaelmas*, as in Eng., *id. s. 75.*

167. H. M. shall have all fines, issues, amercements and forfeitures lost in any of the counties, hundreds, courts, and turns, *id. s. 76.*

168. The estreats of the turns, counties, and hundreds, shall be viewed, and the fines, issues, and amercements offered by the justices of assizes; and no sheriff shall levy any such forfeiture before the estreat be offered, upon pain to forfeit *40s.*, *id. s. 77.*

169. In bills sued before the justices in personal actions, whereof the debt or damage is under *40s.*, the sheriffs shall have for the return of every bill *2d.*, and for every *venire facias, tales, habeas corpora, and distringas*, *2d.*, and for writs of execution upon such bill, *12d.*, *id. s. 78.*

170. In bills sued before the justices, in actions personal, above *40s.*, the sheriff shall have for the return *4d.*, and for the return of every *venire facias, habeas corpora, distringas* and *tales*, *4d.*, and for every execution *2s.* And in personal actions by original writs returnable before the justices, the sheriff shall have for every *iterum summonas, distringas*, and *alias distringas*, *4d.*; and for every *venire, habeas corpora, distringas* and *tales*, *6d.*; and for every execution, *2s.*; for the serving of every *elegit*, *6s. 8d.*; and in all real actions, or mixt, before the justices by original, for return of every original, *2s.*; and for the return of every other writ and process before judgment, *2s.*; and for every execution after judgment in actions real or mixt, *2s.*; and for the serving of every writ of *habere facias seisnam*, *6s. 8d.*, *id. s. 79.*

171. For attachments upon *capias* or other process, before the justices, by original or judicial writ, if he return *cepi corpus*, 2s., for a *reddidit se* upon an *exigent* of felony, in appeal of murder or maim, or upon an indictment of felony or murder, 2s., and upon a *reddidit se*, upon an *exigent* of debt, trespass, detainue, and other actions personal, 1s., and for the making of *replegiar* 1s., and *withernam* upon the same, 1s.; for return of every writ of appeal of murder or felony, or maim, 1s., and upon all other process upon the same, as *venire facias*, *tales*, *habeas corpus*, and *distringas*, 1s.; and in every action before the sheriff by justices, for the summons, 4d., and for every other process, 4d., and for every prisoner delivered by acquittal, or proclamation, for felony, 1s., 34 & 35 H. 8. c. 26. s. 80.

172. Every sheriff shall put such persons under common mainprize as they have reasonable cause to suspect, as under 27 H. 8. c. 26. s. 21., binding such with two sureties by recognizance, to appear before the justices at the next great sessions, and shall certify the names of them before the justices, *id.* s. 81.

173. Every person that the sheriff taketh to common mainprize, shall pay for his mainprize 2d., and the sheriff shall have for the return of a writ of false judgment out of a base court before the justices, 2s., and the sheriffs shall take no fee for the return of any writs of execution, unless he return the same executed, *id.* s. 82.

174. In all writs original or judicial, process, pleas, or writings, not expressed in this ordinance, the fees thereof, as well for the seals as writing, shall be rated by the president, counsel, and [taken away 1 W. & M. S. 1. c. 27. s. 2.] justices, from time to time; and they shall have power to appoint what fee the sheriff's escheators, and coroners, and their prenotaries and clerks, and other ministers of justice, shall have, and to augment or diminish any fees above declared, *id.* s. 83.

175. No person for murder or felony shall be put to his fine, but shall suffer according to the laws of Eng.; and the justices may relieve the prisoner till they have advertised H. M., *id.* s. 84.

176. The act 26 H. 8. c. 6. concerning trials of felons in Wa., to be had in the next county within Eng. adjoining where H. M.'s writ runneth, shall stand in force, *id.* s. 85.

177. The said act shall take effect concerning any of the said offences perpetrated within the county of *Merioneth*, to be enquired of, heard, and determined, within the county of *Salop*, in manner as of like offences committed within any county of *South Wa.*, *id.* s. 86.

178. The town of *Abertannad* shall be parcel of the county of *Salop*, and part of the hundred of *Oswestry*, *id.* s. 87.

179. In case any foreign plea or voucher be pleaded or made before the justices of Wa., between party and party, triable in any other shire within Wa., the justices shall send H. M.'s writ, with a transcript of the record, under seal, unto the justice of the county where the matter is triable, commanding the said justice to proceed to the trial thereof; which trial he shall remand, with the whole record, unto the justice before whom the plea or voucher was pleaded, *id.* s. 88.

180. In case the foreign plea or voucher be triable within Eng., the justice shall proceed to trial thereof within the shire of Wa. where the matter was pleaded, *id.* s. 89.

181. No persons without authority shall make any rumours, tumults, unlawful assemblies, or outcries, at any of the said courts or sessions, nor any outcries and unlawful assemblies in great numbers at any other times, except for the apprehension or pursuing of murderers or felons, upon pain of imprisonment and a grievous fine, *id.* s. 90.

182. All lands in Wa., or in *Monmouthshire*, or other places annexed to Eng. by 27 H. 8. c. 26. s. 3—4. or other acts, that shall descend, shall be holden as *English* tenure, according to the common law, and not to be partible among heirs-males after the custom of gavelkind, *id.* s. 91. and s. 128. s. r.

183. No mortgages of lands within the said shires shall be allowed, otherwise than after the common law, *id.* s. 92.

184. It shall be lawful to all persons to alien their lands in Wa., *id.* s. 93.

185. If any person having lands within Wa. shall be bound within Eng. by statute-staple or recognizance, and pay not the debt; upon certificate made unto the chancery of Eng., by the clerk of the staple, or by any justice of record before whom such recognizance shall be acknowledged, process shall be made to the sheriffs of Wa., out of the chancery of Eng., after the course of the laws of Eng., *id.* s. 94.

186. Provided that for recognizances taken before H. M.'s justices of his bench or common pleas, process shall be had immediately from the said justices, *id.* s. 95.

187. All writs, bills, plaints, pleas, process, challenges, and trials, shall be used through all the shires aforesaid as used in *North Wa.*, or as devised by the [president and council of the marshes abolished, 1 W. & M. S. 1. c. 27. s. 2.] justices, *id.* s. 96.

188. Where there shall be many suits before the justices in plea personal, which cannot be tried in the time of the great sessions, the issues may be tried at a petty sessions before the deputy justices, [Qu. see pl.

107.] as hath been used in *North Wa.*, and there shall be no suit before the justices by bill, under 40s., 34 & 35 H. 8. c. 26. s. 99.

189. If any murder or felony be committed within Wa., the parties shall not make any end with the offenders, unless they first make one of the justices privy to the same, on pain of imprisonment and grievous fine; the penalty to extend against such as shall move any such agreement, although the same never take effect, *id.* s. 100.

190. No other liberties or customs shall be used within any lordships in Wa. or the county of *Monmouth*, but such as be given to the lords of the same by virtue of 27 H. 8. c. 26., and not altered by this ordinance, *id.* s. 101.

191. In actions personal before the justices in Wa., by original writ or bill, if 9 of the jury be sworn to try the issue, and the residue make default or be tried out, the sheriff shall immediately return other names, *de circumstantibus*, until there be 12 sworn, as before the justices of *North Wa.*, hath been used, *id.* s. 103. [See also pl. 209.]

192. If any goods be stolen and sold in any fair or market within Wa., no such sale shall change the property, *id.* s. 104.

193. No person shall buy any cattle within Wa. out of market or fair, unless he can bring witness of the name of the person, what place and time he bought the same, upon pain of such fine as shall be set by the justices, *id.* s. 105.

194. If any goods be stolen in Wa., upon suit had the track shall be followed from township to township, or lordship to lordship, according to the customs in Wa., upon such penalty as heretofore used, *id.* s. 106.

195. Every person that hath lands in fee or freehold, may pass in all juries, attain only except; albeit he may not dispend 40s. by the year, saving every challenge for other cause, *id.* s. 107.

196. No juror shall pass in attain, unless he may dispend 40s. by the year of freehold, *id.* s. 108.

197. Tenants and residents in Wa. shall pay their tallage at the change of their lords, in such places has hath been accustomed, *id.* s. 109.

198. All H. M.'s subjects at Wa. shall find at all parliaments, knights, citizens, and burgesses, according to 27 H. 8. c. 26. s. 29. pl. 90. and shall be charged to all subsidies granted by the commons, and pay all other duties to H. M. as they have been accustomed, fines for redemption of sessions excepted, *id.* s. 110.

199. The town of *Haverfordwest* shall find one burgess at every parliament, the charges of the same burgess to be borne by the mayor, burgesses, and inhabitants, *id.* s. 111.

200. H. M. shall have all felons' goods, and goods of persons outlawed, waifs, strays, and other forfeitures and escheats, answered by the hands of the sheriffs, saving the right of his subjects, *id.* s. 112.

201. All errors and judgments before the justices at the great sessions, in pleas real, mixt [or personal, 1 W. & M. S. 1. c. 27. s. 4.] shall be redressed by writ of error out of the chancery, returnable before the K. B., and if the judgment be affirmed, then to make execution and other process as is used in K. B., *id.* s. 113. and 1 W. & M. S. 1. c. 27. s. 4.

202. No execution shall be staid by writ of false judgment for reserving any judgment given in any county court in Wa., unless the prosecutor thereof be bound to the other party in recognizance with 2 sureties allowed by the sheriff, in 10l. (except where the sum adjudged for costs and damages exceeds 10l., and then in double the sum so adjudged), to prosecute with effect, and to pay, if the judgment is affirmed or writ non-prossed, all the damages and costs adjudged, as well as those awarded for delay of execution; the acknowledgment of which the sheriff shall take and file among the proceedings of such court, and may take 1s. of the prosecutor for such caption and filing; and in case of breach of condition of such recognizance, the cognizee may maintain an action of debt thereon in any of H. M.'s court of record in Wa., against the cognizors, or either of them, to recover the costs and damages mentioned in the recognizance; 33 G. 3. c. 68. s. 3.

203. All process for weighty causes shall be made into Wa. by the special command of the chancellor of Eng. or any of H. M.'s council in Eng., as heretofore, 34 & 35 H. 8. c. 26. s. 115.

204. The town of *Bewdley*, in the parish of *Ribbesford*, in the county of *Wigorn*, [Worcester] shall be united to the county of *Wigorn*, and be within the hundred of *Dodingtre*, *id.* s. 116.

205. The lordship of *Llanstiffan*, *Usterloys*, and *Langham*, shall be part of the county of *Caermarthen*, and parcel of the hundred of *Derles*, *id.* s. 117.

206. The county court of the county of *Radnor* shall be holden at *New Radnor* and *Preston*, alternis vicibus, and never at *Mother Gosey*, *id.* s. 118.

207. This act shall not prejudice any person or body politic concerning any lands, tenements, rents, services, tolls, or other hereditaments, *id.* s. 126.; nor concerning any office enjoyed by them under any patent now in force; nor concerning the fees used to be paid for exercise of such offices, but every person having the same, his substitutes and des-

paties, shall exercise them, as by this act limited, with the usual fees, 34 & 35 H. 8. c. 26. s. 127.

208. All liberties, franchises, and privileges of the duchy of Lancaster shall remain as before this act was made, *id.* s. 150.

209. TO FILL UP JURIES, *de circumstantibus*, LACKING IN Wales, 5 El. c. 25. [The difference between this statute and 35 H. 8. c. 6. ss. 5—13. is very slight, and is fully noticed with that act, *tit.* JURY, *pl.* 37., &c.]

210. FOR TRANSLATING THE BIBLE AND DIVINE SERVICE into the Welsh tongue, 5 El. c. 28.

211. The bishops of Hereford, St. Davids, Asaph, Bangor, and Llandaff, shall take order, that the Bible, with the Book of Common Prayer, as now used in English, be translated into the British or Welsh tongue, and divine service shall be used throughout the said dioceses where the Welsh is commonly used in the British tongue, *id.* s. 1.

212. The Bible and Common Prayer, in the English tongue, shall be had in every church throughout Wales, in which the Bible and Common Prayer in Welsh are to be had by this act, and shall remain in convenient places within the churches, that all persons may resort, at convenient times, to read the same; and that such as do not understand the language may, by conferring both tongues together, the sooner attain a knowledge of English, *id.* s. 2.

213. FOR TAKING AWAY THE COURT HOLDEN BEFORE THE president and council of the marches of Wales, 1 W. & M. S. 1. c. 27. s. 2., and recital in s. 1. [See ss. 3, 4. *supra*, *pl.* 152. 201.]

214. The "court before the president and council of the marches of Wales," and all jurisdiction of any officers thereof, taken away, *id.* s. 2. [The 34 & 35 H. 8. c. 26. s. 4. is also repealed, *id.* *ibid.*]

215. TO TAKE AWAY THE CUSTOM OF WALES WHICH HINDERS persons from disposing of their personal estates by their wills, 7 & 8 W. 3. c. 38.

216. Any person residing or having any goods within Wa. or its marches, may, by their last wills, dispose of all their goods, chattels, debts, and other personal estate, to their executor, or such other persons as the testators shall think fit, in as ample a manner as any persons may within the province of Canterbury; and the widows, children, and other the kindred of such testators shall be barred to claim any part of such goods or personal estate, in any manner other than as by the said last wills appointed, *id.* s. 1.

217. Nothing in this act shall take away any right which any woman now married, or younger children now born, may have to the reasonable part of their husband's or father's estate by virtue of the custom, *id.* s. 2.

218. FOR MORE EFFECTUALLY PREVENTING FRIVOLOUS and vexatious arrests, and for more easy recovery of debts and damages in the courts of great sessions in Wa., and in the court of assize in the county palatine of Chester, 6 G. 2. c. 14. ss. 1, 2. [See *rest of this statute*, JUDICIAL PROCEEDING.]

219. In all personal actions commenced in the above courts respectively, where the debt or damages do not amount to 10*l.*, and where the plaintiff shall sue out an original writ, and serve defendant with a true copy thereof by a literate person, at least 8 days before commencement of those courts respectively, and shall cause on every such copy to be written the notice in 5 G. 2. c. 27. (ARREST, *pl.* 32.) specified; defendant in such cases shall appear at the return of such original, or at or before the 3d court to be held in the same respective courts; and in case he shall not so appear, the plaintiff or his attorney, on affidavit made and filed in the proper court, of the personal service of such process (which affidavit shall be filed in the said court, and 1*s.* paid for the same to the proper officer, and no more), may enter an appearance for defendant, and proceed thereon as if defendant had entered the same to such action, *id.* s. 1.

220. No attorney, bail, or other person, shall charge or take more than 5*s.* for making and serving a copy of each original, issuing out of such courts of great sessions or assize, *id.* s. 2.

221. FOR PROVIDING PROPER ACCOMMODATION FOR H. M.'s justices of great sessions in Wa. during the time of holding them, 8 G. 3. c. 14.

222. The sheriffs of the counties of Wa. shall provide necessary lodging and other accommodations for H. M.'s justices of the great sessions, during the time of each session, in like manner as is usual with the sheriffs of the English counties for the justices of assize there; and H. M., by warrant under his sign-manual, countersigned by the high treasurer, or 3 commissioners of the treasury, may authorize, during the continuance of 1 G. 3. c. 1. [which is now EXPIRED] the auditor of the land revenues of the crown arising within Wa., to pay all such charges made by such sheriffs, in the accounts by them to be delivered into such auditor's office, of the expences by them incurred in providing such accommodations for such justices of Wa., and to direct certificates to be delivered by such auditor to such sheriffs, of the sums allowed and passed in their accounts; and also to authorize, during the above term, the receivers-general of such revenues to pay the sums so

certified, on production and delivery of such certificates, without any fee, 8 G. 3. c. 14. s. 1.

223. But no larger sum shall be allowed, passed, certified, and paid, than 10*l.*, for accommodations in any one county for any one such session, *id.* s. 2.

224. AGAINST COMMENCING FRIVOLOUS AND VEXATIOUS SUITS in H. M.'s courts at Westminster, in causes of action arising within Wa., and for further regulating the proceedings in the courts of great sessions there, 13 G. 3. c. 51. ss. 1, 2. 6—17. (See ss. 3—5. *ante*, *pl.* 107, 108.) [AMD. as to executions out of great sessions where the person or effects are not found within their jurisdiction, 33 G. 3. c. 68. s. 1.]

225. In case the plaintiff in any action on the case for words, or of debt, trespass on the case, assault and battery, or other personal action, where the cause of such act [*semb.* action] shall arise within the dominion of Wa., and which shall be tried at the assizes, at the English county nearest to that part of Wa. in which the cause of action is laid to arise, shall not recover by verdict a debt or damages to the amount of 10*l.*; then if the judge who tried the cause, on evidence appearing before him, shall certify on the back of the *nisi prius* record, that defendant was resident in Wa. at the service of the mesne process on him in such action, (on such fact being suggested on the record or judgment roll), a judgment of nonsuit shall be entered, and defendant shall have like judgment and remedy thereon to recover costs against the plaintiff, as if a verdict had been given for him by the jury; unless the judge who tried the cause shall certify on the back of the record that the freehold or title of the land mentioned in the plaintiff's declaration was chiefly in question, or that such cause was proper to be tried in such English county, *id.* s. 1.

226. "In order to prevent transitory actions where the cause of action does not amount to 10*l.*, arising within Wa., from being brought in any of H. M.'s courts out of the principality:" In all transitory actions arising within Wa. which are brought in any of H. M.'s courts of record out of Wa., with the venue laid in any county or place out of Wa., and the debt or damages found by the jury do not amount to 10*l.*, and it appears in evidence given on the trial that the cause of action arose and that defendant was resident in Wa. at the time of service of mesne process upon him, and it is so certified under the hand of the judge who tried the cause, on the back of the *nisi prius* record, (on such facts being suggested on the record or judgment roll), a judgment or [*semble* of] nonsuit shall be entered thereon against plaintiff, who shall pay defendant his costs in the action; and defendant shall have like remedy to recover the same as if a verdict had been given for him; and in the taxation of all costs allowed to defendant by this act, the proper officer shall allow plaintiff out the same the full sum given by the verdict for his debt or damages; and though no judgment is entered for plaintiff on such verdict, it shall nevertheless bar any action commenced by him for the same, *id.* s. 2.

227. The justices of great sessions in Wa., on motion made on behalf of H. M., his heirs or successors, or on motion of any prosecutor or defendant, in any indictment or information of any misdemeanor, or on motion of any plaintiff or defendant in any action soever, in any such court, shall and may, if they think fit, order a jury to be struck before the proper officer of such courts, for trial of any issue joined in any such case in the manner in which special juries have been usually struck in the courts of law at Westminster, on trials at bar had therein; which jury, so struck, shall be the jury returned for trial of the issue, *id.* s. 6.

228. The party applying for such special jury under this act, shall not only pay the fees of striking the same, but also the expences occasioned by trial of the cause by such jury, and shall have no other allowance for the same on taxation of costs, than he would have been entitled to if the cause had been tried by a common jury, unless the justices or justice before whom the cause is tried shall, immediately after the trial, certify in open court under his or their hands on the back of the record, that the same was a cause proper to be tried by a special jury, *id.* s. 7.

229. No person who shall serve upon any jury, appointed by authority of this act, shall take for serving, more than the sum which the justices or justice who tries the issue shall think just, not exceeding 1*l.* 1*s.* except in causes where a view is directed, *id.* s. 8.

230. The justices of the courts of great sessions shall, by one or more commissioners, under the seal of the said courts, empower so many persons as they think fit, in all the shires within their circuits in Wa., to take all such affidavits as any person shall be desirous to make before any of the persons so empowered in any cause pending, or in any wise concerning any of the proceedings in their circuits, as the justices of K. B. or C. P., or treasurer, chancellor, and barons of the exchequer use to do; which affidavits shall be filed in the offices of the said courts of great sessions, and may be read in the said courts, as other affidavits taken therein now are; and all affidavits taken as afore-

said, shall be of the same force as affidavits taken in the said courts; and all persons forswearing themselves, in such affidavits, shall be liable unto the same penalties, as if they had been made in open court; which commissions shall be made out by the prothonotary, upon a *fiat* from the justices; and he shall cause an entry to be made in a book to be kept for that purpose, of the names of the persons to whom such commissions are granted, and the times when issued; and the following fees shall be paid for each commission, and no more; viz. 2s. for the *fiat*, 4s. for making out the commission, besides the duty and value of the parchment, and 4s. for sealing the same; and every commissioner so empowered, shall take for swearing of every affidavit before him, 1s. and no more, 13 G.3. c.51. s.9.

231. No person appointed a commissioner shall take any affidavit during the time of holding the great sessions, or assizes, for the county in which such cause is pending, *id.* s.10.

232. Such officers of the said courts of great sessions, as have heretofore taken or sworn affidavits, may continue so to do, *id.* s.11.

233. The justices of the courts of great sessions may, by commission, or under the seal of the said courts, empower such persons (other than common attorneys or solicitors) as they think fit, in the several shires within their circuits in *Wa.*, to take recognizances of bail in any action depending in the said courts, in such manner, and by such bail-piece, as the justices of the courts of great sessions have used to take the same; which recognizances, or bail-pieces, together with an affidavit made of the due taking of such bail, by some credible person present at the taking thereof, shall be transmitted to the prothonotary's office, there to be filed of record, paying such fees as have usually been received for taking of special bails by the justices clerks, and other officers of the courts, which recognizance of bail or bail-piece shall be of the like effect, as if the same were taken before any of the justices; for taking which recognizance of bail or bail-piece, the person so empowered shall receive only 2s., *id.* s.12.

234. The justices of great sessions, in their courts, shall make such rules for justifying of bails, and making the same absolute, as to them shall seem meet, so as the cognizor of such bail be not compelled to appear in person in any of the said courts to justify; but the same may be determined by affidavit taken before the commissioners, touching the value of their estates, *id.* s.13.

235. The attorney for the defendant shall give notice to the plaintiff's attorney of the taking of such bail within 8 days after caption thereof, and the plaintiff may, within 8 days after such notice, take exception to such bail, and enter the same in the prothonotary's office; which exception having been taken, the bail shall be justified before the justices, before the rising of the second court at the ensuing sessions; and the bail bond taken by the sheriff, under-sheriff, or other officer, for the defendant's appearance, shall remain in force till such special bail have been finally justified; but the plaintiff, nevertheless, may file his declaration conditionally in the prothonotary's office; and defendant, in case such declaration has been delivered 7 days before the first day of the session next ensuing the return of such writs, shall plead thereto, before the rising of the second court of such great sessions, unless further time shall be given him by the court, *id.* s.14.

236. All original writs, bills, and all mesne process whatsoever, by which any action shall be commenced in the courts of great session for *North* and *South Wa.*, shall be made returnable before H. M.'s justices respectively of the several counties of *North* and *South Wa.*, on the first *Wednesday* in any month in each of the two vacations, annually, betwixt the two sessions, or on the first day of the next sessions, at the election of the plaintiff or the attorney, who shall sue out the same; and [QU. to] all such writs or process which shall issue out of the said courts, returnable in the vacations, and whereon the defendant shall be arrested or served with a copy, defendant shall appear and file special bail, or enter a common appearance on the day of such return, or within 14 days next after; and in case of neglect in bailable actions, the sheriff or officer shall, at the request and costs of the plaintiff or attorney, assign the bail bond, by indorsement and attestation under his hand, in the presence of two witnesses; and the plaintiff, after such assignment, may bring an action upon such bail bond in his own name; and the said courts may, by rule, give such relief to the plaintiff and defendant, in the original action, and to the bail sued upon the bail bond, as is agreeable to justice; and in case on service of the copy of any writ (having notice thereunder written, purporting the intent of such service) returnable in the vacation time as aforesaid, the defendant so served, shall not appear at the return, or within 14 days after, the plaintiff, on affidavit made, and filed with the prothonotary of the said courts, or his deputy, of the personal service of such writ as aforesaid, may enter a common appearance for the defendant, and proceed thereon as if such defendant had entered his appearance; and special bail having been filed, or a common appearance entered, as the case shall require, the plaintiff may proceed to file his declaration; and the defendant, in case such declaration shall have been delivered 7 days before the 1st day

of the session next ensuing the return of such writ, shall be bound to plead thereto, before the rising of the 2d court of such great sessions, to be holden for the county in which such action shall have been brought, unless the court think proper to allow further time, 13 G.3. c.51. s.15.

237. Every officer or clerk belonging to the courts of great sessions in *Wa.*, who shall sign any original writ or bill, relating to actions depending in the said courts, shall, at the signing thereof, set down thereon the day and year of his signing the same, which shall be entered on the remembrance, or in the book where the abstracts of such original writ or bill shall be entered, on pain to forfeit 5l. for every neglect; to be recovered by any person who shall sue by action of debt or information, wherein no essoin, &c. or more than one imparlance shall be allowed, *id.* s.16.

238. Where any penalty is given by any statute, and the same is directed to be recovered in the courts of *Westminster*, excepting such as may by the laws now in being be sued for only in the exchequer, and the offence for which such penalty hath or shall be given is done in any of the counties of *Wa.*, and the defendant liable to the same is resident within the jurisdiction of the great session, the plaintiff, or prosecutor, or other person to whom such penalty is given, may, in such case, sue for and recover the same in the courts of great session, in such manner as he might have done in the courts at *Westminster*; and the courts of great session shall have jurisdiction as fully as if they had been named in those statutes, *id.* s.17.

239. FOR REGULATING PROCEEDINGS IN THE COURTS OF GREAT SESSIONS OF *Wa.*, 33 G.3. c.68. [See part of title and of s.1., COUNTIES PALATINE, pl. 6, 7.]

240. Where final judgment is obtained in any of the courts of great sessions in *Wa.*, any court of record at *Westminster*, on affidavit made before a judge or commissioner in such court, and filed therein, of such judgment being obtained; and diligent search and inquiry having been made after the person or his effects, and of execution having issued against either, and that the person or effects are not to be found within the jurisdiction of such court, may cause a transcript of the record of the judgment to be removed into such court at *Westminster*, and may issue writs of execution thereupon to the sheriff of any county or place, against the person or effects, as upon judgments obtained in the courts at *Westminster*; and the sheriff shall detain the person against whom such execution shall be issued till 40s. be paid to him, or shall levy that sum out of the effects according to the nature of the execution, for the extraordinary costs in such court subsequent to the said judgment, and of the execution in the court at *Westminster* over and above the money for which it shall be issued, *id.* s.1.

WARRANTY.

1. WHAT DAY SHALL BE GIVEN TO HIM that is vouched to warranty, 52 (or 54) H.3. c.26.

2. None being vouched to warranty before justices in eyre, in plea of land or tenements, shall be amerced for not being present when so vouched, except the first day of the coming of the justices; but if the party vouched be within the shire, the sheriff shall be commanded to cause him to come within the 3d or 4th day, according to the distance of the place, as it was wont to be done in the circuit of the justices; and if he dwell without the shire, then he shall have reasonable summons of 15 days at least after the discretion of the justices and the common law, *id.* *ibid.*

3. VOUCHER TO WARRANTY AND COUNTER-PLEADING of voucher, 13 E.1. c.40. The statute of vouchers, 20 E.1. s.1.

4. In writs of possession, especially in writs of *mort d'ancestor*, of *cosinage*, of *aiel*, *nuper obiit*, of intrusion, and other like writs, whereby lands and tenements are demanded, which ought to descend, revert, remain, or escheat by the death of any ancestor or otherwise, if the tenant vouch to warranty, and the demandant counterpleadeth him, and will aver by assize, the country, or as the court will award, that the tenant or his ancestor (whose heir he is) was the first who entered after the death of him of whose seisin he demandeth, such averment shall be received if the tenant will abide thereon; and if not, he shall answer over, if he have not his warrantor present that will warrant him freely, and incontinent enter into answer; saving unto the demandant his exceptions against him, if he will vouch over as he had before against the first tenant, 3 E.1. c.40. s.1.

5. In writs of entry, which make mention of degrees, none shall vouch out of the line, and in other writs of entry, where no degrees are mentioned, (which are only maintained, where the other writs of degrees cannot lie), in a writ of right, it is provided, that if the tenant vouch to warranty, and the demandant will counterplead him, and be ready to aver by the country, that the vouchee nor his ancestors had never seisin of the land or tenement demanded, nor fee, nor service, by the hands of the tenant or his ancestor, since the time of him on whose seisin the demandant declareth, until the time when the writ was purchased and the plea moved, whereby he might have infeoffed the tenant or his ancestors,

then let such averment be received if the tenant will abide thereon, or if not, the tenant shall answer over, if he have not his warrantor present that will warrant him freely, and incontinent enter into answer; saving to the demandant his exceptions against him as he had before against the first tenant. And such exception shall have place in the writs before named, as well as in writs that concern right. And if the tenant have a charter of warranty of another man, which is bound in none of the cases aforesaid to the warranty of an elder degree, his recovery by a writ of warranty of charters out of the chancery shall be saved him at what time he will purchase, howbeit the plea be not delayed therefore, 5 *Ed. 1. c. 40. s. 2.*

6. That when any tenant doth vouch any to warranty, and the demandant will aver, as in 3 *E. 1. c. 40.* is contained, his averment shall be admitted, whether the party vouched be absent or present, 20 *E. 1. St. 1.*

7. BY WHAT WORDS IN A FEOFFMENT A FEOFFER shall be bound to warranty, 4 *E. 1. St. 5. c. 6.*

8. In deeds where are contained the words *dedi et concessi tale tenementum*, without homage or a clause of warranty, and to be holden of the givers and their heirs by a certain service, such givers and heirs shall be bound to warranty; and where it is *dedi et concessi, &c.*, to be holden of the chief lord of the fee, or of other than the feoffers and their heirs, reserving no service without homage or without such clause, their heirs shall not be bound to warranty, but the feoffer himself shall, during his own life, by force of his own gift, *id. ibid.*

9. PENALTY ON A VOUCHER DENYING HIS WARRANTY, 13 *E. 1. (West. Sec.) c. 6.*

10. When any demands land against another, and the party impleaded voucheth to warranty, and the warrantor denieth his warranty and the plea dependeth long, and it is proved that the vouchee is bound to warranty, then like as the tenant would lose the land in demand, in case where he vouched to warranty, and the vouchee could discharge himself of the warranty, in the same wise shall the warrantor lose in case he denies his warranty and it be proved against him; and if the tenant and warrantor be at issue, and the demandant will require a writ to cause a jury to come, it shall be granted to him, *id. ibid.*

11. IF THE TENANT VOUCH TO WARRANTY a dead man, and the demandant will aver that the vouchee is dead, or that there is none such, his averment shall be received without further delay, 14 *E. 3. St. 1. c. 18.*

12. ALL WARRANTIES HEREAFTER TO BE MADE by any tenant for life, of any lands, tenements, or hereditaments, the same descending or coming to any person in reversion or remainder, shall be void; and likewise all collateral warranties hereafter to be made of any lands, &c. by any ancestor, who has no estate of inheritance in possession in the same, shall be void against his heir, 4 & 5 *A. c. 16. s. 21.*

WARRENS.

1. FOR MORE EFFECTUAL PRESERVATION OF CONIES in warrens, and for preventing the damage done to sea-banks in *Lincolnshire*, by breeding conies therein, 5 *G. 3. c. 14. ss. 6—9. [Secs. 1—5., GAME, pl. 149.]*

2. If any person shall wilfully, in the night-time, enter into any warren or grounds kept for breeding or keeping of conies, though not inclosed, and there kill in the night-time any conies against the will of the owner or occupier, or shall be aiding therein, and convicted thereof before any justices of oyer and terminer, or gaol delivery for the county where such offence is committed, shall be transported for 7 years, or suffer punishment by whipping, fine, or imprisonment, as the court shall in discretion award, *id. s. 6.*

3. No person convicted of any offence against this shall be liable to conviction under any former act, *id. s. 7.*

4. Nothing in this act shall prevent any person from killing, or from taking and carrying away in the day-time any conies found on any sea or river banks erected for preservation of the adjoining lands from being overflowed by the sea or river waters, so far as the flux or reflux of the tide extends, or on any land within one furlong thereof: and any person may enter on such banks or land in the county of *Lincoln*, and kill and carry away in the day-time, to his own use, any conies found thereon, doing as little damage as may be to the owner, *id. s. 8.* And no person shall be obliged to make satisfaction for any such damage, unless it exceed 1s., *id. s. 9.*

WASTE.

1. THE KEEPER OF LAND OF AN HEIR WITHIN AGE, shall not take of the lands of the heir, but reasonable issues, customs and services, and that without waste. And if H. M. commit the custody of any such land to the sheriff, or other who is answerable to him for the issues, and he make waste, H. M. will take of him amends; and the land shall be committed to 2 lawful men, who shall answer for the issues unto H. M.; and if H. M. give or sell to any man the custody of such lands, and he

WATCH AND WARD.

make waste, the like shall be done, 9 *H. 3. M. C. c. 4. [See 12 C. 2. c. 24. s. 1. TENURES.]*

2. ALSO FERMORS DURING THEIR TERMS SHALL NOT make waste, sale or exile of houses, woods and men, nor of any thing belonging to the tenements they have to ferm, without special licence by writing of covenant, mentioning that they may do it; which if they do they shall yield full damage, and be amerced grievously, 32 (or 34) *H. 3. c. 23. s. 2.*

3. NO WASTE SHALL BE MADE IN WARD'S LANDS, nor in bishops, during the vacation, 3 *E. 1. c. 21.*

4. Guardians shall keep, and sustain the land without making destruction of any thing, as in 9 *H. 3. M. C. c. 5. [BENEFICE, pl. 1.]* contained. And in the same manner shall archbishops, bishops, &c., and all spiritual dignities be kept in time of vacation, *id. ibid.*

5. SEVERAL TENANTS AGAINST WHOM AN ACTION of waste is maintainable, 6 *E. 1. (Stat. Glouc.) c. 5.*

6. A man may have a writ of waste in the chancery against tenants by the law of *Eng.*, or otherwise, for term of life or years, or a woman that holdeth a dower; and he that is attainted of waste, shall leese the thing wasted, and recompense thrice as much as the waste is taxed at; For waste made in the time of wardship it shall be done as in the great charter, c. 4. *pl. 1.* And where in the great charter it is contained, that he which did waste during the wardship shall leese it, it is agreed, that he shall recompense the heir his damages for the waste, if so be that the wardship lost do not amount to the value of the damages before the age of the heir of the same wardship, 6 *E. 1. c. 5.*

7. NO WASTE SHALL BE MADE PENDING A SUIT for land, 6 *E. 1. (Stat. Glouc.) c. 13.*

8. When a plea is moved in the city of *London* by writ, the tenant shall not make any waste or estrepement of the tenement in demand pending the plea, and if he do, the mayor and bailiff shall cause it to be kept at the suit of the demandant. And this statute shall be observed in cities, boroughs, and throughout the realm, *id. ibid.*

9. THE PROCESS IN AN ACTION OF WASTE ALTERED, 13 *E. 1. (West. Sec.) c. 14.*

10. Of all waste done to the damage of any person, there shall be no writ of prohibition awarded, but a writ of summons, so that he of whom complaint is shall answer for waste done at any time; and if he come not after summons, he shall be attached, and after attachment distrained, and if he come not after distress, the sheriff shall be commanded, that a proper person taking with him 12., &c., he go to the place wasted, and enquire of the waste done, and return the inquisition, and after inquisition they shall pass judgment, as in 6 *E. 1. (Stat. Glouc.) c. 5. pl. 6.* contained, *id. ibid.*

11. OF WASTE BETWEEN TENANTS IN COMMON, 13 *E. 1. (West. Sec.) c. 22.*

12. When 2 or more do hold a wood, a turbary, fishery, or other such thing in common, wherein none knoweth his several, and one does waste against the will of the other, an action may be maintained by a writ of waste, and when it is come to judgment, the defendant shall have his election, either to take his part in a place certain by the sheriff, and by the view, oath, and assignment of his neighbours chosen and sworn for that intent; or else he shall grant not to take any thing from such wood, &c., but as his partners will allow. And if he will take his part, he shall have the part wasted assigned him, and there is in such case a writ, *viz. (Cum A. et B., &c.) id. ibid.*

13. EVERY HEIR (IN WHOSE WARD SOEVER HE BE, as well within as of full age) shall have his recovery by a writ of waste committed in the time of his ancestor, and in other cases where the same writ holds; as well for waste and destruction made in lands and tenements of his inheritance, in the times of his ancestors, as from time when the fee and inheritance descended unto him, and shall be answered unto therefore; and he shall recover the tenements wasted, and damages as ordained by 13 *E. 1. (West. Sec.) c. 14. pl. 10.*, if the tenant be convict of waste, 20 *E. 1. St. 2.*

14. FOR REMEDY IN CASES OF WASTE, WHERE TENANTS assign their estate, but take the profits, 11 *H. 6. c. 5.*

15. If a tenant for life, or years, assign his estate, the lessor or reversioner may have a writ of waste against such tenants for life, or years, and so recover against them the place wasted and treble damages for the waste so done, as they might have done before such grant or lease of their estate; and also when after such grant or lease the first tenants of the lands, &c. take the profits to their own use at the time of waste done *id. ibid.*

WATCH AND WARD.

1. OF WATCHING AND KEEPING THE PEACE in cities, boroughs and towns, 13 *E. 1. (Stat. Wynt.) c. 4.*

2. In great towns walled, the gates shall be closed from sun setting to sun rising, and no man shall lodge in the suburbs without his host will answer for him; and the bailiffs of towns shall enquire of all persons

so lodged weekly, and do right therein; and all towns shall be kept as hath been usual, and in every city 6 men shall keep at each gate; and in every borough 12; and in every town 6 or 4, and shall watch the town continually all night, and strangers shall be arrested until morning; and if no suspicion be found he shall go quit, but if otherwise, shall be delivered to the sheriff to be kept till duly delivered; and if he will not obey the arrest, hue and cry shall be raised, and those that keep the town shall follow with the towns near till he be taken, and none shall be punished for the arrest of such stranger, 13 E. 1. (*Stat. Wymt.*) c. 4.

3. THE CONSTABLES SHALL PRESENT BEFORE JUSTICES assigned, such defaults as they shall have found of pursuits, and of watches and highways, and also shall present all such as lodge strangers in uplandish towns, for whom they will not answer; and the justices assigned shall present the same at every parliament to H.M., who shall provide remedy, 13 E. 1. (*Stat. Wymt.*) c. 6.

4. The statute in last *pl.* shall be read 4 times by the year, as well as the 2 great charters, and to the keeping the same the 3 knights shall be charged, who are assigned through the counties to redress things done against the great charters, 28 E. 1. c. 17. *Art. sup. Chart.*

5. NIGHT WALKERS AND SUSPECTED PERSONS shall be safely kept, 5 E. 3. c. 14. [*See 3 Inst.* 197.]

6. If any have evil suspicion of any roberdesmen, wastors and drawlatches, be it by day or night, they shall be arrested by the constables of the towns, and, if within franchises, delivered to the bailiffs thereof, and if in guildable, to the sheriffs, and kept in custody till the next coming of the justices of gaol delivery; and, in the mean time, the bailiffs and sheriffs of the franchises shall make enquiry concerning such persons arrested, and at their coming shall return their inquests before the justices of gaol delivery, with what they found, and the causes of the takings, with the bodies, and the justices shall proceed to their deliverance according to law; and if such sheriffs, &c. fail so to enquire, they shall be amerced, but nevertheless the justices shall proceed as above, *id. ibid.*

7. THE WATCHES ON THE SEA-COAST SHALL BE MADE by the number of people in the places, and in manner as they were wont; and 13 E. 1. c. 4. *pl.* 1. shall be kept herein; and this article shall be put in the commissions of the peace, that the justices have power thereof to make inquisition in their sessions, and punish those found in default, 5 H. 4. c. 3.

8. FOR MORE EFFECTUAL PRESERVATION OF THE PEACE, by enforcing the duties of watching and warding in places where disturbances prevail, or are apprehended, 52 G. 3. c. 17. [*Con.* 54 G. 3. c. 22., 57 G. 3. c. 38., 58 G. 3. c. 52. and till 20th June, 1824., 1 G. 4. c. 24. ss. 1. 4. and *AMD. id.* ss. 2, 3.]

9. The *custos rotulorum*, or, in his absence, the sheriff or 5 justices acting for any county in *Eng.* may, from time to time, in case any prevailing or apprehended disturbances or offences against the peace, within the county, shall, in their opinion, render the execution of this act necessary by order under his or their hands and seals, direct the clerk of the peace of the county, or his deputy, to assemble a special general sessions of the justices of the county by notice in some newspaper circulating therein, and put up on the church doors and conspicuous places of the market-places of any of the several parishes and places in which such disturbances prevail, or are apprehended, 2 days at least before the meeting, to consider and determine the expediency of executing all or any of the provisions hereof; which justices may adjourn such sessions as occasion may require, *id.* s. 1.

10. If it appears to such sessions that disturbances prevail, or are apprehended, in the county within any parish, township, or place, situate within the jurisdiction, and that the ordinary peace officers are not sufficient to protect the inhabitants, and secure the property therein, 5 justices may declare such insufficiency; and that every man residing therein, above 17 years old, and assessed to the poor-rate, shall be subject to watch by night, and ward by day, according to this act; and may thereupon order this act to be carried into execution within every such parish, &c. and forthwith give notice of such adjudication and orders to the home-secretary, and publish the same in some one or more county newspapers, *id.* s. 2.

11. Any justice, acting for such county, may, by summons, under his hand and seal, cause any person to come to give evidence before such sessions, who shall order the county treasurer to pay, out of the county rates, to every person so summoned to give evidence, such sums as by them may be adjudged a proper compensation for his loss of time and expences; and if any person so summoned shall not appear at the time fixed, without just excuse assigned, or shall refuse to be examined on oath, the justices present at such sessions may, by warrant of 2 of them, commit him to the county gaol or house of correction, for not exceeding 3 months, *id.* s. 3.

12. The justices in special general sessions shall order notice of their adjudication to be given by the chief constables to the constables of every parish, &c. or place in which this act is required to be enforced by any such adjudication, and to special constables, if any are appointed

under this act; and shall issue precepts, requiring from them, (within the time required by the justices, and not exceeding 3 days' notice,) a true list of the names, occupations, and ages of all the men above 17 years of age, usually and then dwelling within their respective parishes and places, and assessed to poor-rates therein, and to return the same to the justices, or 2 of them, assembled in such special or petty sessions, appointed for receiving it, 52 G. 3. c. 17. s. 4.

13. Every constable required to return or assist in making out any such list, may demand, from the overseers of each parish, &c. a true copy of the assessment made for relief of the poor therein, or the inspection and use thereof to copy or make extracts thereof, and if not delivered within 24 hours, or if inspection is refused, the overseer shall forfeit 10*l.*, *id.* s. 5.

14. Every such constable shall, within the time prescribed by the justices, make out a true list of every such man within the parish, &c. so rated, and deliver to him a notice as in *Sch. (A.)* specifying that his name is contained therein, and the time and place for hearing appeals of persons claiming exemption, *id.* s. 6.

Schedule (A.)

Watching and Warding. (see 52 G. 3. c. 17. s. 6.)

'Take notice, that your name is inserted in the list, and appeals will be heard on the — day of — at —.

'A.B. constable.'

15. Any two justices may, from time, issue their order under their hands and seals, requiring the attendance of any constable or other officer of such parish at such time and place within the county as is in such order expressed, who, on neglect to appear or return such list, or on wilful partiality or neglect therein, shall forfeit not more than 20*l.* nor less than 40*s.*, *id.* s. 7.

16. If any such list is lost or destroyed, any 2 justices for the county may, at any special or petty sessions, order a new list to be made and returned as above, *id.* s. 8.

17. The constables who have made such lists shall severally attend and verify the returns on oath, on an appointed day and place; and any 2 or more justices, at any special or petty sessions, for executing this act, shall, after hearing appeals of exemption, direct such lists to be amended, and the names of all persons omitted to be inserted; and after amending such lists, shall appoint such number of inhabitants, so liable to undertake the duties of watch and ward, as they shall think necessary, to keep watch in such parish, &c. or places, from sunset to sunrise, and ward in the day-time, if needful, having reasonable regard to the extent and population of such parish, &c., *id.* s. 9.

18. The justices, at any such special or petty sessions, may direct the constables or special constables of any parish, &c. to settle the order, rotation, and time, in which every person, liable to such duty, shall perform the same, and to regulate the manner of such performance, and the same penalties shall be incurred by neglect of such direction as if the justices had regulated such performance under 52 G. 3. c. 17. s. 9.; but persons aggrieved, by any regulation of such constable, may apply for redress to the first special or petty sessions, held under this act, who shall make order therein as is proper, 1 G. 4. c. 24. s. 2.

19. Where it appears to the justices that the number of persons, paying poor-rates, is not sufficient for the duty of watch and ward under this act, they may require any other lists, and appoint such number of other persons, as appear to them necessary, to perform that duty and subject to this act, as if returned in the lists of persons rated to the poor, and may allow them reasonable compensation to be paid as in s. 26. *pl.* 34., 52 G. 3. c. 17. s. 10.

20. Every person aggrieved by insertion of his, or omission of any other names in any such list, or claiming exemption from service, may appeal to the special or petty sessions, appointed for hearing appeals, where any 2 justices may determine the same, or may adjourn the hearing to any other day, *id.* s. 11.

21. The justices at such sessions may appoint such number and of such persons, whether rated or resident in the parish, &c. or not, as appears proper, to be denominated special constables, who, (either with or without the other constables,) or one or more of them, according to the justice's order, shall direct all persons employed in keeping watch or ward, but shall be subject to the general control of the chief constable for the hundred or division; but no person not resident in the parish or place, for which he is appointed special constable, shall serve as such against his consent, *id.* s. 12. [*See also* 1 G. 4. c. 37. *JUSTICE OF PEACE, pl.* 143.]

22. Where the *custos rotulorum*, &c. (as in s. 1. *pl.* 9.) think that the circumstances under which they convene such sessions, make it advisable to enforce watch and ward as soon as possible, if the special sessions should deem the execution of this act necessary, the *custos rotulorum*, &c. may give notice to the constables, and appoint other special constables, require lists, hear appeals, and do every thing for more speedy execution of this act, if such sessions, on assembling, shall deem it necessary to put it in force; and all the penalties and regulations of the act shall apply to

*such interim proceedings of the *custos*, &c., and any 2 justices may appoint special constables and other persons willing to watch and ward until the determination of the session is known, and may direct payment of compensation, as in *s. 26. pl. 34.* as if this act was enforced by such sessions, *52 G. 3. c. 17. s. 13.*

23. The chief constable of every hundred or division shall, once in the week, or as often as the justices shall direct, visit every parish or place in which watch and ward is carried on under this act, and shall diligently enquire respecting the manner of carrying it into effect, and shall report the same, with all other matters, for preservation of peace, in writing, to the special or petty sessions, *id. s. 14.*

24. Every person so appointed to watch or ward, who shall neglect or refuse to appear at the time and place appointed by the constable or special constable, &c. of the parish or place, for the performance of either duty, or who shall not proceed according to their directions in the regular performance thereof, shall, (unless he prove the satisfaction of the magistrate, that he was prevented by illness or unavoidable accident,) forfeit not more than 10*l.* nor less than 40*s.* for each neglect, &c.; provided that any two such justices, at such special or petty sessions, may exempt from such duty any man exceeding 50 years old, and not occupying tenements of 20*l.* yearly value, *id. s. 15.*

25. No person having found a sufficient substitute, approved by the justices in special or petty sessions, or by the chief constable, and having enrolled his name, age, occupation, and place of abode, in the book of the constable or his deputy, shall be liable to such forfeiture; but every such substitute shall be personally liable under this act, in his stead, unless he give notice, in writing, of his intention, to withdraw his service as such, both to the constable and employer, at least 2 days before his services become necessary, according to the rotation established in such parish, &c. *id. s. 16.*

26. Every quaker, appointed to watch or ward, who shall not appear at the fixed time or place, or perform his duties under directions of the constable, shall not be liable to the fine imposed by *52 G. 3. c. 17.* for non-attendance or non-observance of such directions; but any 2 justices may forthwith hire, on as reasonable terms as may be, a fit substitute, who shall be enrolled, and perform the duties of watching and warding, and be subject to the same regulations as if he was personally liable to keep the same; and any 2 justices may, by warrant, levy by distress and sale of the goods, of such quaker, the money necessary to defray the expences of hiring such substitute, and if no sufficient goods be found, and it appear to the justices that such quaker can pay 10*l.* he may be committed to gaol (but not confined among felons) for one month, or till he have paid the sum agreed to be paid to such substitute, *1 G. 4. c. 24. s. 3.*

27. The constables of parishes, townships or places shall, at the expence of the same, provide rattles, staves, lanterns, and such arms and accoutrements as the special or petty sessions shall direct for the use of every person so keeping watch and ward, such arms or articles to be delivered to every person undertaking such duty, and to be returned by him to the special or other constable of the watch, as soon as he shall cease to be engaged therein, and shall also provide, at like expence, such watch-houses, or other conveniences, as the justices adjudge expedient, all which expences shall be paid out of the poor rates of the parish, &c. and shall be contributed in proportions settled by the special or petty sessions, subject to alteration by the next special sessions, *52 G. 3. c. 17. s. 17.*

28. Every person so appointed to watch or ward, shall, during his time of duty, to his utmost power, endeavour to prevent all felonies, affrays, outrages and disorders, and shall arrest and apprehend all night-walkers, rogues and vagabonds, and other idle and suspicious persons found within such parish, &c. and shall deliver them to the constable, or to a special constable of the parish, at the watch-house, or other place of reception appointed by him, until they can be carried before a justice of the county, *id. s. 18.*

29. Where persons so keeping watch or ward, shall want assistance therein, any other persons on like duty, having knowledge thereof, by the rattle, signal, outcry, or otherwise, shall repair to, and assist by all means in their power; but no person, during his time of duty, shall absent himself from his particular stand or walk, without consent either of the constable or special constable of the night, unless on the above occasion, or for suppressing some disorder of which he is eye or ear witness on some adjoining stand, &c. in absence of the persons keeping watch, &c. therein, nor then longer than necessary, *s. 19.*

30. Every constable or special constable, so intrusted with the direction and management of persons required to perform the above duties, shall, respectively on every night of watching, and day of warding, diligently observe the behaviour of every person so employed under him in watching and warding, and shall enter in a book his name and hours of attendance, with remarks on his conduct, whether diligent or remiss, and shall weekly or oftener, deliver such book, with other observations arising in discharge of his duty, to the chief constable of the hundred, or to the person appointed by the special or petty sessions to receive it, *id. s. 20.*

31. The magistrates of any city, borough, town, or place, having exclusive jurisdiction, as justices of peace, for its preservation therein, may carry this act into execution therein, and any 2 magistrates may make any adjudication or order, or do any thing for which any greater number of justices is hereby required as to any county, and the town clerk or other person appointed by the magistrates, may give any notice required to be given, by the clerk of the peace, for assembling any special general sessions; and all the provisions of this act, as to any counties, and justices acting therein, and as to executing this act therein, shall extend to all places, the magistrates whereof have exclusive jurisdiction as justices, *52 G. 3. c. 17. s. 21.*

32. Where the expences, attending the police or preservation of peace, in any city, &c. as in *s. 21.*, or place, within any county, are paid out of any rate made therein, distinct from any county rate, though the magistrates in such city, &c. have no exclusive jurisdiction as justices, yet they may carry this act into execution within such city, &c. and regulate the payment of expences arising therefrom separate from the county; and no such city, &c. where any such rate has been levied for executing this act, or where the expences thereof have been paid from the poor-rates, shall be liable to the rates for the county; nor shall any such rates be levied in any parish or part of such city, &c. beyond the local limits wherein watch and ward is performed under this act, *id. s. 22.*

33. All provisions herein relating to constables, extend to headboroughs, &c. or other officers performing the duty of constable, *id. s. 23.*

34. All provisions herein relating to any county, extend to any riding or division within or for which separate general or quarter sessions are held, and the justices in any county, city, &c. or place, may add any extra-parochial place to any parish for the purposes of this act; and all provisions herein relating to parishes extend to all townships or divisions thereof, and to all extra-parochial places added to any parishes for this act; and all constables and special constables, and persons having their authority, shall have full authority in any such extra-parochial place; and where no rates are levied in the latter, either for paying any expences of police, or preservation of peace, or relief of poor, out of which the expences of executing this act can be paid, the justices may cause rates to be made therein adequate to its fair proportion of expence, with the parish to which it is added; and all constables required to collect such rates, shall have the powers vested in overseers for levying poor rates, *id. s. 24.*

35. Any constable or special constable, where an offender against this act shall, on pursuit, escape out of his jurisdiction, may apprehend him at any place, though out of his jurisdiction, and may act in all other respects as if he had been taken within his jurisdiction, *id. s. 25.*

36. Every person watching or warding as such special constable, shall, for every night and day, be entitled to such compensation as the special general sessions shall direct; and every other person engaged in so watching, &c. shall (if his behaviour has been satisfactory to the constable of the watch) be entitled to the sum in like manner appointed for every night and day for which he is so employed, to be paid forthwith by the parish constable, and repaid to him by the overseer of the parish, on entry in a book by the constable, and delivered to such overseer after verification on oath before any justice for the county, and certified in writing by him as having been so verified and allowed by him; and every person from whom such compensation is withheld by any constable, may appeal to such justice, whose decision shall be conclusive, *id. s. 26.*

37. The justices in any county, city, &c. as in *s. 21. pl. 29.* or place, in which any disturbances prevail, or are apprehended, and in which any number of persons shall (with approbation of the majority of the magistrates in special general session) have voluntarily assembled for the purpose of watching and warding, and shall watch, &c. under regulations approved as above, may allow to the persons so watching, &c. (though such watch, &c. be not carried on according to this act) such compensation for their time as the magistrates think proper out of any rate levied in such county, city or place for police, poor, &c. in such proportions as seem to them proper; and the persons authorized to assess and levy such rates, may raise any sum necessary for paying such compensation by an additional rate under all the laws in force for levying the first mentioned rates, *id. s. 27.*

38. Every person who shall assault or resist any person watching or warding whilst in execution of his office, or who shall promote or encourage the same, shall, on conviction before a magistrate, forfeit any sum not exceeding 20*l.*, and shall be also liable to the other punishment on indictment, &c. for assaulting a constable in execution of his office, *id. s. 28.*

39. Every victualler or keeper of a public house who shall knowingly harbour or entertain, or permit any person so engaged in watching or warding to remain in his house tippling during his hours of duty, shall, for the 1st offence, forfeit 40*s.*; for the 2d *id.*; and for the 3d and every subsequent offence, 10*l.*, *id. s. 29.*

40. Any two justices, on information on oath by any constable or other credible witness, that any person, not a householder, nor legally

settled in the place, or a native thereof, is in his belief upon his oath dangerous to the peace of the place where he is resorting, or that he is endeavouring to seduce others to such disturbances therein, or in other places, may issue a warrant to apprehend and cause such person to come before them, and examine him on oath as to his last legal settlement and residence, means of livelihood, occupation, mode of living, and reason for resorting to the place where he is found; the substance of which examination shall be reduced to writing and signed by such justices and person so examined, and shall be transmitted to the next general or quarter sessions for the county, there to be filed of record: and if such person shall not give a satisfactory account of himself, and his way of living, and reasons for resorting to such place, &c. and it appears to the satisfaction of the justices on examination of such constable, or credible witness on oath that there is just ground to believe that the person so apprehended is engaged in practices dangerous to public peace, such justices may order him to return, or (if he refuse to obey the order) may remove him to his last legal settlement, or if it cannot be ascertained, to his last place of residence, as vagrants may by law be removed; and if such person afterwards return without shewing sufficient cause, approved by the justices, or refuse to answer on examination, or if his account of himself is proved to be false, any 2 justices may adjudge him a rogue and vagabond, within 17 G. 2. c. 5., 52 G. 3. c. 17. s. 30.

41. Any 2 justices may require the constables in any parish or place to make out and deliver to them within the time required by such justices, and as often as deemed necessary by them, true lists of all persons usually residing, or being within their parish above 14, for which purpose any constable may demand from each householder within such parish, a true list or account of the christian and surname of every such person above 14 then in his house, and for refusal to give, or for giving a false account shall forfeit not exceeding 5*l.*; and every constable who shall not make out and deliver such list to the justices demanding it shall forfeit not exceeding 10*l.*, *id.* s. 31.

42. Every person aggrieved by the judgment of such justices may appeal to the next quarter sessions for the county or place wherein the cause of complaint has arisen, on entering into a recognizance at the time of such judgment, personally to appear there to try such appeal, and abide further judgment of the sessions; but such appeal shall not prevent in the mean time the execution of the justices' judgment, unless the appellant produce 2 sufficient sureties, (householders of the parish where he was apprehended,) who shall enter into a recognizance in a sum fixed by a magistrate to prosecute such appeal and for good behaviour of appellant till its hearing, *id.* s. 32.

43. Every person guilty of any offence for which a pecuniary penalty shall be incurred by this act, may be convicted thereof by information on oath of one credible witness by any one or more justices of the county in which such offence was committed, and the penalties may be levied by distress, under hand and seal of any justice or justices for the county in which such offence was committed or penalty incurred, and when levied shall be paid in moieties to the informer and poor of the parish in which the offence was committed, and in case of no sufficient distress, the convicting justice, &c. may commit the offender to gaol or house of correction to hard labour for not exceeding 3 months, *id.* s. 33.

44. Such justice, &c. shall cause every such conviction to be drawn up in form or to the effect specified in Sch. (B.) and to be fairly written on parchment, and transmitted to the next general quarter sessions, to be kept among the records of the court, and persons aggrieved by such conviction may appeal to the next quarter sessions for the respective counties, giving the convicting justice notice in writing within 8 days after such conviction, of his intention to appeal, and the quarter sessions may proceed to the hearing and final determination thereof, and may make such order therein, and award such costs not exceeding 40*s.* to either party at discretion: which appeal, or its subject matter, and any order therein shall not be removed by *certiorari*, *id.* s. 34.

Schedule (B.) (see *id.* s. 34. pl. 44.)

'Be it remembered, that on this — day of — in the — year of the reign of His present Majesty, A. B. of — is duly convicted before me [or us] one of the justices, [or 2 of the justices] of the peace for the — under an act passed in the 52d year of the reign of His present Majesty, intituled, *an act, [insert title hereof]* for that the said A. B. on — at — did — contrary to the said act, wherefore I, [or, we] the said — do adjudge that — Given under —'

45. The justices of peace at the adjournment of any special general sessions, convened as above, may suspend the powers hereof in any parish, township, or place within their jurisdictions whenever it appears to them on sufficient evidence that the disturbance of the peace therein shall have effectually subsided or been suppressed, and that the officers ordinarily appointed for preserving the peace are sufficient for that purpose, as well as for the protection of the inhabitants, and security of property therein, and shall thereupon give notice thereof to the home secretary, *id.* s. 35.

46. No person employed as a special constable or watchman for the purposes of this act shall gain a legal settlement thereby, *id.* s. 36.

47. Nothing herein shall affect any jurisdiction or rights of Oxford, or Cambridge, 52 G. 3. c. 17. s. 37.

48. Every action brought for any thing done in pursuance hereof shall be commenced within 3 months next after the fact committed, and shall be laid in the county where the cause of action accrued, and the defendant may plead the general issue, giving this act and the special matter in evidence on any trial thereupon, and that the same was done under this act; and if it appear so done, or if the action is brought after the time above limited, or laid in another county, the jury shall find for defendant, and on such verdict, or if plaintiff is nonsuit, discontinues, or has verdict or judgment against him, on demurrer, defendant shall have treble costs, *id.* s. 38.

WATERMEN.

1. CONCERNING WATERMEN ON THE Thames, 6 H. 8. c. 7. [NOTE. This act settled the amount of fares to watermen, and was superseded by 2 & 3 P. & M. c. 16. pl. 2. and see now by 34 G. 3. c. 63. pl. 65.]

2. TOUCHING WATERMEN AND BARGEMEN on the river Thames, 2 & 3 P. & M. c. 16. and recital in s. 1. 2. [AMD. as to mariners licensed by the Trinity House, 8 El. c. 4. s. 5., 1 J. 1. c. 16. s. 3., 4 & 5 A. c. 19. s. 18.] [All penalties by these acts inflicted to go to the watermen's company, 11 & 12 W. 3. c. 21. s. 7. pl. 40.]

3. There shall be yearly appointed and elected by the mayor and court of aldermen of the city of London, 8 watermen being householders and occupying as watermen on the river Thames, between Gravesend and Windsor, which election shall be yearly at the first court of aldermen holden next after the 1st March; and such 8 watermen shall be called "The overseers and rulers of all wherry-men and watermen that occupy any rowing on the river between Gravesend and Windsor," and they shall keep good order amongst such watermen, 2 & 3 P. & M. c. 16. s. 3. [But see the companies of watermen and lightermen united, and a new order of electing rulers, &c., 11 & 12 W. 3. c. 21. s. 1. 3. pl. 33. 35.]

4. No person, where 2 watermen and no more row together in one boat or wherry, in any place betwixt Gravesend and Windsor, shall take any person into his boat, &c. to carry him therein, unless one of them has been for the most part used in rowing on the Thames for 2 years before, and one of them also admitted by such 8 overseers, as in s. 3. pl. 3. by writing under their known seal to be a sufficient waterman, on pain to be, by such 8 overseers, committed to one of the compters of London, for one month or less, 2 & 3 P. & M. c. 16. s. 4.

5. No single man not keeping household and not retained, shall use or exercise to row between Gravesend and Windsor, unless they be apprentices retained with the master for one year, upon pain of like imprisonment as in s. 4., pl. 4., *id.* s. 5. [See s. 12., pl. 14.]

6. The mayor of London and aldermen of the same city, and the justices within the shires next adjoining the Thames, within their respective jurisdictions, shall, on complaint made by such overseers, as in s. 3. pl. 3. or 2 of them, or the master of any such servant, not only examine and determine all complaints or offences committed against this act, and set at large persons imprisoned by such overseers if just cause appear so to do, but also punish such overseers who shall unjustly and without good cause punish any person under this act, *id.* s. 6.

7. Every person making any wherries or boats for carrying people on the Thames, which shall not be 22½ feet long, and 4½ feet broad in the midships, or which shall not be substantially and well able to carry 2 persons on one side tight, shall forfeit such boats, to go one moiety to H. M., and the other to the party suing, in any court of record, by action of detinue, &c. on information or otherwise, wherein no essoin, &c. *id.* s. 7.

8. Every person exercising the occupation of rowing between Gravesend and Windsor, who shall voluntarily withdraw themselves into secret places in the time of execution of any commission of pressing, and when the same is over, to return to row on the Thames again, shall, on proof thereof, by 2 witnesses before such mayor and court of aldermen, or justices, as in s. 6. pl. 6., and 2 such rulers, be imprisoned for 2 weeks, and be unable to row on the Thames for one year and a day, *id.* s. 8.

9. In case such number of watermen and lightermen as the admiralty shall give notice in writing to the company of watermen there shall be occasion for, to serve H. M., (being duly summoned by leaving notice in writing at their usual places of abode, by the company,) within 10 days after such summons, shall not appear before the rulers of such company, to be sent on board H. M.'s fleet, such persons so summoned and being duly convicted before the mayor and aldermen of the city of London, or 2 justices for such city, and 2 of such rulers, shall be imprisoned for one month, and be disabled from rowing or working on the Thames and of enjoying any of the advantages of such company for 2 years, 4 & 5 A. c. 19. s. 18.

10, 11. Such 8 rulers, as in s. 3. pl. 3., and their successors, may call before them all persons who occupy to row betwixt Gravesend and Windsor, and shall register the names of all allowed by them for watermen, in a book, and take such further order, as such rulers deem fit; and they may survey all boats and wherries before the same are launched

out of the builder's yard into the *Thames*, in order that they may be prepared according to s. 7. *pl.* 7. of this act, 24 & 25 *P. & M. c.* 16. s. 9. [See further as to registering lightermen, 11 & 12 *W. 3. c.* 21. s. 6., *post*, *pl.* 39.]

12. Every person who shall be elected such overseer or ruler, as in s. 5. *pl.* 5., who shall negligently use his place, or refuse to take the same on him, shall forfeit 4*l.*, to be applied and recovered as in s. 7. *pl.* 7. directed, 24 & 25 *P. & M. c.* 16. s. 10.

13. Assessment of fares for rowing between *Gravesend* and *Windsor*, *id.* s. 11. [R.E.P. 24 *G. 3. c.* 65. s. 1., which see *pl.* 66.]

14. No person occupying any western barge, shall take into his service any single person not keeping household, but only such as are retained by him for the whole year, and no householder but such as will answer for his good behaviour, on pain to forfeit 40*l.* to be applied and recovered as in s. 7. *pl.* 7. directed, *id.* s. 12. [Q.U. R.E.P. see 5 *El. c.* 4. s. 2. *LABOURER*, *pl.* 4.]

15. All mariners and seafaring men dwelling about the *Thames*, being thereto licensed by the master, wardens, and assistants of the *Trinity House of Deptford Strand*, and having certificate of such licence from such master and wardens, shall and may, at all times, freely exercise and row in their own wherries, as well as other men's hired by them or wherein they are hired to work up and down such river to carry persons as other watermen without let, and shall not thereby be drawn under any other government than that of such master, wardens, &c. 8 *El. c.* 13. s. 5.

16. The 8 overseers and rulers of the society or company of wherry-men or watermen, shall twice in each year, *viz.* on 1st *Sept.* and 1st *March*, cause to be read and published in the hall of their common assembly, all the constitutions and orders already made, or to be made by such overseers, &c., on pain in case of neglect, to forfeit 6*l.* 13*s.* 4*d.*, to go one moiety to H. M., and the other to the party suing by action of debt, &c. or information, wherein no *essoins*, &c. allowed, 1 *J. 1. c.* 16. s. 3.

17. CONCERNING THE TAKING OF APPRENTICES BY wherry-men and watermen, 1 *J. 1. c.* 16. [AMD. and EXT. to lightermen, 4 & 5 *A. c.* 13., 2 *G. 2. c.* 26. ss. 1, 2., 10 *G. 2. c.* 31. ss. 1—7.]

18. No wherryman or waterman who shall row on the *Thames*, and transport or carry passengers or goods in wherries, tilt boats, or barges, (other than western barges, millboats, and other vessels ordinarily serving for other uses than carrying passengers) shall retain any servant or apprentice to serve him as a waterman on such river, unless he himself has been an apprentice to a wherryman, &c. for 5 years before such retaining; and no wherryman, &c. shall retain in his service as his apprentice, any person who is not of the age of 18 years or more, and who shall be bound for 7 years, on pain to forfeit 10*l.*; to go one moiety to H. M., and the other to the party suing, in any court of record, by action of debt, &c. or information, wherein no *essoins*, &c., 1 *J. 1. c.* 16. s. 1.

19. This act shall not extend to the sons of wherry-men or watermen being of the age of 16, that shall be trained up in rowing, and have used to transport passengers from place to place, but all such sons may serve as apprentices on such river as heretofore, *id.* s. 2.

20. The clause of 1 *J. 1. c.* 16. ss. 1, 2. which restrains the taking of apprentices till they arrive at a certain age, and every rule, &c. made under 11 & 12 *W. 3. c.* 21. s. 4. for the like purposes shall be REPEALED, 4 & 5 *A. c.* 13. s. 1.

21. The court of mayor and aldermen of *London*, may at all times review or examine, alter or amend, or such rules and by-laws which relate to apprentices of watermen and lightermen, and all other orders, &c. made for governing the company of watermen, &c. which alterations and amendments shall be subject to the approbation of chief justice of K. B., and all such rules, &c. so altered, &c. shall be approved of as aforesaid, and duly observed, *id.* s. 2.

22. General saving for the Duke of *Richmond*, and the mayor and jurats of *Gravesend* and *Milton*, *id.* ss. 3, 4. [See the sections at length, 34 *G. 3. c.* 65. ss. 19, 20. *pl.* 84, 85.]

23. No person who shall keep, use, hire, or work any wherry, boat, barge, or other vessel for carrying passengers or goods for hire on the *Thames*, between *Gravesend* and *Windsor*, shall bind, take, or employ any apprentice or servant, unless he shall be an housekeeper, or have some known lodging where he may entertain such apprentice, &c. [see 10 *G. 2. c.* 31. s. 5. *pl.* 29.] and shall register with the clerk of the watermen's company, the lodging, &c. where he shall reside, or whereto he shall remove, on pain that any master or person doing contrary hereto shall, on conviction before the mayor of *London*, or one justice for such city, or for the county or place where the offender is found, by the oaths of 2 witnesses, forfeit 10*l.*, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of such mayor or justice, and for want of distress, shall by like warrant be committed to the house of correction, there to be kept to hard labour for not exceeding one month, or less than 14 days; and the clerk of such company shall, on application made to him, register the such habitation or lodging of every such waterman, wherryman, or lighterman, and every such removal in a book without fee; and if such clerk shall neglect so to do,

he shall forfeit 10*l.*, to be recovered, levied and applied as any other penalty under s. 9. *pl.* 52. of this act may be; and if any such waterman, &c. shall neglect to register his abode, and such removal, any apprentice bound to him, may on application made to the rulers and overseers of such company, or the major part of them, at any of their public courts or assemblies, be turned over to another master or mistress, any indenture, &c. notwithstanding, 2 *G. 2. c.* 26. s. 1.

24. No apprentice shall have the sole care of any boat within the liberties aforesaid, till such apprentice has attained the age of 16 years, if he be the son of a waterman, or 17 years if of a landsman, and unless such apprentice has worked on the river with some waterman, &c. for 2 years before attaining such ages, and if any apprentice under such years shall offend contrary hereto, and be convicted thereof, then the master or mistress so offending, shall forfeit 10*l.* to be levied, recovered and applied as in s. 9. *pl.* 52. directed, *id.* s. 2. Recovering of penalties, *id.* s. 9. Limitation of actions. General issue, and Public act, *id.* s. 10. [See the sections at length, *pl.* 52, 53.]

25. No person, although free of the watermen's company, who shall keep, use, hire, or work any wherry, boat, tilt boat, barge, or other vessel, for carrying passengers or goods for hire on the *Thames*, between *Gravesend* and *Windsor*, shall bind, take, retain, or employ to serve him, or to work on such river, any person as an apprentice, until such person so taken is 14 years old, and shall not exceed 20, which shall appear by the certificate of the minister or churchwardens of the parish where he was born, or by oath or affirmation of 2 witnesses, 10 *G. 2. c.* 31. s. 1.

26. Such apprentice shall be bound by indentures as usual, and be enrolled in the book of such company, to serve his master or mistress as an apprentice on such river for 7 years, on pain that every person doing the contrary shall, on conviction before the mayor of *London*, or one justice for the county, city, or place where the offender was found, or the offence committed on oath of one witness, forfeit 10*l.*, *id.* s. 2.

27. Every apprentice bound contrary to this act, shall not hereby obtain any freedom, or be entitled to any of the privileges or advantages by such apprenticeship, which watermen, wherry-men, and lightermen, free of such company are entitled to, but shall be liable to pay 10*l.* for every time he shall work any boat or other vessel, on conviction, as in s. 2. *pl.* 26. *id.* s. 3.

28. No freemen of such company, nor his widow shall at one time take or retain more than 2 apprentices, nor shall take a second until the first has served four years of his apprenticeship, under penalty of 10*l.*, *id.* s. 4.

29. No waterman, wherryman, or lighterman, though free of such company, or his widow, shall take or retain any apprentice, unless such waterman, &c. or his widow shall be occupier of some house or tenement, and shall keep his apprentices to lodge in the same house with him, on pain to forfeit 10*l.* on conviction, as in s. 2. *pl.* 26., *id.* s. 5. [See 2 *G. 2. c.* 26. s. 1. *pl.* 23.]

30. If any person shall knowingly and wilfully produce any forged or false certificate, and shall be thereof convicted before the lord mayor, or any justice of peace for the city, by the oath of one witness, he shall forfeit 10*l.*, *id.* s. 6.

31. Any waterman, &c. being owner of 12 lighters, barges, or flat-bottomed boats, in his own right, may take 2 apprentices at one time; and the owner of 20 lighters, &c. may take 4 apprentices; provided such owner first take an oath before the lord mayor, or one justice of peace for *London*, *Westminster*, *Middlesex*, *Essex*, *Surrey*, *Kent*, *Bucks*, or *Berks*, that he is *bonâ fide* the real owner of the number of lighters, &c. aforesaid, and produce such oath in writing under the hand and seal of the lord mayor, &c. to the rulers of the company at any of their public courts, *id.* s. 7. Recovery of penalties, ss. 15, 16. General issue, treble costs, s. 18. [See *pl.* 61—64.]

32. FOR THE EXPLANATION AND BETTER EXECUTION OF former acts touching watermen and wherry-men serving on the *Thames*, and for the better ordering of such watermen, &c. and lightermen on such river between *Gravesend* and *Windsor*, 11 & 12 *W. 3. c.* 21. PUBLIC clause, s. 11. [AMD. 2 *G. 2. c.* 26. ss. 3—10. PUBLIC clause, s. 10. which is AMD. 4 *G. 2. c.* 24. PUBLIC clause, s. 2. 10 *G. 2. c.* 31. ss. 8—18. PUBLIC clause, s. 19.]

33. All laws now in force concerning watermen, not hereby altered, shall be put in execution, and every person being a lighterman or owner of any lighter, or keeping any lighter or other large craft, or working in the same, between *Gravesend* and *Windsor*, shall be of the same company with the wherry-men and watermen; and such wherry-men, watermen, and lightermen, are hereby made one society and company, 11 & 12 *W. 3. c.* 21. s. 1.

34. Every person who shall keep or work, or shall be employed in navigating any lighter or other great craft on the *Thames* (*Twenty men*, fishermen, ballast men, western barges and mill-boats, chalk hoys, faggot and wood lighters, and other craft carrying the same, excepted) shall be registered in books to be kept by such company, and shall be liable to the orders, rules, &c. for the government of the company, and to the pains for enforcing the same, *id.* s. 2.

35. There shall be yearly chosen by the court of lord mayor and aldermen of *London*, 8 of the best sort of watermen, and 3 out of 12 persons to be yearly nominated by the lightermen, of the best sort

of lightermen, being householders, having 2 lighters or flat boats upon such river between such limits; which elections shall be yearly at the first court of aldermen, after the 1st June, and such 11 persons so elected shall be called "The overseers and rulers of all the wherry-men, watermen, and lightermen, that shall use any rowing upon the river of *Thames*, betwixt *Gravesend* and *Windsor*;" which rulers, &c. shall keep good order amongst the watermen and lightermen; and the major part of them may call before them, at the hall of the company in *London*, every person which shall keep or use in rowing or navigating any lighter or other great craft (except as in s. 2. *pl.* 34. excepted) betwixt *Gravesend* and *Windsor*, and shall register the names of them for lightermen to row on the river, and take such order therein as to such rulers shall seem meet for the common benefit of H. M.'s subjects, 11 & 12 W. 3. c. 21. s. 3.

36. Such rulers and assistants for the time being shall, on the first court day after 1st June yearly, by their order appoint the watermen of the principal towns, stairs, and places of plying, or the major part of them, between *Gravesend* and *Windsor*; and such watermen shall choose one free waterman, being an householder, to be of their assistants, so as they exceed not 60, or be less than 40; and on the 1st June yearly, the lightermen which meet at the hall of such company between 8 and 12 a. m. or the major part of them then present, shall choose 9 lightermen, who, together with such watermen, shall be "The assistants" of such company, to advise the rulers in the discovery and regulation of miscarriages from time to time done on such river, and for putting the laws in execution; and such rulers and assistants, or the major part of of them shall yearly, on 1st July present to the court of mayor and aldermen for their approbation 5 watermen and 2 lightermen, to be auditors of such society, who, or the major part of whom shall audit the accounts of such rulers, and on stating such accounts, the same shall be entered in a book signed by the auditors, and set in some public place in the company's hall, to be inspected by all persons concerned; and if any person duly elected a ruler, assistant, or auditor, do after notice given him, obstinately refuse to take on him the place for which elected, or shall negligently exercise the same, such offender shall forfeit 5*l.*; and such rulers, assistants, and auditors, or the major part of them present, being duly summoned by summons in writing, left at their usual places of abode, shall keep good order and obedience in such company, and provide such lawful rules, &c. as they think fit, with reasonable penalties annexed; which rules, &c. shall be laid before such court of mayor and aldermen, to be examined, altered, or approved, and afterwards confirmed by the chief justice of either bench, and such rules, &c. so approved and confirmed, shall be put in execution, *id.* s. 4, [And see as to watermen's apprentices, 4 & 5 A. c. 13. s. 2. *pl.* 21., and as to making rules, &c. 34 G. 3. c. 65. ss. 2-4. *pl.* 67.]

37. The number of assistants of such company at their future elections, shall be reduced to 30, but each shall be elected as before was usual, 2 G. 2. c. 26. s. 5.

38. The lord mayor of *London*, and the aldermen and the justices of peace within the shires adjoining the *Thames*, between *Gravesend* and *Windsor*, within their several jurisdictions, shall have power upon complaint made by such rulers, or 2 of them, to examine and determine by oath of one witness, or on confession, all offences done by any such persons contrary to this act, or any rule to be made pursuant to the authority hereby given; and by distress and sale of goods, by warrant under hand and seal of the lord mayor and aldermen, or one of the aldermen or justices, to cause to be levied all penalties touching watermen or lightermen, by this or any other act, or such rules, &c. inflicted, 11 & 12 W. 3. c. 21. s. 5.

39. All persons now owning, keeping, or working any lighter or flat boats used for the lading or unlading goods to or from ships, who shall register the names of themselves and their servants, with their places of abode, on or before the 29th Sept. 1700, in the book of such company, next, shall be deemed lightermen; and such persons, and no other (free watermen, who are not at present lightermen, that shall be registered as lightermen at any time hereafter, and such persons who shall have been retained and served his apprenticeship with a lighterman excepted) may use, keep, and work, or be employed in the working of or in any lighters or other great craft; upon pain that every person doing the contrary shall forfeit 5*l.* for every week he shall have, use, or work in any lighter or other large craft, *id.* s. 6. [Q*uod* Exr.]

40. No persons (except *Trinity* men) shall be allowed to work or ply on the river betwixt *Gravesend* and *Windsor*, in any boats or barges ordinarily serving for carrying passengers for profit, except such as shall have served apprenticeship to a waterman, or is a servant or apprentice to a waterman, and qualified as by former statutes and this act directed; and all penalties in former laws and this act shall be paid to the rulers of such watermen, &c. for the use of the poor, aged, decayed, and maimed persons of their company, *id.* s. 7.

41. The ~~persons~~ 2 G. 2. c. 26. s. 8. *only* owners or occupiers of any keys between *Hermitage Bridge*, and *London Bridge*, may use their own lighters or large craft as heretofore, for carrying goods and merchandize to and from their keys and wharfs, and to and from ships loading or un-

loading, and may employ any waterman or lighterman duly qualified as by 11 & 12 W. 3. c. 21. directed, to row and work such lighters or craft, [and to other things as heretofore lawfully accustomed, 2 G. 2. c. 26. s. 8. *only*] [and any wood monger who keeps wharfs for retailing of fuel, may keep and row by themselves or servants, any lighters or other large craft for carrying of their own goods, and none others; provided such servants be watermen or lightermen, 11 & 12 W. 3. c. 21. s. 8. *only*] 11 & 12 W. 3. c. 21. s. 8., 2 G. 2. c. 26. s. 8. [Persons keeping wharfs, and dealing in coals, may use their own lighters, 32 G. 2. c. 26. s. 1. *Local act.*]

42. This act shall not prohibit any proprietors of laystals to carry off soil from such laystals in such lighters or vessels, and by such persons as have been accustomed, nor any gardener from bringing to the markets of *London* and *Westminster*, and places adjacent, their own fruit and other products of their gardens, or soil and dung in their boats, and by their own servants as formerly, 11 & 12 W. 3. c. 4. s. 9.

43. No person shall be punished for any offence against this act, unless such offender be prosecuted within 30 days after the offence, *id.* s. 10.

44. In actions against any person for any thing done under this act, the person sued may plead the general issue, or that which was done by him was done by virtue of this act, without saying more, and give this act and the special matter in evidence; this act declared a public act; and if a verdict passes against the plaintiff, or if he is nonsuited, or discontinues, the defendant shall have double costs, *id.* s. 11.

45. Where any offender shall be punished by force of this act, he shall not incur the penalty of any other law, *id.* s. 12.

46. Such rulers, auditors, and assistants, as in s. 4. *pl.* 36., or the major part of them, on their court days, may appoint any number of watermen, not exceeding 40, to ply and work on every Lord's day, between *Vauxhall* above *London-bridge* and *Limehouse* below bridge, at places by them to be appointed, for the carrying passengers across the the river at 1*d.* each; and watermen so appointed, shall on *Monday* morning pay unto the order of such rulers, auditors, and assistants, all money by them received on the Lord's day as aforesaid; and such rulers, &c. shall pay to each waterman for his day's labour so much as they shall agree for; and the overplus shall be applied to the use of the poor, aged, decayed, and maimed watermen and lightermen of such company and their widows; and if any person appointed to work shall neglect to pay on *Monday* to the order aforesaid the money that he shall have earned on the day before, he shall forfeit to the order of such rulers, &c. 40*s.* to be recovered as in s. 5. *pl.* 38., *id.* s. 13.

47. This act shall not hinder the watermen of the parish of *St. Margaret, Westminster*, from working cross the river from *Westminster-bridge* to *Stangate*, and from the *Horse-ferry* to *Lambeth bridge*, on every Lord's day in their turns, as they have lately used to do; and the monies earned by them on that day are to be employed for the use of the poor, aged, decayed, and maimed, watermen and their widows of the parish of *St. Margaret, Westminster*; and any 2 justices of peace of such parish may call the watermen so working to account for the monies earned, and cause the same to be applied as aforesaid; and the watermen of such parish shall choose 2 stewards and a clerk on the 23d April yearly, and such watermen of such parish, or major part of them, which shall be present at a meeting of their society, shall appoint such watermen of the parish as shall in their turns work on the Lord's day as aforesaid, *id.* s. 16.

48. General saving for the Duke of *Richmond* and the mayor and jurats of *Gravesend* and *Milton*, 11 & 12 W. 3. c. 21. ss. 14, 15., 2 G. 2. c. 26. ss. 6, 7. [See the sections at length, 34 G. 3. c. 65. ss. 19, 20. *pl.* 84, 85.]

49. In all cases where distress cannot be found to satisfy the penalties inflicted by any rulers, &c. of the company, oath being made of such want of distress before the lord mayor, or any justice of peace for the place where the offender shall be found, such lord mayor, &c. may commit such offender to the workhouse or house of correction, there to be kept at hard labour for not exceeding one month, nor less than 14 days, such offender being convicted according to 11 & 12 W. 3. c. 21., or this act, 2 G. 2. c. 26. s. 3.

50. If any person not having served 7 years to any waterman, &c. (except *Trinity* men, fishermen, ballastmen, and persons employed in navigating western barges, mill-boats, chalk-hoys, faggot and wood-lighters, dung-boats, and gardener's boats, in such manner as hath been accustomed, and is allowed by 11 & 12 W. 3. c. 21. ss. 2, 9. *pl.* 34. 42.) shall row any boat, vessel, or craft upon the river for hire between *Gravesend* and *Windsor*, every such offender being convicted in manner aforesaid shall forfeit 10*l.* to be levied, &c. as in s. 9. *pl.* 52.; and for want of distress, the lord mayor, or any justice of peace for the place where the offence was committed, shall by warrant under his hand and seal commit such offender to the next public workhouse or house of correction for not exceeding one month or less than 14 days, *id.* s. 4.

51. Ferry-boats worked at or between *Kingston* and *Windsor*, on the *Thames*, shall not be deemed large craft; and all flat-bottomed boats and barges navigated from such towns, or places between them, to any other place on the *Thames*, and thence to *Kingston* or *Windsor*, or places between them, shall be deemed western barges, and may navigate the *Thames* as far as *London-bridge*; and no person so working such

ferry boats or such flat-bottomed boats or barges on such river shall be subject to any penalties by 2 G. 2. c. 26. imposed, 4 G. 2. c. 24. s. 1.

52. All penalties incurred under this act shall be sued for by the rulers and overseers of the watermen's company, or two of them, in the manner by 11 & 12 W. 3. c. 21. s. 5. *pl. 58.* directed, and shall go to such rulers, &c., to be distributed for the use of the poor of such company as they deem fit; and all prosecutions for such offences shall be commenced within one month after, 2 G. 2. c. 26. s. 9.

53. All constables and headboroughs shall aid and assist in the execution of this act; and actions for any thing done in pursuance of this act or any former act relating to the water-service on such river, or the regulating or governing such company, and persons, shall be brought within 30 days after the fact committed, and the defendant may plead the general issue, and give this act and such former acts and the special matter in evidence, and that the same was done in pursuance of such acts; and if it so appear, or if such action is brought after the time limited, the jury shall find for the defendant; and on such verdict, or if the plaintiff is nonsuited or discontinues after appearance, or has judgment on demurrer against him, the defendant shall have treble costs. This act deemed a public act, *id.* s. 10. [See 34 G. 3. c. 65. s. 17. *pl. 82.*]

54. No person who shall work or navigate any tilt-boat, row-barge, or other boat, for gain, shall carry in any such tilt-boat or row-barge more than 37 passengers, and 3 more passengers only, if brought on board by the way; nor shall carry in any other boat or wherry more than 8 passengers, and 2 more only if called in by the way; nor shall carry in any ferry-boat or wherry allowed to work on *Sundays*, more than 8 passengers at one time, on pain on being convicted by oath of one witness, or by confession, before the lord mayor of *London*, or one justice of peace for the place where the offence was committed, or the offender found, or on view of any such justice for the first offence, to forfeit 5*l.*, and for the second offence, 10*l.*: one moiety to the informer, and the other to such uses as the other penalties imposed by this act; and every person who shall offend in the premises a third time, shall be disfranchised for 12 months, from working any boat, &c., and from enjoying any privileges the members of such company are entitled to; and in case any greater number of persons shall be carried in tilt-boats, &c. than allowed, and any passenger shall be drowned, every person who shall work such boats offending therein, and being convicted, shall be guilty of felony, and transported as felons, 10 G. 2. c. 31. s. 8.

55. No person shall work any tilt-boat which shall not be of the burden of 15 tons, nor any boat which shall not be of the burden of 3 tons, in the long ferry between *London-bridge* and *Gravesend*, except such boat as shall be hired by any person for his own use, upon pain to forfeit 10*l.*, to go one moiety to the informer and the other to such uses as other penalties under this act, *id.* s. 9.

56. No person shall row or navigate any boat or wherry with a close deck, commonly called *Gravesend Wherries*, or with rails nailed to them, which are not moveable for carrying of passengers for hire between *London-bridge* and *Gravesend*, tilt-boats only excepted, on pain that every person offending herein shall forfeit 10*l.*, to go one moiety to the informer and the other to such uses as other penalties under this act, *id.* s. 10.

57. When any waterman rowing or belonging to such boats shall wilfully or negligently lose his tide either from *Billingsgate* to *Gravesend* or *vice versa*, by putting on shore to take in other passengers, except as herein is directed, or by waiting or loitering by the way, whereby such passengers shall be landed short by 2 miles, such passengers shall be discharged from paying for their passages, *id.* s. 11.

58. The rulers and overseers of the company of watermen, &c., or the major part of them, shall appoint 2 or more officers who shall give their constant attendance day and night at every time of high water at *London-bridge* and first flood at *Gravesend*, *viz.* one at *Billingsgate* and one at *Gravesend*, who, at the times of high water and first flood, shall ring a bell for 15 minutes, as a notice for all boats passing between *London* and *Gravesend* to put off on their voyages; and if, after ringing, any such boat does not immediately depart and proceed on without lying by in the river or putting again on shore within 2 miles of the ports of *Billingsgate* and *Gravesend*, as the case may be, for taking in any goods or passengers, or be not navigated by 2 sufficient men, the younger of whom shall be 18 years old, at least, then the owners shall forfeit 5*l.*, on conviction on oath of one witness before a justice for the county, city, or place where offence is committed, or the offender found, to be levied and recovered upon such boats, wherries, sails, tilts, and tackle thereof, and on the goods of the owner, in such manner as other penalties incurred by this act are to be levied, and to go in moieties to such rulers and overseers, and the informer, *id.* s. 12.

59. In case such overseers and rulers neglect to set up such bells at such places, or from time to time hereafter to appoint officers to ring the same, they shall forfeit 50*l.*, to go one moiety to the poor of the parish where the offence is committed, and the other to the party suing by action of debt, &c. or information in the courts of record at *Westminster*, wherein no essoin, &c. and only one imparlance allowed, *id.* s. 13.

60. If such officers neglect to ring such bell at the times appointed

they shall forfeit 40*l.*, to be levied, recovered, and applied as other penalties under this act may be, 10 G. 2. c. 31. s. 14.

61. All penalties incurred under this act, except such as are hereby otherwise directed to be levied and recovered, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the mayor of *London*, or one justice for the county or place where the offence was committed, or the offender found, and for want of distress, such mayor or justice may, by like warrant, commit the offender to the next public workhouse or house of correction, to be kept to hard labour for not less than 14 days, or more than one month, and such penalties, when levied, except such as are herein otherwise directed, shall be paid to the rulers and overseers of such company, and be by them distributed to their poor and decayed freemen and their widows; and all prosecutions for such penalties shall be commenced within one month after the offence was committed, *id.* s. 15.

62. Such penalties may be sued for by the rulers and overseers of such company, or any 2 of them, *id.* s. 16.

63. This act shall not hinder any persons from working any flat-bottomed boats or barges, who are entitled so to do under 4 G. 2. c. 24. s. 1. *pl. 51.*, in the manner there directed, nor subject them to any penalties by this act imposed, *id.* s. 17.

64. Actions against persons for things done under this act, shall be commenced within 6 months after fact committed, and shall be laid and tried in *London*, *Middlesex*, *Surrey*, *Essex*, *Kent*, *Bucks*, or *Berks*, and the defendant may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance hereof, and if it appears to have been so done, the jury shall find for the defendants, and upon such verdict, or if the plaintiff is nonsuited, or discontinues after defendant has appeared, or if upon demurrer, judgment is given against the plaintiff, the defendant shall have treble costs, *id.* s. 18.

65. FOR BETTER REGULATING AND GOVERNING THE WATERMEN, wherry-men, and lightermen on the river *Thames*, between *Gravesend* and *Windsor*, 34 G. 3. c. 65. PUBLIC clause, *id.* s. 24.

66. So much of 2 & 3 P. & M. c. 16. s. 11. *pl. 13.*, as subjects any person taking for his fare above the prices therein assessed to fine or imprisonment shall be REPEALED; and the court of lord mayor and aldermen of the city of *London* shall make such rules, orders, and constitution for the better government and regulation of watermen, wherry-men, and lightermen, rowing or using any boat, barge, or lighter, or other vessel upon the *Thames*, between *Gravesend* and *Windsor*, as they think fit, and may alter and repeal the same in manner, and with the approbation in s. 2. *pl. 67.* mentioned; and the mayor, recorder, and one alderman of such city within such city, and the justices of peace for the counties and places next adjoining the *Thames*, between *Gravesend* and *Windsor*, shall severally have power to enforce the laws and statutes, and also such rules, &c. so to be made, or those made by the rulers, auditors, and assistants of the waterman's company, and approved by such court of mayor and aldermen, pursuant to 11 & 12 W. 3. c. 21. s. 4. *pl. 36.*, against watermen, &c. and other persons offending against them, 34 G. 3. c. 65. s. 1.

67. Such court of mayor and aldermen may alter or repeal any of the rules, &c. now in force, or hereafter to be made, and may frame and set down in writing such others for governing such watermen, &c. owning, rowing, or working boats or other craft on the *Thames*, between the limits in s. 1. *pl. 66.* mentioned, and annex penalties to a breach of them, not exceeding 3*l.* for any one offence; and such rules, &c. may alter, repeal, or amend, as they deem fit, so as afterwards the same shall be approved by the chancellor of G. B., the lord keeper of the great seal, the chief justices of K. B. and C. P., and the chief baron of the exchequer, or one of them, who, on request of such court of mayor and aldermen, shall examine the same, and allow or alter the same as they deem fit, without fee, *id.* s. 2.

68. When any alteration in such rules, &c. or any new or other rules, &c. shall be made by such court of mayor and aldermen, a copy of such intended alterations, and of such new or other rules, &c. shall be left at *Watermen's Hall*, for the perusal of the rulers, auditors, and assistants of the watermen's company, 30 days before the same be allowed, as in s. 2. *pl. 67.* directed, in order that such rulers, &c. may submit to such court their objections, if any, and in case such rulers, &c. are not satisfied with the determination of such court of mayor and aldermen on such objections, they may submit the same to such chancellor, lord keeper, &c. or one of them, before such alterations, or such new or other rules, &c. are allowed, *id.* s. 3.

69. Such rules, &c. so to be made, altered, or amended by such court, shall, within 30 days after allowed and approved of, be printed and sent to the police offices lately established by act of parliament in *Middlesex* and *Surrey*, [see *POLICE*] and also to the clerks of the peace for the counties and places adjoining the *Thames*, to be published as the quarter sessions thereof, and also as such court of mayor and aldermen shall direct, *id.* s. 4.

70. In case any waterman, wherryman, lighterman, or other person

shall offend against the laws, statutes, rules, &c. now in force, or which shall be made by such court in pursuance of this act, or by such rulers or auditors, as in s. 1. *pl. 66.*, and approved by such court pursuant to other acts in that case provided, such mayor, recorder, or one alderman of such city, and any justice for the respective counties and places adjoining the *Thames*, between *Gravesend* and *Windsor*, within their several jurisdictions, may, on complaint made within 6 days after the commission of any such offence, summon the offender personally, or by leaving such summons at his usual place of abode, to appear and answer the complaint; and if any waterman, &c. being duly summoned shall not appear, such mayor, &c. within their respective jurisdictions, may issue his warrant to apprehend him, on oath made of due service of such summons, and cause such offender to be brought before him; and the accused being before such mayor, &c. either by means of such summons or of such warrant, he shall examine the complainant on oath, or any witness touching such offence, and if the party accused be convicted, either by confession or by oath of complainant, or one witness, such mayor, &c. may impose a fine upon him not exceeding the penalties inflicted by this act, or such other laws, statutes, rules, &c., and if such penalty is not forthwith paid, such mayor, &c. may commit the person convicted to some prison within such city, counties, and places respectively, for not exceeding one calendar month, unless the penalty be sooner paid, *34 G. 3. c. 65. s. 5.*

71. No constable or other officer shall, by virtue of such warrant, take any waterman, &c. out of any boat or craft, until the same be safely moored, or unless there are sufficient hands on board to navigate the same, and notice of this provision shall be inserted in every such warrant, *id. s. 6.*

72. Every person who shall refuse to pay any waterman, &c. the money justly due for carrying such person in his boat, according to the established rules, such mayor, recorder, aldermen, or justices of peace within whose jurisdiction such refusal is made, may summon such person to answer the complaint, by causing a summons to be served personally, or by leaving it at his usual abode; and if such person neglects to appear and answer such complaint, such mayor, &c. may issue his warrant to apprehend and bring such person before him, on oath made of the service of such summons and of such refusal to pay, and the cause being before such mayor, &c. either by such summons or warrant, such mayor, &c. on proof made of such refusal, on oath or confession, may order payment of such sum as such waterman, &c. may appear entitled to, and also award satisfaction for loss of time and costs, at his discretion; and in case of non-payment of such sums so awarded, such mayor, &c. may commit such offender to some prison within his jurisdiction, for not exceeding one calendar month, unless such sum be sooner paid, *id. s. 7.*

73. Every person refusing to pay any such waterman, &c. the money demanded by him for carrying him in his boat, and likewise refusing to give his name and place of abode, or giving any false name or abode, shall forfeit for each offence not exceeding *5l.*; and such offender may be summoned, and otherwise proceeded against, not only for the recovery of the money due to such waterman, &c., and satisfaction for loss of time, and costs, but also for such *5l.* penalty, in the same manner as in *s. 7. pl. 72.* directed, *id. s. 8.*

74. In case any waterman, &c. or widow of any waterman, &c. has cause of complaint against any other waterman, &c. or widow of any other waterman, &c. whether master, apprentice, or servant, for any offence against this act, or such other laws, statutes, rules, &c. whereby the complainant shall deem himself or herself injured, damaged, or ill-treated, the overseers and rulers of the company of watermen, or 2 of them, (as well as such mayor, recorder, aldermen, and justices,) may determine the same, and convict the offender as here mentioned; (*viz.*) Two such overseers or rulers, on complaint made by such waterman or widow, within 6 days after the commission of any such offence, may summon the offender to appear and answer the same, by serving such summons personally upon him or her, or by leaving it at his last or usual place of abode, and the accused being before them, may examine the complainant or any witness touching such offence, and determine the same; and if the offender is convicted, such overseers or rulers may impose a fine on him, not exceeding the penalty inflicted by this act, or said other laws, statutes, rules, &c. and in case the same is not paid forthwith, such mayor, &c. within whose jurisdiction the offence was committed, shall, on production of the conviction drawn up as set forth below, issue his warrant to apprehend and bring such offender before him, and if on being so brought the penalty is not then paid, such mayor, &c. may commit him to some prison within such city, counties, or places for any time not exceeding one calendar month, unless the penalty is sooner paid, *id. s. 9.*

Form of Conviction.

— } Be it remembered, that on this — day of — in the — year of H. M.'s to wit. } reign, A. B. is convicted before us — 2 of the rulers of the society or company of watermen, wherry-men, and lightermen, for [here set forth the offence], and we do adjudge him to pay and forfeit for the same the sum of —. Given under hands and seals the day and year aforesaid.

75. The authority here given to such overseers and rulers shall not extend to the conviction of any offender who is not a waterman, &c. or the apprentice or servant to a waterman, &c. nor to any case in which the party damaged, or the complainant, is not a waterman, &c. or the apprentice or servant of a waterman, &c. duly authorized to act as such *34 G. 3. c. 65. s. 10.*

76. Every apprentice to a waterman, &c. imprisoned for offences against this act, or against such other laws, statutes, rules, &c. as in *s. 1. pl. 66.*, shall serve his master or mistress, his or her executors, administrators, and assigns, not only till the expiration of the term for which such apprentice ought to serve by law, or by any agreement, but also for such further space of time, to be computed from the end of such term, as shall be equal in extent to the time for which he was imprisoned; and no such apprentice shall be considered as having served a legal apprenticeship, unless, and until, he has actually and *bona fide* served such further time, according to the intent of this act, *id. s. 11.*

77. In every case where any oath is directed by this act to be taken, such mayor, recorder, alderman, and justices respectively before whom such oath is directed to be taken, shall have power to administer the same, or instead thereof, in case of a quaker, a solemn affirmation; and the mayor, recorder, &c. before whom any person is convicted under this act, shall draw up conviction in form following; (*viz.*)

— } Be it remembered, that on this — day of — in the — year of H. M.'s to wit. } reign, A. B. is convicted before me — one of H. M.'s justices of the peace for the city, county, or place, [as the case is], for [here set forth offence], and I adjudge him to pay and forfeit for the same the sum of —, being the penalty by him forfeited; and also the sum of — for loss of time and costs, [if any awarded]. Given under my hand and seal, [or our hands and seals,] the day and year aforesaid, *id. s. 12.*

78. All penalties levied and received under this act shall be paid to the rulers and overseers of such company, or the major part of them, within one calendar month after levied, to be by them distributed to the poor, aged, and decayed freemen of such company and their widows; saving that the convicting magistrate may reward the informer out of the same, according to his discretion, so as such reward shall not exceed one half, *id. s. 13.*

79. Persons aggrieved by order or judgment of any such mayor, &c. or of such overseers or rulers, on account of any offence against this act, or such rules, &c. may appeal to the next general or quarter sessions holden for the place where the conviction was had, they, at the time of conviction, entering into recognizance, with one surety in *20l.*, to prosecute such appeal with effect, and abide the order made thereon; and the justices at such sessions shall determine such appeal, and make such order thereon, and award such costs as to them appear just, and may cause such costs, together with the penalty adjudged, to be levied under an order of sessions by distress and sale of the goods of the party refusing to pay, or of his surety, *id. s. 14.*

80. No orders or proceedings of such mayor, &c. overseers, or rulers respectively, under this act, shall be quashed for want of form, and the order of sessions shall be final; and no proceedings of such mayor, &c. out of or in sessions, shall be removable by *certiorari* or otherwise, *id. s. 15.*

81. No person shall be punished for any offence against act, unless such person is prosecuted within 6 days after the offence committed, *id. s. 16.*

82. Actions against any person for any thing done under this act shall be commenced within 3 calendar months after the cause accrued, and shall be laid and tried in the county, &c. where they arose; and the defendants may plead the general issue, and give this act and the special matter in evidence, and that same was done in pursuance hereof, and if it so appear, or if such action was brought after the time limited, or laid in the wrong county, &c. the jury shall find for the defendants, or if the plaintiff is nonsuited, or discontinues, or if judgment is given for the defendant therein, then the defendant shall have double costs, *id. s. 17. [See 2 G. 2. c. 26. s. 10. pl. 53.]*

83. The *24 G. 2. c. 44.*, so far as same relates to rendering justices more safe in execution of their offices, shall extend to such mayor, recorder, aldermen, and justices acting under this act; and no action shall be commenced against any peace officers for any thing done in execution of this act, until notice in writing given or left at his usual place of abode by the attorney for the plaintiff, which notice shall contain the name and place of abode of the plaintiff, together with the cause of action, and the name and place of abode of the attorney shall be underwrote or indorsed thereon; and any peace officer may, within 14 days after such notice, tender any sum as amends to the plaintiff or his attorney, and if not accepted the defendant may plead such tender in bar, together with the general issue, and any other plea with leave of the court; and if on issue joined the jury find the amends tendered sufficient, they shall find a verdict for the defendant, and in such case, or if the plaintiff is nonsuited, discontinues, or has judgment against him on demurrer, the defendant shall have his costs, but if the jury shall find that no tender was made, or that the amends tendered were not sufficient, and against the defendant on such other plea, they shall give a verdict for the plaintiff, with such damages as they deem fit, together with full costs, *id. s. 18.*

84. This act shall not in any way impeach any right of the late Duke of Richmond, lord of the manor of *Gravesend*, his heirs, executors, administrators, or assigns, for the holding of a court in such manor, called "The Court of the Water Course," for the better government of barges, boats, and vessels using the passage from *Gravesend* to *London*, and of the persons owning or working the same, or any other rights, &c. of such duke, his heirs, &c. relating to such passage, or to the barges, &c. using the same, or plying at the bridge of *Gravesend*, or persons owning or working the same, 11 & 12 W. 3. c. 21. s. 14., 4 & 5 A. c. 13. s. 3., 2 G. 2. c. 26. s. 6., 34 G. 3. c. 65. s. 19.

85. This act shall not in any way impeach the grants, liberties, franchises, customs, privileges, or usages now lawfully enjoyed by the mayor, jurats, and capital inhabitants of *Gravesend*, and *Milton*, in *Kent*, relating to the passage upon the *Thames*, from such places to *London*, or the government thereof, but such mayor, &c. may enjoy the same as if this act had not been passed, 11 & 12 W. 3. c. 21. s. 15., 4 & 5 A. c. 13. s. 4., 2 G. 2. c. 26. s. 7., 34 G. 3. c. 65. s. 20.

86. This act shall not alter or abridge the powers vested in the master, wardens, and assistants of the *Trinity House*, *Deptford Strand*, by 8 El. c. 13., nor shall any mariner, licensed, or to be licensed by such master, &c. to row or use any boat or wherry upon the *Thames*, or any men employed by such master, &c. in rowing or using any ballast lighters, or boats, on such river, be subject to such rules, &c. of such mayor and aldermen, 4 & 5 A. c. 13. s. 4., 34 G. 3. c. 65. s. 21.

87. All clauses and exceptions in former laws now in force for regulating watermen, &c., not hereby expressly altered or repealed, shall be in force, 34 G. 3. c. 65. s. 22.

88. Persons convicted and punished for any offences against this act, shall not suffer for such offence by virtue of such other laws or any statutes, of this realm, or of such rules, &c.; and no offender against such laws, statutes, rules, &c., shall be twice punished for one offence, *id.* s. 23.

WAX.

(STATUTE repealed.)

CONCERNING WAX-CHANDLERS, THE PRICE OF CANDLES, and other things wrought of wax (as figures, &c.), 11 H. 6. c. 12. [REP. by 21 J. 1. c. 28. s. 11.]

(STATUTE in force.)

1. FOR TRUE MELTING, MAKING, AND WORKING OF WAX, 23 El. c. 8.

2. Every person who shall, in making and melting wax use any deceit, by mixing it with rosin, tallow, turpentine, or other deceitful thing, to the intent to sell, or to offer to sell, the same for wax, shall forfeit the corrupted wax; and if the same is sold before such fault is found, the melter or procurer thereof shall forfeit 2s. per lb., one-half to H. M., the other to the party deceived, if he will sue, or else to any person suing for the same in any court of record, *id.* s. 1.

3. Every melter and maker-up of unwrought wax shall have a stamp of the breadth of 6d., whereon shall be graven two letters, signifying his name, and shall stamp every piece of wax triangle, in 3 places, on the outside of the upper part thereof, on pain to forfeit the value of every piece offered to be sold and not marked, *id.* s. 2.

4. No person shall melt, mix, work, or sell, any wrought wax, or wares wrought with wax, as lights, staff torches, red wax or sealing-wax, book candle, searing candle, scaring of dead corps, links, green or red wax, or any other wax-work for sale, but with good stuff, in convenient quantity; and every person who shall work or sell such stuff, shall have a mark to set on his work; and such as shall work, sell, or to sale put any such false wax, or wares wrought with wax, shall forfeit the same, to be divided as in s. 1. *id.* s. 3.

5. Every person who shall offer to sale any corrupted or false mingled wax, shall forfeit the same, to be divided as in s. 1. And all barrels, kilderkins, and firkins, filled with honey by the maker and seller, shall be marked with two letters for his name, each being one inch and a half long at least, burnt on the head of a cask with an iron, on pain to forfeit 6s. 8d. for every cask offered to be sold, and not marked; and any person who shall fill and sell, or cause to be filled or offered for sale, any barrel, &c. with honey, for a barrel, &c. containing less than 32 wine gallons the barrel, 16 gallons the kilderkin, and 8 gallons the firkin, shall forfeit, for every 1/2 gallon lacking, 5s.; and every person corrupting the honey sold, or to be sold, with any deceitful mixture, shall forfeit the vessel and honey, to be divided as in s. 1., *id.* s. 4.

6. This act, as touching the making of wax, shall not extend to any person selling the wax of their own bees, in open markets, in small pieces, nor to any servants mingling, &c. wax at command of their master, so as they confess the same, *id.* s. 5.

7. Every person who shall counterfeit any of the above marks, or shall set the mark of any other person, without consent, shall forfeit 5l. to be divided as in s. 1., and for non-payment shall be set on the pillory in the next market town, and suffer 3 months' imprisonment, *id.* s. 6. [See pillory abolished, 56 G. 3. c. 138. PILLORY.]

WEARS. — WEIGHTS AND MEASURES.

WEARS.

(STATUTE repealed.)

TO CONFIRM ALL FORMER STATUTES AGAINST UNLAWFUL WEARS, 21 R. 2. c. 19. [REP. 1 H. 4. c. 3., but re-enacted 1 H. 4. c. 12.]

(STATUTES in force.)

1. FOR PUTTING DOWN AND REMOVING OF WEARS, &c. 9 H. 3. M.C. c. 23., 25 Ed. 3. St. 4. c. 4., 45 Ed. 3. c. 2., 1 H. 4. c. 12., 4 H. 4. c. 11. [All these acts CONF. 1 H. 5. c. 2. AMD. and ENFORCED, 12 Ed. 4. c. 7.]

2. All wears shall be put down through the *Thames* and *Medway*, and through all *Eng.*, except by the sea-coast, 9 H. 3. M.C. c. 23. [CONF. in order to free passage of rivers, and safety of fish, 12 E. 4. c. 7. s. 1.]

3. All mills, wears, stanks, stakes, and kiddles, set up in the time of King Edward I., and after, whereby ships and boats are disturbed, shall be pulled down, without being renewed; and thereupon writs shall be sent to the sheriffs, and justices shall be thereupon assigned, at all times needful, 25 Ed. 3. S. 4. c. 4.

4. If any such annoyance, as in 25 Ed. 3. c. 4., shall be done, it shall be pulled down, by the process contained in that statute; and he that shall repair such annoyance, and be thereof attainted, shall incur the penalty of 100 marks to H. M., to be levied by estreats to the exchequer; and such law shall hold of annoyance made by enhancing such wears, &c. as by new levying them, 45 Ed. 3. c. 2.

5. Commissions shall be made to justices in every county of *Eng.* where necessary, to survey and keep the waters and great rivers, and to amend defaults, and make due execution of the said statutes, as well by their survey, advice, and discretion, as by inquest, to be taken, and to hear and determine the things aforesaid, and to survey the wears, mills, stanks, stakes, and kiddles, made before Ed. 1.'s time, and to pull down and amend those which they find too much enhanced and straitened; and if any such nuisances of wears, &c. in old time made, be judged to be pulled down and amended, he that has the freehold shall make thereof execution at his own costs, within half a year after notice, on pain of 100 marks, to be paid to H. M. by estreats in exchequer; and he that causes them to be repaired, enhanced, or straitened, against the said judgment, and is thereof convict, shall incur 100 marks penalty; and in case any person is grieved by execution, or otherwise, in this behalf, against right and reason, he may pursue and shall have remedy, 1 H. 4. c. 12.

6. "Recital that the passage of ships was disturbed, and fry of fish destroyed, and given to swine to eat, by reason of wears in the rivers." Commissions shall be issued to justices and others in every county where needful, to inquire of all things contained in the above statutes, and to punish offenders by fine; saving to H. M. the penalties thereon; and the estreats of such fines shall be delivered by the justices to the sheriff, by indenture, who shall pay of the issues of such estreats to such justice 4s. for every day that he shall travel to exercise his commission, and shall have allowance thereof in exchequer, 4 H. 4. c. 11.

7. If by award of the commissioners assigned according to 1 H. 4. c. 12., it is found that any wears, fish-garths, mills, mill-dams, or stanks, locks, ebbing-wears, stakes, kedels, hecks or flood-gates, are made, enhanced, straitened, or enlarged, against that statute, and the offenders being duly warned by the sheriff, by *scire facias*, do not, within 3 months, amend and break down the same, they shall forfeit 100 marks, to be paid by estreats into exchequer, 12 E. 4. c. 7. s. 1.

8. Every offender, his heirs or assigns, continuing such default, shall forfeit 100 marks, in moieties to H. M. and party suing for same in debt, by original writ, without fine in chancery, no protection or essoin in H. M.'s service being allowed, *id.* s. 2.

9. Every person, other than such against whom such judgment was made, being heir or assignee to them, and continuing such wears, &c. shall forfeit for every month 100 marks, to be divided as in s. 2., *id.* s. 3.

WEIGHTS AND MEASURES.

(STATUTE repealed.)

ALL MEASURES SHALL BE ACCORDING TO H. M.'s STANDARD, &c., 34 Ed. 3. c. 6. [REP. 21 J. 1. c. 28. s. 11.]

(STATUTES in force.)

[NOTE.—All the statutes on this subject previous to 8 H. 6. c. 5. are CON. by that act, s. 1., and by 11 H. 7. c. 4. s. 1.]

1. ONE MEASURE OF WINE shall be throughout the realm, and one measure of ale, and one measure of corn, viz. the quarter of *London*, and one breadth of dyed cloth, russets, and haberjects, viz. 2 yards within the lists. And it shall be of weights as of measures, 9 H. 3. (M.C.) c. 25.

2. AN ENGLISH PENNY, CALLED A STERLING, shall weigh 32 wheat corns, in the midst of the ear, and 90 pence make an ounce, and 12 ounces a pound *London*, and 12 lbs. and 1-half the stone *London*, and 8 pounds make a gallon of wine, and 8 gallons a *London* bushel, which is the 8th part of a quarter. *Stat. incert. temp., Tractatus de Ponderibus et Mensuris*, No. III. or 31 E. 1.

3. *Compositio ulnar. et pert. incert. temp.* Three grains of barley dry and round make an inch, 12 inches a foot, 3 feet a yard, 5 yards and a half a perch; and 40 perches and 4 in breadth make an acre. *Stat. incert. temp.* When an acre of land contains 10 perches in length, it shall contain 16 in breadth: when 11 in length then in breadth 14 perches and a half and $\frac{1}{4}$ of a foot, &c. *Stat. de Admensuratione Terrarum, incert. temp.* [See APPENDIX.]

4. THE STANDARD OF BUSHELS, GALLONS, AND ELS, shall be sealed with an iron seal of H. M., and safe kept; under pain of 100*l.*; and no measure shall be in any town, unless it agree with H. M.'s measure, and marked with the seal of the shire town; if any sell or buy by measures unsealed, and not examined by the mayor or bailiffs, he shall be grievously amerced: and the measures of every town shall be examined twice in the year: if any he convict for a double measure, he shall be imprisoned for his falsehood, and grievously punished, *Stat. incert. temp. c. 8. Ordin. for bakers.*

5. THE STANDARD shall be in custody of the mayor and bailiffs, and 6 lawful persons of the town being sworn, before whom all measures shall be sealed; no grain shall be sold by the heap or cattle, except oats, malt, and meal, *id. c. 9.* [But see 16 C. 1. c. 19. s. 2. *infra*, pl. 36.]

6. THE LOAD OF LEAD doth consist of 30 formels, and every formel of 6 stone, except 2 lbs., and every stone doth consist of 12 lbs., and every lb. of the weight of 25*s.*, whereby the sum in the formel is 70 lb.; but the sum of the stones in the load is 8 score and 15; there is a wey as well of lead as of wool, tallow, and cheese, and weigheth 14 stone; and 2 weys of wool make a sack, and 12 sacks a last; but a last of herrings containeth 10,000, and every 1000 ten 100, and every 100 six score; a last of leather doth consist of 20 diker, and every diker 10 skins; a diker of gloves consists of 10 pair, a diker of horse-shoes of 10 shoes; a dozen of gloves, parchment, and vellum, contain 12 skins, and 12 pair of gloves; a cwt. of wax, sugar, pepper, cinnamon, nutmegs, and allum, containeth 13 stone and half, and every stone 8 lbs.; the sum of pounds in a cwt. 108 lbs.; the pound of pence, spices, confections, &c. consisteth of 20*s.*, but the lb. of all other things weigheth 25*s.*; of confections the lb. containeth 12 oz., and an oz. 20 dr.; a hundred of canvas and linen cloth consisteth of 100 ells, and every hundred contains 6 score; but the 100 of iron and shillings consisteth but of 5 score; the dozen of iron consisteth of 6 pieces; the seem of glass containeth 24 stone, and every stone 5 lbs.; a binn of eels consisteth of 10 strikes, and every strike 25 eels, but the binn of skins consisteth of 35 skins; a timber of coney skins and grays consisteth of 40 skins; a cheff of fustian consisteth of 14 ells; a cheff of sindon containeth 10 ells; a hundred of garlic consisteth of 15 ropes, and every rope containeth 15 heads; an 100 hard fish is 8 score, *Tractat. de Pond. et Mens., Stat. incert. temp. III.*

7. THE TREASURER shall cause to be made standards of bushels, gallons, and weights of brass, and send the same into every county; and there shall be assigned 2 or more persons in every county, to survey that the measures and weights be according to the standard, who have power to enquire, hear, and determine, and to punish all that shall be found guilty; and the sheriffs at their command shall retain them in prison till they have made fine to H. M.; and every person that will complain of such as offend in buying or selling, shall be heard as well for H. M. as for themselves, 14 E. 3. St. 1. c. 12. s. 1.

8. The said assignees shall deliver their estreats every year in the morrow of St. Michael at the exchequer, and take for their expences the fourth part that they may levy, and answer to H. M. of the three parts, but the clerk of the market shall do his office as in times past; lords of franchises shall not be put out of their franchises by this ordinance, *id. s. 2.*

9. COMMISSIONS to assay measures, ells, and weights, shall not issue, 18 E. 3. c. 4. [But see 25 Ed. 3. St. 5. c. 10. pl. 11.]

10. THE WEIGHT called *cunsel* shall be taken away, and every sale and buying shall be by the balance, so that the balance be even; and the sack of wool shall weigh but 26 stone, every stone 14 pound; and if any buyer do the contrary, he shall be grievously punished, as well at the suit of the party as at H. M.'s suit, 25 E. 3. St. 5. c. 9. [Conf. 34 Ed. 3. c. 5.]

11. ALL MEASURES, *vis.* bushels, half bushels, peck, gallon, pottel, and quart, shall be according to H. M.'s standard; and the quarter shall contain 8 bushels; and every measure of corn shall be stricken without heap; saving the rents and farms of lords, which shall be measured as in times past; and at all times needful H. M. shall assign justices in every county to enquire, &c. upon the points aforesaid, as well at the party's suit as at H. M.'s, so that all franchises be saved to the lords, 25 E. 3. St. 5. c. 10.

12. ONE WEIGHT, ONE MEASURE, and one yard, shall be through all the land; and wools and all goods of weights shall be weighed by the balance, so that it be even; and he that doth against this, to the damage of the seller, shall forfeit to H. M. the value of the merchandize, and the party that will complain shall have the quadruple of his damage, and the trespasser shall have one year's imprisonment, and be ransomed at H. M.'s will; and justices shall be assigned to enquire of such trespasses at all times needful, 27 E. 3. St. 2. c. 10.

13. ONE MEASURE AND ONE WEIGHT shall be through *Eng.*; and every man that shall be convict that he hath any other measure or weight, shall have imprisonment of half a year, and recompence the party grieved to the double of his loss, except in the county of *Lancaster*, because in that county it hath always been used to have greater measure; and none shall buy or sell wool at more weight than 14*lbs.* the stone, on pain to pay the double to him that is grieved, and make fine and ransom to H. M.; and none shall make other refuse of wool but cot, gare, and villein; and none shall buy wool by the words *good packing*, or the like, upon pain the broker to have imprisonment half a year, and the buyer to make fine, and the party grieved to have double damages, 13 R. 2. c. 9.

14. THE SAID STATUTES shall be firmly kept, as well in *London* as in any other place, as well by water as by land; and none shall buy corn nor malt but at 8 bushels the quarter, according to the said statutes, upon pain of forfeiture of the corn or malt so bought; saving to H. M. the forfeiture, except franchises royal, to whom H. M. hath granted the same forfeit: and as well the mayor and sheriffs of *London* as the mayors and bailiffs of other cities, boroughs, towns, and markets (if they do not thereof due execution) shall incur like pain, as well at the suit of H. M. as of the party or any other that will sue for him, 15 R. 2. c. 4.

15. NONE SHALL BUY CORN by other measure but 8 bushels stricken for the quarter, at 8 gallons to the bushel [this is *Winchester* measure, see 22 C. 2. c. 8. s. 2. pl. 40. 13 & 14 W. 3. c. 5. s. 29. pl. 52.]; and if any buy corn otherwise, or by other measure, and thereof be attainted, he shall have one year's imprisonment, and pay to H. M. 100*s.*, and to the party grieved other 100*s.*, and the party which will sue shall have an action upon the case; and the justices of peace have power to enquire and hold plea of these things, as well at the suit of H. M. as of the party; and nothing shall be taken for measuring of corn, 1 H. 5. c. 10. s. 2.

16. NO MAN SHALL BRING into, nor make within the realm, a tun of wine, except it contain of *English* measure 252 gallons, the pipe 126 gallons, and so after the rate the tertian and the hogshhead of *Gascogne* wine, upon pain of forfeiture of the wine, [and see as to measures of wine and oil, 1 R. 3. c. 13.]; nor barrel of herring, nor of eels, unless they contain 30 gallons; nor butt of salmon, unless it contain 84 gallons; nor kilderkins, tertians, and firkins, of herring; nor of eels, nor of salmon, but after the rate, fully packed, on pain of forfeiture of the herring, eels, and salmon, to the lord of the town, and he that will sue shall have the 4th of the forfeiture: and the justices of peace, and mayors and bailiffs, having power to enquire of the peace, shall enquire, hear, and determine the same defaults; and this shall extend as well within the county of *Chester* as elsewhere, 2 H. 6. c. 11.

17. IN EVERY CITY, borough, and town, common balance shall be with common weights sealed, according to the standard of the exchequer, at the common costs of the city, &c. in the keeping of the mayor or constable, at which balance all the inhabitants may freely weigh, without paying; taking nevertheless of foreigners for every draught within the weight of 40*lb.* a farthing; and for every draught betwixt 40*lb.* and 100, an halfpenny; and for every draught betwixt 100*lb.* and 1000*lb.*, 1*d.*; whereof the weights shall be maintained, and the officers rewarded, 8 H. 6. c. 5. s. 1.

18. And no man shall use weight or measure, nor other thing in the place of weight or measure, that is not sealed according to the standard, nor put any thing to the same that may increase the measure or weight, upon pain of 2 years' imprisonment, and fine and ransom. And the justices of peace, mayors, bailiffs, and stewards of franchises, shall have power to examine the trespassers, and enquire of offenders against this ordinance, *id. s. 2.*

19. And every city, on pain of 10*l.*, every borough, on pain of 100*s.*, and every town where a constable is, on pain of 40*s.* shall have a common balance with weights, *id. s. 3.* [But not if it be not a city, &c., 11 H. 7. c. 4. s. 6. pl. 26.]

20. IN EVERY CITY, BOROUGH, and town, there shall be a common bushel sealed according to the standard in the exchequer, upon the same pain as in 8 H. 6. c. 5. is specified of a common balance; and the mayor of *London*, and all other mayors and bailiffs, and all justices in every county shall have power to put the statutes concerning weights and measures in execution, and hear and determine all offences against the same, as well at the suit of H. M. as of the party grieved, and of any other of H. M.'s people which will sue for H. M., and that as well,

by examination of the parties as by issues tried, and other process; and he that is attainted of any default against 1 H. 5. c. 10. shall pay to him at whose suit he is attainted, 100s. and his costs, and to H. M. another 100s.; and as well the mayor of London, at his first coming to the exchequer before the treasurer and barons of the exchequer, as every of the other mayors and bailiffs, in their oaths of their offices, shall be sworn to keep the above statutes; and all the mayors and bailiffs of cities and boroughs, accountable in the exchequer, shall yearly account of the forfeitures that may pertain to H. M. by the said statutes, saving to the lords, cities, and boroughs, their liberties, 11 H. 6. c. 8.

21. TO THE KNIGHTS AND CITIZENS in this present parliament, barons of the five ports, and certain burgesses, shall be delivered one of every weight and measure of brass according to the standard in the exchequer [*new ones sent*, 12 H. 7. c. 5. s. 2.] and the said knights, &c. shall convey the same by the citizens to their cities, and by the knights to such borough or town corporate, or market town within the shire, as is specified in a schedule unto this bill annexed, there to remain in the keeping of the mayor, bailiff, or other head officer, as H. M.'s standard, 11 H. 7. c. 4. s. 1.

22. And the inhabitants of all cities, boroughs, and market towns, shall cause to be made common measures and weights, according to the weights and measures abovesaid, to remain with the same cities, &c., the same to be examined and marked by the mayor, &c. or other head officer, in whose possession the standard shall remain; and every mayor, bailiff, or other head officer, having the said weights and measures signed with a letter H crowned, shall sign like weights and measures unto every the subjects requiring the same, taking for marking of every bushel 1d.; and no person within any city, borough, or market town, shall buy or sell with any weight or measure, except it be marked in manner aforesaid, nor any other person out of the said cities, &c. except it be equal with the standard, and every person shall buy and sell with a bushel sealed, *id.* s. 2.

23. And all mayors and other head officers of every city, borough, or market town, shall cause twice in the year, or oftener, all weights and measures to be brought afore them, and such as they shall find defective to be broken and burnt, and the parties which have offended shall forfeit for the first time 6s. 8d. to the said mayor, and the second time 13s. 4d., and the third time 20s., and be set upon the pillory; and 2 justices of peace, whereof one of the *quorum*, shall have authority, as well by examination as by enquiry, to hear and determine the defaults of the mayors and other head officers, and also of all buyers and sellers doing contrary to this act, and to set fine and amercement upon the offenders, *id.* s. 3.

24. There shall be but 8 bushels stricken to the quarter of corn; and 14 lb. to the stone of wool, and 26 stone to the sack, *id.* s. 4.

25. The justices of peace shall make like process against all persons found as abovesaid defective, as if they were indicted for breaking the peace, *id.* s. 5.

26. And where by other statutes [8 H. 6. c. 5., 11 H. 6. c. 8.] it is ordained that every city, borough, and town that hath a constable, should have common weights and measures sealed, on penalty in the same limited, those penalties shall not extend to any town which is no city, borough, or market town, *id.* s. 6.

27. Provided that this act shall not extend unto any person selling or buying by water measure within ship-board; and the said water measure shall only contain 5 pecks after the said standard stricken, *id.* s. 7.

28. The examination of the faults abovesaid within the five ports shall be by the lord warden, or his lieutenant, *id.* s. 8.

29. This act shall not extend to the prince within the duchy of Cornwall, for any weights belonging to the coinage of tin within Cornwall and Devonshire, *id.* s. 9.

30. The names of towns limited for the custody of weights and measures, viz. Appleby, Newcastle, Carlisle, Lancaster, York, Lincoln, Derby, Nottingham, Leicester, Coventry, Uppingham, Northampton, Bedford, Buckingham, Cambridge, Huntingdon, Norwich, Bury, Chelmsford, Hertford, Westminster, Maidstone, Guildford, Lewes, Oxford, Reading, Shrewsbury, Stafford, Hereford, Gloucester, Worcester, Salisbury, Winchester, Ilchester, Dorchester, Exeter, Lestwithiel, London, Bristol, Dover, Southampton, Chester, *id.* *ibid.*

31. THE MEASURE of the bushel shall contain eight gallons of wheat, and every gallon 8lb. troy, and every pound 12 oz., and every ounce 20 sterlings, and every sterling 32 corns of wheat in the midst of the ear, according to the old law, 12 H. 7. c. 5.

32. And new bushels and gallons shall be made, and remain in the treasury; and every city, borough, and town, which have any bushel or gallon, shall carry a bushel and gallon to be made as aforesaid at the costs of the same city, &c. there to remain, *id.* s. 2.

33. The act 11 H. 7. c. 4. to stand in strength with his penalties upon the said bushel and gallons new to be made, upon pain of 20l. upon every city, borough, town, or other place, having the keeping of the common

measures, that keep any other bushel or gallon than is ordained by this act, 12 H. 7. c. 5. s. 2.

34. SOAP MAKERS shall make their vessels, for soap for sale, to contain as follows:

When empty	the barrel half do. firkin	shall contain	gall. 32 16 8	and weigh not above	lbs. 26 13 6½

good measure, on pain to forfeit every barrel, &c. made contrary hereto, and 3s., 23 H. 8. c. 4. s. 6. [See as to gauging such vessels and other regulations, COOPER, *pl.* 1.]

35. THE ASSIZE OF 32 GALLONS WINE MEASURE which is about 28 gallons old standard, well packed, and containing usually 1000 full herrings at least, shall be good assize of herring barrels, 13 El. c. 11. s. 5.

36. FOR REFORMATION OF FALSE WEIGHTS and measures, 16 C. 1. c. 19. and recital in s. 1. [RE. as to s. 7. as to water measures of corn ground or unground, and salt, by 22 C. 2. c. 8. s. 2. See rest of this title, MARKETS AND FAIRS, *pl.* 6.]

37. There shall be but one weight, measure, and yard, according to the standard of exchequer throughout the realm, as well within as without privileged places, and every measure of corn shall be stricken without heap: and whoever shall sell, buy, or keep any other weight, measure, or yard, whereby any article is bought or sold, shall (if lawfully convicted by the oath of one witness before a justice or head officer of the county, city, or town, or corporation where the offence is committed) forfeit for each offence 5s., to be levied by distress and sale of their goods and chattels, by the churchwardens and overseers, to the use of the poor of the parish; and in default of distress any justices or head officer respectively may commit the party to gaol till the penalty be paid, 16 C. 1. c. 19. s. 2.

38. The act shall not extend to the rents of farms or lands, or to corn rents payable to any lords, colleges, or societies, by lease, covenant, or agreement; but the same shall be paid as before, and water measure shall continue in ports, maritime towns, and other places as formerly, *id.* s. 7. [RE. as in *pl.* 36.] General issue, *id.* s. 8. And treble costs to defendant, *id.* s. 9. [See the sections at length, MARKET, *pl.* 11.]

39. FOR ASCERTAINING THE MEASURES OF CORN AND SALT, 22 C. 2. c. 8., and recital in s. 1. [an additional act 22 & 23 C. 2. c. 12.]

40. If any person shall sell any corn or salt usually sold by the bushel by any other measure than that which is agreeable to the standard in H. M.'s exchequer, called the Winchester measure, containing 8 gallons to the bushel, struck even by the brim by the seller, and sealed, he shall forfeit 40s. to be levied as in *pl.* 37., by warrant of any justice of peace, 22 C. 2. c. 8. s. 2. [Penalty enlarged 22 & 23 C. 2. c. 12. s. 2. *pl.* 47.]

41. If any head officer of any city, borough, or liberty, shall knowingly and wilfully suffer any person to sell or buy corn or salt by any other measure, or shall suffer any other measure to be used, or on complaint of the breach of this statute shall not duly punish the same, then upon conviction thereof by presentment or indictment before the general sessions of the county, he shall forfeit 5l., one moiety to the informer, the other to the poor of the parish, to be levied by distress and sale of goods; and for default of distress, by imprisonment by warrant of the justices, 22 C. 2. c. 8. s. 3.

42. If the clerk of the market within the verge, or the head officer, lord of liberty, or other person authorized to seal measures, shall neglect, being required, to seal any bushel, half bushel, or peck, duly gauged, he shall forfeit for the first offence 5l. and for every other offence 10l., to be levied as in *pl.* 40.; or if the clerk of the market within the verge takes more than the lawful fees, or if any other person exacts more than 1d. for sealing a bushel, or one halfpenny for a half bushel or peck, or one farthing for sealing any measure containing one gallon, pottle, quart, pint, or half pint, he shall incur the penalties in 16 C. 1. c. 19. s. 2. *pl.* 37. (viz. 5l.) to be levied as in s. 2. of that act, *id.* s. 4.

43. At the charge of the persons who have the profit of the market in any city, corporation or market town, there shall be one measure of brass provided and chained in the public market place, on pain to forfeit for every person so neglecting 5l., to be recovered and applied as in s. 3. *pl.* 41., *id.* s. 5.

44. All constables shall search if any persons use any other measure, or strike the same in other manner than herein directed, or sell or buy by a measure, unsealed; and in case they find any such unsealed measure shall break the same; and for every offence against this act, shall present such offender at the next private or quarter sessions, *id.* s. 6.

45. No person punished for any offence by virtue of this act, shall be questioned for the same offence by virtue of any other act, *id.* s. 7.

46. No person shall take any toll, but according to such proportion as the measures in this act appointed bear to the measures whereby the same have been usually taken, *id.* s. 8.

47. Every person who shall sell or buy any corn ground or unground, or salt by the bag, or without measuring, being thereto required, or in any other manner than as is by 22 C. 2. c. 8. s. 2. *pl.* 37. directed, and that without shaking the measure by the buyer, shall forfeit, beside the penalty of the former act, all corn or salt bought or sold contrary to this act, or the value thereof, to the person complaining, 22 & 23 C. 3. c. 12. s. 2.

48. On complaint made to any justice, that any corn or salt hath been sold contrary to this act, the proof shall lie upon the defendant; wherein if such person fail, he shall forfeit as by this act, to be levied by distress and sale of goods by warrant of one justice before whom he shall be convicted, which penalties shall be distributed by the latter as by 22 C. 2. c. 8. s. 2: *pl.* 40. directed, *id.* s. 3.

49. Where in markets there is not a clerk of the market to seal measures, the head officer or other person who has the benefit of such market shall seal all measures duly gauged that shall be brought to him, taking fee as in 16 C. 1. c. 19. s. 4. *pl.* 42., appointed; *id.* s. 4.

50. Every person to whom any salt, rent, or tithe-corn is due by lease or custom, may take the same, or its value, according to the proportion and by the like measures as were due before this parliament, *id.* s. 5.

51. THE CAPACITY OF THE WINCHESTER BUSHEL, 13 & 14 W. 3. c. 5. s. 29. [The rest of this act is *Exr.*]

52. Every round bushel with a plain bottom 18½ inches wide throughout, and 8 inches deep shall be a legal Winchester bushel, according to the standard in H. M.'s exchequer, *id.* *ibid.*

53. TO ASCERTAIN THE WATER MEASURE OF FRUIT, 1 A. St. 1. c. 15.

54. The water measure shall be round, and in diameter 18½ inches within the hoop, and 8 inches deep, and so in proportion; and every water measure by which apples and pears are sold shall be heaped as usual, and whosoever shall buy or sell them by other measure shall forfeit 10s., one half to the informer and the other half to the poor of the parish, being thereof convicted by oath of one witness before any justice or head officer of the county or corporation, where the offence is committed; such sum to be levied by the petty constable of the parish, under warrant from such justice, &c. of the offender's goods by distress and sale, *id.* s. 1.

55. This act shall not extend to any measures sealed by the masters wardens, assistants, and commonalty of the freemen of the London Fruiterers Company, to be used in measuring fruit sold by them in the city, or within 3 miles distance thereof, *id.* s. 2.

56. FOR MORE EFFECTUAL PREVENTION OF THE USE OF FALSE and deficient measures, 35 G. 3. c. 102., 37 G. 3. c. 143. (PUBLIC clause both acts, s. 9.) 55 G. 3. c. 43. [The 55 G. 3. c. 43., seems in a great measure a re-enactment of 35 G. 3. c. 102. and 37 G. 3. c. 143., and they are therefore incorporated together.]

57. The justices of peace of Eng. and Wa. may, at their respective petty sessions, appoint one or more persons who shall have power to examine the measures within their several divisions, districts, and limits, 55 G. 3. c. 43. s. 1., 37 G. 3. c. 143. s. 1.

58. The persons so appointed (having been first sworn faithfully to execute their offices) shall, as often as such justices shall direct, enter in the day time into the shop, house, outhouses, and other places near such shop or house, and into the stall or standing place of any person within their respective divisions or limits, who shall sell by retail, and by any measure of capacity, any liquid or dry goods, or other article soever, and then and there shall search for, view, and examine all measures of capacity in such shop, &c., and seize any of them not being according to the standard in exchequer, which on such search shall be found therein, and detain the same to be produced before the petty sessions, on the hearing of the information which shall be preferred against the person in whose shop, &c. any such deficient measure is found; which person, on conviction in petty sessions, on view, confession, or oath of one witness, shall forfeit the same, to be broken or disposed of as the justices shall direct; and shall also forfeit for every such false and deficient measure not less than 5s. nor more than 20s., at the justices' discretion, which forfeiture, with costs of conviction, shall be levied by warrant under the hands and seals of the justices, or under that of one of them, by distress and sale of the offender's goods and chattels, [with the expences of distress and sale, 37 G. 3. c. 143. s. 2.] [and if no sufficient distress is found, and such penalties with the said costs are not forthwith paid, such justices, or either of them shall, by like warrant, commit the offender to the gaol or house of correction of the limit where the offence is committed, for not more than one month, unless the penalty and costs are sooner paid, 55 G. 3. c. 43. s. 2.] 55 G. 3. c. 43. s. 2., 37 G. 3. c. 143. s. 2.

59. Every person who shall wilfully abstract or in any wise oppose any of the persons so authorized to examine such measures, and every person selling or retailing by measure, who shall refuse to produce his measures in order to their examination shall, for every such offence, on due conviction on oath before any justice, forfeit not more than [40s.

nor less than 5s., 35 G. 3. c. 102. s. 3.] 5l. nor less than 40s. at his discretion, to be levied and recovered as in 55 G. 3. c. 43. s. 2. directed, 55 G. 3. c. 43. s. 3., 35 G. 3. c. 102. s. 3.

60. The convicting justice or justices shall cause the amount of every such forfeiture to be applied towards the expences of executing these statutes, the residue if any, being paid to the treasurer of the county, city, &c. to the public stock thereof, and shall also prepare and sign returns of the forfeitures levied by them in pursuance hereof, and transmit them to the clerk of the peace at every quarter session, 55 G. 3. c. 43. s. 4., 37 G. 3. c. 143. s. 3., 35 G. 3. c. 102. s. 2.

61. The quarter sessions shall allow to such examiners of measures, a reasonable recompence for their trouble, to be paid out of the general stock of the county, division, city, or town, &c., 55 G. 3. c. 43. s. 5., 35 G. 3. c. 102. s. 4.

62. The quarter sessions shall purchase for the use of their respective counties or other limits, proper measures duly marked according to the exchequer standard, which shall be deposited either with the clerk of the peace or other proper person in a proper place within their limits, directed by the justices, and shall be produced by the persons having them in custody, on reasonable notice at such time and place as any person shall by writing under his hand appoint, the latter paying the reasonable costs of producing the same, 55 G. 3. c. 43. s. 6., 35 G. 3. c. 102. s. 7.

63. If the majority of inhabitants of any parish, township, or place, are desirous specially to appoint some person to examine the measures therein, they may (at a vestry duly holden for that purpose) nominate 5 or more substantial householders to be approved and appointed by such petty sessions for the division, &c. wherein such parish, &c. shall lie, with all the powers in s. 1., 55 G. 3. c. 43. s. 7., 37 G. 3. c. 143. s. 4.

64. No appointment for such parish, &c. shall be made, until the inhabitants have procured the proper measures duly marked according to the exchequer standard, for use of such parish, &c., to be deposited in custody of the persons appointed as in s. 7.; and the petty sessions may direct the costs of procuring such measures, and the examiner's salary to be paid out of the poor rate for such parish, &c., 55 G. 3. c. 43. s. 8., 37 G. 3. c. 143. s. 5.

65. No proceedings touching convictions under these acts shall be removed by *certiorari* or other process, into any of H. M.'s courts at Westminster, 55 G. 3. c. 43. s. 9., 37 G. 3. c. 143. s. 7.

66. The conviction of offenders against 55 G. 3. c. 43. shall be in this form:

'Be it remembered, that on the — day of —, A. D., at a petty session holden at — before us A. B. and C. D. justices of the peace, acting in and for the said —, E. F. of — the said — was duly convicted before us the said justices, for that he, the said E. F., on the — day of — now last past, at —, in the said —, contrary to the form of the statute in that case made and provided, [here state the offence]; and we the said justices do declare and adjudge that the said E. F. hath, for such offences, forfeited the said [several] measures [—], and hath also forfeited the sum of —l. of lawful money of G. B., to be applied as the law directs; and the further sum of —l. of like lawful money for the reasonable costs and charges attending this conviction. Given under our hands and seals on the day, and in the year first mentioned.' 55 G. 3. c. 43. s. 10.; [The form of conviction given by 37 G. 3. c. 143. s. 8. is not given, as it seems practically superseded by 55 G. 3. c. 43. s. 10.]

67. Every person convicted and punished for an offence against either of these acts, shall not be otherwise punished for the same offence, 55 G. 3. c. 43. s. 11., 35 G. 3. c. 102. s. 5.

68. Nothing in this act shall lessen the authority which any person, body politic or corporate, or person appointed at any court leet, may have for examining or destroying measures within their jurisdictions, 55 G. 3. c. 43. s. 12., 35 G. 3. c. 102. s. 6.

69. No prosecution shall take place under this act unless information thereof is given on oath to some justice within [one month, 35 G. 3. c. 102. s. 8. altered to] 6 weeks after the offence, 55 G. 3. c. 43. s. 13.

WEST INDIES:

1. TO ENCOURAGE SUBJECTS OF FOREIGN STATES TO LEND MONEY on security of free or leasehold estates in any of H. M.'s colonies in the West Indies, and to render the securities granted to such aliens effectual for recovering payment of the money so to be lent, by sale thereof, 13 G. 3. c. 14. [Six pounds per cent. between British subjects, 14 G. 3. c. 79., 1 & 2 G. 4. c. 51. s. 1., MORTGAGE, *pl.* 10.]

2. All persons, foreigners or aliens, may lend money at not exceeding 5l. per cent. per ann., on security of any free or leasehold estate in any of H. M.'s colonies in the West Indies and hold the same as an effectual security for the money lent, and prosecute any suit for recovering it as in this act, whether the foreign state of which such alien is a natural born subject be at war with this kingdom or not, 13 G. 3. c. 14. s. 1.

3. In case of non-payment of the money lent on such security at

the time agreed upon, such foreigners may bring and prosecute, by themselves or attorneys, any suit at common law, on any bond or other collateral security, or on any covenant on the part of the borrower contained in any such mortgage deeds; and also bills in the court of chancery of the colony where the estate lies, praying a decree of sale of the mortgaged premises for payment of the debt due thereon, in which suit the plaintiff shall be entitled to like remedies, for recovery of his debt and costs as any *British* subject can have, except the being entitled to obtain, directly or indirectly, the actual possession of such mortgaged premises by any process of execution at common law, or to foreclose the equity of redemption by decree or order of any court of equity soever, 15 G. 3. c. 14. s. 2.

4. The court of chancery where such bills shall be brought, may order the sale of such mortgaged premises in the same manner as where the mortgagor had consented to a sale, *id.* s. 3.

5. In such cases, service of any writ or process of such court on the known attorney or agent of such foreigners residing within the jurisdiction thereof, shall be deemed good service; and in case the defendant is absent, and has no such agent residing within such jurisdiction, then, on affidavit thereof by the person seeking such relief, or his attorney duly constituted to the satisfaction of the court, (in which affidavit shall be expressed the residence of such foreigner, according to the best of the deponent's information and belief,) the court may issue a commission under seal to commissioners authorizing them to take affidavit of the service of such writ or process, on the defendant personally or at his usual residence, and to certify the same; which affidavit, returned with such commission into the court, shall be competent evidence of service of such writ or process; and if defendant shall not, within 6 months, after service on the attorney, or agent in the colony or on himself abroad, appear to the said bill, either in person or by attorney appointed under hand and seal, or according to the usage of the county to which he belongs, then the court of chancery in which such suit is brought, shall take the bill *pro confesso*, and decree an account to be taken by one of the masters of the court of what is due to defendant for principal, interest and costs; in taking which account, complainant shall be obliged to shew before the master vouchers for all credits that he shall claim; and the court, on the coming in of the master's report, shall make a final decree, appointing a time and place for payment of the sum, which, by such report, shall appear due to defendant, together with interest, till tendered as in s. 5., and adjudging a redemption of the mortgaged premises on payment of principal, interest and costs, either to defendant, his attorney, or into bank of *Eng.*, as in s. 5., *id.* s. 4.

6. After a time and place for redemption of such mortgage, and the money to be paid for such redemption are ascertained by the court, according to the usual course, if the money is then and there tendered, and if such mortgagee or his representative, or attorney refuse to receive it, or shall not attend for that purpose, then the mortgagor, his representative, or attorney, may pay such money into the bank of *Eng.*, in the name and with privity of the accountant-general of the court of chancery in *Eng.*, to be placed to his account there *ex parte* the mortgagor or his representative, pursuant to 12 G. 1. c. 32., there to remain for the benefit of the mortgagee, and to be laid out on government or parliamentary securities as after mentioned, until he shall, on petition to chancery, in a summary way, at his expence, obtain an order for payment thereof, and of all interest arising therefrom, *id.* s. 5.

7. A certificate under the hand of the accountant-general, (which he is to give without fee as well to the mortgagor as mortgagee on application,) that the mortgagor or his heirs or representatives, or attorney, have paid such sum into the bank of *Eng.*, shall discharge him and his heirs; and after such certificate is given, the mortgagor, his heirs, or assigns, and all persons who may be surety for payment of the sum originally lent, or its interest, shall be discharged thereof, and the legal estate of the mortgagee shall, after granting such certificate, be re-vested in the mortgagor, *id.* s. 6.

8. In the mean time, and until the mortgagee or his representatives apply by petition to chancery for an order to receive the sum, the accountant-general shall place it out on government or parliamentary securities, and pay the interest to the person entitled to the sum paid into the bank, *id.* s. 7.

9. The high court of chancery shall make an order for payment of the sum paid into the bank, and of all dividends therefrom to the person entitled thereto, on application to the court by petition in a summary way by the mortgagee; on the hearing whereof, it shall be sufficient for the petitioner to prove to satisfaction of the court, that he is the person for whose use the money was paid into the bank, or the legal representative of such person, without requiring any of the proceedings in the court of chancery of the colony to be transmitted hither; and on producing such order to the accountant-general, the money shall be paid to the person specified therein, or to his attorney without fee, *id.* s. 8.

WILLS. (See EXECUTORS, &c.)

1. WIDOWS MAY BEQUEATH THE CROP OF THEIR GROUND as well of their dowers as of other their lands and tenements; saving to the lords of the fee all the customs and services due for their dowers and other tenements, 20 H. 3. (St. Merton). c. 2.

2. HOW LANDS MAY BE WILLED BY TESTAMENT, 32 H. 8. c. 1. ss. 1—2. and s. 14. (commonly called The Statute of Wills) [virtually REP. as to ss. 3—13. and 15—17. by 12 C. 2. c. 24. s. 1.; AMD. 34 & 35 H. 8. c. 5. s. 4. and s. 14., which is virtually REP. as to ss. 1—3. 5—13. and 15—19. by 12 C. 2. c. 24. s. 1.]

3. Every person having any manors, lands, or hereditaments, holden in socage, shall have power to give and devise, as well by his last will and testament in writing, or otherwise by any act lawfully executed in his lifetime, all his said hereditaments or any of them, 32 H. 8. c. 1. s. 1. From 20th July 1540, *id.* s. 2.

4. But [suing of liveryes, REP. 12 C. 2. c. 24. ss. 1—2.] reliefs and heriots shall be paid as usual, *id.* s. 14.

5. Every person having a sole estate in fee simple, or seised in fee simple in coparcenery, or in common of lands or other hereditaments in possession, reversion or remainder, may at pleasure give or devise to any person (except bodies corporate), by his last will and testament in writing, or otherwise by act lawfully executed in his lifetime, by himself solely, or by himself and other jointly or severally, his interest in such hereditaments, or in any rents, commons, or other profits thereof, 34 & 35 H. 8. c. 5. s. 4.

6. Wills made of lands or hereditaments by any *feme covert* or infant within 21 years, idiot or person *de non sane* memory, shall not be good in law, *id.* s. 14.

7. TO ENABLE THE INHABITANTS OF THE PROVINCE OF *York* to dispose of their personal estates by their wills, notwithstanding the custom of that province, 4 W. & M. c. 2. [REP. from 26th March 1704 as to the proviso in s. 3., which excepts the citizens of *York* from the operation of the rest of the statute, (see pl. 9.), 2 & 3 A. c. 5. s. 1. PUBLIC clause, *id.* s. 2.]

8. "Recital, that by custom within the province of *York*, the widows and younger children of persons dying inhabitants of that province are entitled to a part of the goods of their late husbands and fathers, (called their *Reasonable Part*), notwithstanding any disposition by will and *jointures* made in their lifetime of such husbands, &c." Persons inhabiting or having any goods within that province, may, by their last wills and testaments, give and dispose of all their goods and personal estate to their executors, or to such other person as they shall think fit, in as ample a manner as within the province of *Canterbury*; and the widows, children, and other the kindred of such testators, shall be barred to claim any part in any other manner than as by such wills appointed, 4 W. & M. c. 2. s. 2. [EXT. to the citizens of *York* city by 2 & 3 A. c. 5. s. 1., notwithstanding the proviso in 4 W. & M. c. 2. s. 3.]

9. Nothing in this act shall extend to the citizens of [*York*, REP. 2 & 3 A. c. 5. s. 1.] and *Chester*, being freemen of that city, inhabiting therein at the time of their deaths; but every such citizen's widow and children shall have such reasonable part of the testator's personal estate as they ought by the above recited custom, 4 & 5 W. & M. c. 2. s. 3.

10. TO REGULATE WILLS AND DEVISES OF REAL PROPERTY, (This title is framed) 29 C. 2. c. 3. ss. 5, 6. 12. 19—24. [AMD. as to nuncupative wills, 4 & 5 A. c. 16. s. 14., and the wages due to workmen in H. M.'s dock yards declared not to be *bona notabilia*, 4 & 5 A. c. 16. s. 26. And further AMD. as to the distribution of estates *pur autre vie* in cases where there is no devise, and no special occupant thereof, 14 G. 2. c. 20. s. 9. and further AMD. as to the attestation of wills and codicils of real estates in *Eng.* and the *American* colonies, 25 G. 3. c. 6. See the rest of 29 C. 2. c. 3. (viz.) ss. 1—4. 17. FRAUDS, pl. 23.; ss. 7—11. USES AND TRUSTS; s. 12. ESTATES (Life), pl. 9.; ss. 13—15. JUDGMENT, pl. 4—6.; s. 16. EXECUTION, pl. 18.; s. 18. RECOGNIZANCE, pl. 15.; s. 25. EXECUTORS, &c., pl. 38.]

11. All devises and bequests of any lands or tenements, devisable either by force of the statute of wills, 32 H. 8. c. 1. or by this statute, or by force of the custom of *Kent*, or of any borough, or any other particular custom, shall be in writing, and signed by the devisor, or by some other person in his presence, and by his express directions, and shall be attested and subscribed in his presence by 3 or 4 credible witnesses, or shall be utterly void, 29 C. 2. c. 3. s. 5.

12. After recital of 29 C. 2. c. 3. s. 5. as in last pl., IT IS ENACTED, that, if any person shall attest the execution of any will or codicil, to whom any beneficial devise, legacy, estate, interest, gift, or appointment of, or affecting any real or personal estate, other than and except charges on lands, tenements, or hereditaments, for payment of any debt or debts, shall be thereby given or made, such devise, &c. shall so far only as concerns the person so attesting, be utterly void, and such persons shall be

admitted as a witness to such execution within the intent of 29 C. 2. c. 3. s. 5., 25 G. 2. c. 6. s. 1.

13. In case by any will or codicil any lands, &c. (as in last pl.) are charged with any debt or debts, and any creditor, whose debt is so charged, attests the execution of such will, &c. he shall, notwithstanding such charge, be admitted to prove the execution within the intent of 29 C. 2. c. 3. s. 5. as in pl. 15., id. s. 2.

14. The credit of every such witness, so attesting the execution of any will or codicil, in any of the cases in this act before-mentioned, and all circumstances relating thereto, shall be subject to the consideration and determination of the court and jury, before whom any such witness is examined, or his testimony or attestation used, or of the court of equity, in which his testimony or attestation is used in like manner, to all intents and purposes, as the credit of witnesses ought, in all other cases, to be considered of and determined, id. s. 6.

15. No person to whom any beneficial estate, interest, gift, or appointment is given or made, which is by s. 1. pl. 13. of this act enacted to be void, or who has refused to receive any legacy on tender thereof made, shall, after he has been so examined, demand or take possession of, or receive any profits or benefit of, or from any such estate, interest, &c. so given or made to him by any such will or codicil, or demand or accept from any person soever, any such legacy or bequest, or any satisfaction or compensation for the same, in any manner, or under any pretence soever, id. s. 7. [Saving for the validity of wills executed and attested according to 29 C. 2. c. 3. s. 5. where the devisee has been in quiet possession for 2 years next before 6th May 1751;] And the competency of witnesses where the will, &c. has been contested between the heir at law and devisee, in any prior will, for recovering the lands mentioned in the latter, or for obtaining any other judgment relative thereto, before 6th May 1751, id. s. 8. [Exp.] But no possession of any heir at law or devisee in such prior will, or of any claimant under them, which is consistent with, or may be warranted by any will or codicil, attested according to this act, or where the estate descended to such heir at law till a future or executory devise, under any will, &c. attested according to this act, shall be deemed a possession within s. 2., id. s. 9.

16. This act shall extend to such of the British colonies and plantations in America, where 29 C. 2. c. 3. is by act of assembly made or by usage received as law, or where, by act of assembly or usage, the attestation and subscription of a witness or witnesses are made necessary to devises of lands, &c. and shall have the same force in the construction of, or for avoiding doubts on the said acts of assembly and laws of the said colonies, as on 29 C. 2. c. 23. in Eng. id. s. 10.

17. As to cases arising in any of the above colonies, no such devise, legacy, or bequest, shall be avoided by this act, unless the will or codicil, whereby it is given, is made after 1st March 1753, id. s. 11.

18. No devise, in writing, of lands, &c. as in pl. 12. nor any clause thereof, shall be revocable otherwise than by some other will or codicil in writing, or other writing, declaring the same, or by burning, cancelling, tearing, or obliterating the same, by the testator himself, or in his presence, and by his directions and consent; but all devises and bequests of lands and tenements shall remain in force till burnt, cancelled, torn, or obliterated by the testator, or his directions, in manner aforesaid, or unless the same be altered by some other will or codicil, in writing, or other writing of the devisor, signed in presence of 5 or 4 witnesses, declaring the same, 29 C. 2. c. 3. s. 6.

19. Any estate *pur autre vie* shall be devisable by will in writing, signed by the devisor, or by some other person in his presence, and by his express directions attested and subscribed in his presence by 3 or more witnesses; and if no such devise of them is made, such estates shall be chargeable in the hands of the heir, if it comes to him by reason of a special occupancy, as assets by descent, as in case of lands in fee-simple, and if there is no special occupant they shall be assets in hands of the executors of party having the estate thereof by virtue of the grant, id. s. 12.

20. Such estates, *pur autre vie*, in case there is no special occupant thereof, of which no devise has been made according to 29 C. 2. c. 3. (viz. ss. 5, 6.) or so much thereof as have not been so devised, shall be distributed as the personal estate of the testator or intestate, 14 G. 2. c. 20. s. 9.

21. No nuncupative will shall be good where the estate thereby bequeathed exceeds 30*l.* value, that is not proved by the oaths of 3 witnesses at least that were present at the making thereof; nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, bear witness that such was his will, or to that effect; nor unless it was made in the time of the last sickness of the deceased, and in the house of his habitation where he had been resident for 10 days or more, except where such person was surprised or taken sick, being from his own home, and died before he returned to the place of his dwelling, 29 C. 2. c. 3. s. 19.

22. All such witnesses as are and ought to be allowed to be good witnesses on trials at law, by the laws and customs of this realm, shall

be deemed good witnesses to prove any nuncupative will, or any thing relating thereto, 4 & 5 A. c. 16. s. 14

23. After 6 months passed after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony or the substance thereof were committed to writing within 6 days after making the same, 29 C. 2. c. 3. s. 20.

24. No letters testamentary, or probate of any nuncupative will, shall pass the seal of any court till 14 days at least after the decease of the testator are fully expired; nor shall any nuncupative will be at any time received to be proved, unless process has first issued to call in the widow or next of kindred to the deceased, that they may contest the same if they please, id. s. 21.

25. No will in writing concerning any goods, or chattels, or personal estate, shall be repealed; nor any clause, devise, or bequest therein altered or changed by any words, or will by word of mouth only, except the same be committed to writing in the life of the testator, and after the writing thereof read to and allowed by the testator, and proved to be so done by 3 witnesses at least, id. s. 22.

26. Notwithstanding this act, any soldier being in actual military service, or any mariner and seaman being at sea, may dispose of his moveables, wages, and personal estate, as he might have done before making this act, id. s. 23.

27. Nothing in this act shall alter or change the jurisdiction, or right of probate of wills concerning personal estates; but the prerogative court of the archbishop of Canterbury, and other ecclesiastical courts, and other courts having right to the probate of such wills, shall retain the same right and power as they had before, subject to this act, id. s. 24.

28. The power of granting probates of the wills and letters of administration of the goods and chattels of workmen in H. M.'s yards and docks, is in the ordinary of the diocese, or in such other person to whom the ordinary power of probate or granting such letters belongs where such persons die; and the salary or wages due to them for work done in H. M. yards or docks, shall not be deemed *bona notabilia*, whereby to found the jurisdiction of the prerogative court, 4 & 5 A. c. 16. s. 26.

WINES.

(STATUTES repealed and expired.)

1. OF THE ASSIZE OF WINE, *Stat. Incert. Temp. c. 5. Stats. at Large*, 8vo. ed. i. 387. [REP. 21 J. 1. c. 28. s. 11.]

2. CONCERNING SALE OF WINES, 24 H. 8. c. 6. [REP. 21 J. 1. c. 28. s. 11.]

3. TO AUTHORIZE CERTAIN OF H. M.'s council to set prices on wines to be sold by retail, 34 & 35 H. 8. c. 7. [CON. 37 H. 8. c. 23. BOTH EXP.]

(STATUTES in force.)

1. TO REGULATE THE ASSAY AND PRICE OF WINES, 6 Ed. 1. c. 13., 4 Ed. 3. c. 12.

2. THE MAYOR AND BAILIFFS OF London, before the annual coming of the two barons of exchequer into the city, as in c. 14., shall inquire of wines sold against the assize, and present the same before them at their coming, when the parties shall be amerced, where before they used to tarry, till the coming of the justices in eyre, 6 Ed. 1. c. 15.

3. Proclamation shall be made, that none be so hardy to sell wines but at reasonable rates, regarding the price at the port and the carriage therefrom: and assay thereof shall be made at *Easter* and *Michaelmas* every year, and oftener, if necessary, by the lords or head-officers of the towns, and all the wines found spoiled or corrupt shall be poured out and the vessels broken; and the chancellor, treasurer, justices of K. B., C. P., and of assize, shall have power to inquire on the conduct of officers of towns herein, and to punish them reasonably, 4 Ed. 3. c. 12.

4. PROCLAMATION SHALL BE MADE, that no English merchant shall engross nor forestal wines in Gascony, nor take them by way of buying from any Gascon or other, to pay in Eng. for any greater sum than wines are commonly sold in Gascony, by pretext of earnest, or peril of sea, or other colour, on pain of [life and member, REP. 37 Ed. 3. c. 16.] and forfeiture of such wines, and of all their other goods to H. M., and of their lands and tenements to the chief lords, who shall have a writ of escheat in such case, 27 Ed. 3. St. 1. c. 5. [CON. 38 Ed. 3. St. 1. c. 10.]

5. ALL MERCHANTS, Gascons, and other strangers, may safely bring their wines into Eng., to whatever part they please, and make profit thereof, [but H. M.'s butler may make purveyance thereof, &c., REP. 12 C. 2. c. 24. s. 12.] id. c. 6.

6. No ENGLISH MERCHANT, or his servant, or agent, shall go to Gascony there to abide, nor shall have any other, there dwelling, to make bargain, or buying of wines, by any colour before the time of vintage, viz. before common passage is made to seek wines there, id. c. 7. [The rest of this act seems Exp.]

7. ALL MERCHANTS, ALIENS, DENIZENS, and others, who bring wines and other merchandize of any sort, to the staples, cities, boroughs, and good towns, or to the sea-ports within the realm, may safely and without impeachment of any, sell them in gross or retail to any purchasers; and no persons soever shall go by land or water to meet such wines, &c. coming to the realm on sea nor elsewhere, to forestal or buy them, or in other manner to give earnest on them before they come to the staple, or the port where they are discharged, nor enter the ships for that purpose, till the merchandizes are set on land to be sold, on the penalties in *pl. 3.*, 27 *Ed. 3. St. 2. c. 11.*

8. ALL MERCHANTS AND DENIZENS which are not artificers, may pass into *Gascony*, to fetch wines there, so that by this general licence greater plenty may come, and greater market be had of wines within the realm: and that all aliens may come therein with their wines, and freely sell them without disturbance: saving that it shall be always lawful to H. M., on advice to him or his council to ordain on this article as best seems to him, for the profit of him and his commons, 38 *Ed. 3. St. 1. c. 11.*

9. TO LIMIT THE PRICES OF WINES, 28 *H. 8. c. 14. ss. 2—4.* [CONF. 13 *C. 2. St. 1. c. 7.* See rest of statute, GAUGING, *pl. 11.* AMD. 5 *El. c. 5. s. 25.* REP. as to *s. 1.* only, by 21 *J. 1. c. 28. s. 11.*, and 12 *C. 2. c. 25. ss. 12—13.*]

10. The lords chancellor, treasurer, president of the council, privy-seal, and two chief justices of K. B. or 5, 4, or 3 of them, may, at discretion, set the prices of all kinds of wine, per butt, ton, pipe, hogshend, puncheon, tierce, barrel, or runlet, when sold in gross, so that they cause such prices to be written, and open proclamation thereof to be made in chancery in term time, or else in the city, borough, or town, where such wines are sold in gross, 28 *H. 8. c. 14. s. 2.* and if persons refuse to sell wines at the price fixed, the chief officers of corporate towns may enter their houses, cellars, &c., and take the same at such prices, 28 *H. 8. c. 14. s. 3.* [Such prices shall be yearly set between 20th Nov. and 31st Dec., 37 *H. 8. c. 23. s. 2.*]

11. All persons authorized to sell wines by retail in the several places wherein they are authorized, may sell the wines at such prices as shall be limited by H. M.'s proclamation in that place, made by assent of such lords, as by 28 *H. 8. c. 14.* were authorized to set prices on wines, 5 *El. c. 5. s. 25.*

12. Any person, who after such prices so set and proclaimed as above, shall sell any wines in gross by fraud contrary to the same, shall forfeit for every vessel by them sold in gross contrary hereto 40s., one half to H. M., and the other half to the head officer of the city or town corporate, if within such, but if without, then to the party suing by original writ of debt, &c. or information, 28 *H. 8. c. 14. s. 3.*

13. The justices of every shire, and all head-officers of cities and towns corporate, in their respective jurisdictions, as well within franchise as without, may hear and determine the default of such as shall attempt to sell wine in gross or retail contrary to this act, at their discretion, *id. s. 4.*

14. TO AVOID THE GREAT PRICES and excess of wines, 7 *Ed. 6. c. 5.* [REP. as to *ss. 1—2.* by 1 *J. 1. c. 25. s. 43.*]

15. No person shall keep any tavern, or sell or utter by retail, by the gallon, or less or greater measure, any French wines, except in cities, towns corporate, boroughs, port towns, or market-towns, or in *Gravesend*, *Sittingborn*, *Tuxford*, or *Bagshot*, on pain of forfeiting for every day 10*l.*, nor shall any person keep any tavern, or sell by retail in any city, borough, or town corporate, any wines, but only persons appointed by the head officers, and the common council, aldermen, burgesses, jurats, or commonalty of such city, &c., by writing under the common seal of such city, &c. [QU. wine retail licences may be granted to any person, at discretion of commissioners of stamps, 30 *G. 2. c. 19. s. 3.*, now changed to excise licences, 30 *G. 3. c. 38. s. 6.*] which appointment shall continue at the pleasure of the head officers, &c.; nor shall any person keep any tavern, or sell wine by retail, in any city, borough, port, or market-town, not corporate, or in *Gravesend*, *Sittingborn*, or *Bagshot*, but only those assigned by the justices of peace of such county at the general sessions, by writing under seal of the justices, and to be continued or changed by like authority; upon pain of forfeiting for every day 5*l.* Nor shall any persons, having authority to appoint what persons shall sell wine by retail, appoint more taverns at one time in any one city, &c. (every town hereafter named except) than 2 wine cellars or taverns; And no person, having authority to appoint taverns, shall appoint in *London* above 40 taverns, and in *York* 8, in *Norwich* 4, in *Westminster* and in *Bristol* 6, in *Lincoln* 3, in *Kingston-upon-Hull* 4, in *Shrewsbury* 3, in *Exeter* 4, in *Salisbury* 3, in *Gloucester* 4, in *Westchester* 4, in *Hereford East* 3, in *Worcester* 3, in *Southampton* 3, in *Canterbury* 4, in *Ipswich* 3, in *Winchester* 3, in *Oxford* 3, in *Cambridge* 4, in *Colchester* 3, in *Newcastle-upon-Tyne* 4, on pain to forfeit for every appointment contrary to this act, 5*l.*, 7 *Ed. 6. c. 5. s. 3.*

16. No person shall sell by retail any wines to be drank in his house, or other place in his occupation, on pain to forfeit 10*l.*; the one half to

H. M., and the other half to him that will sue for the same, in any of H. M.'s courts of record, *id. s. 4.*

17. Merchants adventuring for the same, may keep to spend in their houses such wines as they shall transport into this realm, not taking any money for the same; and every high sheriff and mayor, and other person dwelling in H. M.'s forts or towns fortified, may have wine to spend in their houses, without taking recompence for the same, *id. s. 5.*

18. The justices of peace in their sessions, and the steward in every leet, and the sheriff in his turn, and every escheator, shall have power to inquire by the oaths of 12 men, of offences contrary to this act; and every presentment taken as aforesaid shall be of such effect, as if the same were taken before K. B.; and the penalties for any offence contrary to this act, found by presentment before the justices of peace, escheators, sheriff, or steward, or by verdict as aforesaid, and by action or information thereof commenced, shall be divided into two parts, whereof the one shall be to H. M., and the other to the poor of the place, *id. s. 6.*

19. This act shall not charge any person, unless he be sued, indicted, or presented for the same, within one year after the offence, *id. s. 7.*; And shall not be hurtful to any inhabitants of *Oxford* and *Cambridge*, or to the chancellors or scholars of the same, so that there be not any more taverns within *Oxford* or *Cambridge*, than may be lawfully kept by this statute, *id. s. 8.*

20. FOR PREVENTING ABUSES IN THE MINGLING, corrupting, and vitiating of wines, 12 *C. 2. c. 25. ss. 7—11.* [CONF. 13 *C. 2. St. 1. c. 7.*, but *ss. 1—6.* REP., 30 *G. 2. c. 19. ss. 7—8.* Saving for the privileges of the universities, 12 *C. 2. c. 25. s. 7.*; for the *London* vintners' company, *id. s. 8.*; for the borough of *St. Albans*, *id. s. 9.*]

21. No person selling wine shall mingle or utter any Spanish mingled with French, or Rhenish wine, or with cyder, perry, honey, sugar, syrups, or molasses, nor put in any isinglass, brimstone, lime, raisins, juice of raisins, water, nor any other ingredients, nor any clary or other herb, nor any flesh; and no person selling wine, shall mingle or utter any French mingled with any Rhenish or Spanish wines, cyder, stummed wine, vitriol, water, or other ingredients, nor any clary or other herb, nor any flesh; and no person selling wine shall mingle or utter any Rhenish mingled with any French or Spanish wines, cyder, or other ingredients, &c.; and every person committing any of the offences aforesaid, shall incur the penalties herein mentioned, viz., every person selling wines in gross, mingled as aforesaid, shall forfeit 100*l.*; and every person selling wine by retail, mingled as aforesaid, shall forfeit 40*l.*; one moiety to H. M., the other to the informer, to be recovered in any court of record, by action of debt, &c. or information, without essoin, &c. allowed, *id. s. 11.*

22. NO VINTNER OR RETAILER of wines shall sell or utter them by retail, except in measures made of pewter, sealed according to statute, under 5*l.* penalty for every offence to the informer, to be levied and recovered in any such courts, and in such manner as above, 1 *W. & M. S. 1. c. 34. s. 19.* [*ss. 1—18.* are EXP.]

23. Every merchant, vintner, wine-cooper, or other person selling wine, by wholesale or retail, who shall corrupt or adulterate the same, or utter, or sell any wine so adulterated, &c. shall forfeit 300*l.* for every offence; one moiety to H. M., and the other to the person who shall sue by action of debt, bill, plaint, or information, (wherein no essoin, &c. or more than one imparlance allowed) and shall be imprisoned 5 months, *id. s. 20.*

24. EVERY PERSON WHO SHALL SELL OR UTTER BY RETAIL in or by any glass, bottle, or in or by any retail measure not made of pewter, and duly sealed, any kind of wine, or any liquor exposed to sale for wine, or shall sell the same for a greater price than in 1 *W. & M. S. 1. c. 34.* is appointed, and is convicted thereof by confession or oath of two witnesses, before one or more justices for the county, &c. where the offence was committed, such person, being prosecuted for such offence within 30 days after, shall forfeit 50*l.*, which, if not paid on demand, shall be levied by distress and sale of the goods and chattels of the offender, by warrant under hand and seal of the convicting justice, which warrant he shall grant to the constable, headborough or tythingman of the parish or place where the offence was committed, who shall levy the same accordingly; such penalty and money so levied to go to the informer; and for want of distress, the offender shall be committed to the common gaol until he has paid the same and all costs, such costs to be ascertained by the convicting justice, 2 *W. & M. S. 2. c. 14. s. 3.*

25. Provided any offender punished under this act, shall not be punished under any other for the same offence; and no certiorari shall be granted to remove such conviction or proceedings, but execution shall be had thereof, *id. s. 4.*

26. When any officer or other person by this act, or 1 *W. & M. S. 1. c. 34.*, is by any person obstructed in the execution of his duty under these acts, the person so resisting, abusing, &c. such officer, &c. shall, by the next justice of peace, be committed to prison till the next quarter sessions; and such sessions shall fine the offender not exceeding 5*l.*, and

and he shall remain in prison till discharged of the fine and imprisonment by order of two justices, 2 *W. & M. S. 2. c. 14. s. 5.*

27. FOR ASCERTAINING THE WINE MEASURE, 5 & 6 *A. c. 27. s. 17.*

28. Any cylinder having an even bottom, and being 7 inches diameter throughout, and 6 inches deep, or any vessel containing 231 cubical inches, shall be a lawful wine gallon; and 252 gallons shall be a ton, 126 gallons a butt or pipe, and 63 gallons an hogshead of wine, *id. ibid.*

29. TO AMEND SO MUCH OF 9 *G. 2. c. 23.* (reciting *s. 21.*) as may affect the privileges of the universities, as to licensing taverns and public houses within the precincts thereof, 10 *G. 2. c. 19. ss. 2. 5.* [PUBLIC clause, *id. s. 6.* and see recital in *s. 1.*]

30. Nothing in 9 *G. 2. c. 23.* (reciting *s. 1.*) shall prejudice the right which the chancellor, masters, and scholars of the universities of *Cambridge* or *Oxford* claim of licensing taverns and other public houses within the precincts of the universities, 10 *G. 2. c. 19. s. 2.* And nothing in this act shall prejudice or confirm any liberties belonging to the mayor, bailiffs, and commonalty of the city of *Oxford*, *id. s. 5.*

31. TO PREVENT RETAILING OF WINE within either of the universities in *Eng.* without licence, 17 *G. 2. c. 40. ss. 11, 12.*

32. No person shall sell wine by retail, within either of the universities of *Oxford* or *Cambridge*, or their precincts, unless he be duly licensed by the chancellor or vice-chancellor of *Oxford*, and by the chancellor, masters, and scholars of *Cambridge*, on pain of forfeiting for every offence *5l.*; one moiety to the use of *H. M.*, and the other to the informer; and all offenders against this act, may be prosecuted for the said forfeitures, in the courts of the chancellors or vice-chancellors of the said universities in a summary way, by summoning the accused to appear in the said courts respectively; and on appearance, (or contempt by not appearing, being duly summoned and oath thereof made), such courts may examine the matter, and on confession of the accused, or oath of one witness, may give sentence against such party, and issue their warrant for levying the forfeitures by distress and sale of goods; and for want of such distress, may commit the offender for one month to the house of correction; and no *certiorari* or other process shall issue to remove any such sentence from the said courts, or any order or other proceedings made on any such sentence into any court of record at *Westminster*, till the party against whom such sentence is given before allowance of such *certiorari*, &c., find 2 sureties, to be bound to the prosecutor in the sum of *50l.*, conditioned to prosecute the same within 12 months, and to pay to the prosecutor his costs, in case such sentence is affirmed, 17 *G. 2. c. 40. s. 11.* [Same proviso for privileges of mayor, &c. of *Oxford*, as in *pl.*, *id. s. 12.*]

33. NOTHING IN THIS ACT shall prejudice the ancient duties of butlerage and prisage of wines, 12 *C. 2. c. 24. s. 14.* [Prisage and butlerage abolished, 49 *G. 3. c. 98. ss. 33, 35.*]

WITCHCRAFT. (See PROPHECY.)

(STATUTES repealed.)

1. AGAINST CONJURATIONS, WITCHCRAFTS, SORCERY and enchantments, 33 *H. 8. c. 8.* [REPE. 1 *E. 6. c. 12. s. 4.* and 1 *M. St. 1. c. 1. s. 1.*]

2. AGAINST CONJURATIONS, ENCHANTMENTS, AND WITCHCRAFTS, 5 *El. c. 16.* [REPE. 9 *G. 2. c. 25. s. 1.*]

3. AGAINST CONJURATION, WITCHCRAFT, AND DEALING with evil and wicked spirits, 1 *J. 1. c. 12. ss. 2—5.* [REPE. 9 *G. 2. c. 25. s. 1.*]

(STATUTES in force.)

1. TO REPEAL SEVERAL STATUTES AGAINST CONJURATION, enchantment and witchcraft, and for punishing such persons as pretend to exercise or use any kind of sorcery, witchcraft, &c., 9 *G. 2. c. 5.* [See for *Ire.* 1 & 2 *G. 4. c. 18.* repealing 28 *El. c. 2.* (*Ire.*) "Against witchcraft and sorcery."]

2. The 1 *J. 1. c. 12.*, shall be repealed, except as far as it repeals 5 *El. c. 16. id. s. 1.* The 9 *M. (Sc.) Ancient witchcraft*, is repealed, *id. s. 2.*

3. No prosecution shall lie against any person for witchcraft, sorcery, enchantment or conjuration, or for charging another with such offence, *id. s. 3.*

4. Every person who shall pretend to use witchcraft, &c., or undertake to tell fortunes, or from skill in any occult or crafty science to discover where lost or stolen goods may be found, shall, when convicted on indictment or information in *Eng.*, or on indictment or libel in *Scot.* suffer imprisonment for one year, and once in every quarter thereof, in some market town, on the market day, stand on the pillory one hour, and shall, if the court think fit, be obliged to give sureties for his good behaviour, *id. s. 4.*

WITNESSES. (See EVIDENCE.)

1. ALL PERSONS WHO SHALL APPEAR AS WITNESSES on behalf of the prisoner on any trial for treason or felony, before admitted to give evidence, shall take an oath to depose the truth, the whole truth, and nothing but the truth, in such manner as witnesses for the crown are obliged to do; and if convicted of any wilful perjury in such evidence, shall suffer the pains, forfeitures, &c. inflicted on persons convicted of

wilful perjury, 1 *A. St. 2. c. 9. s. 3.* [See the rest of this act, FELONY, *pl. 49. Skips, pl. 13.*]

2. FOR OBVIATING OBJECTIONS TO THE COMPETENCY of witnesses in certain cases, 27 *G. 3. c. 29.*

3. From 1st Aug. 1787, the inhabitants of every parish, township and place shall be competent witnesses for the purpose of proving the commission of any offence within the limits of such parish, &c., notwithstanding the penalty incurred by such offence, or any part thereof, is or may be given, or applicable to the poor of such parish, &c. or otherwise for the benefit or use, or in aid or exoneration of such parish, &c., *id. s. 1.*

4. Nothing in this act shall extend to any action or proceeding in which the penalty or penalties to be recovered exceed 20*l.*, *id. s. 2.*

5. TO RENDER PERSONS CONVICTED OF PETTY LARCENY competent witnesses: No person shall be an incompetent witness by reason of a conviction for petty larceny, 31 *G. 3. c. 35.*

6. TO DECLARE THE LAW AS TO WITNESSES refusing to answer: A witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself, or to expose him to penalty or forfeiture of any nature, on the sole ground that his answer may establish, or tend to establish, that he owes a debt, or is otherwise subject to a civil suit, either at instance of *H. M.* or of any other person, 46 *G. 3. c. 37.*

7. TO AUTHORIZE THE JUDGES TO WHOM petitions for certain bills are referred, to examine witnesses on oath, 41 *G. 3. (U. K.) c. 105.*

8. Any one or more of the judges of *Scot.* or *Ire.* to whom any petition for any bill concerning lands, hereditaments in *Ire.* and *Scot.*, or other heritable subjects in *Scot.*, shall be referred by the house of lords, may examine on oath all witnesses produced before him or them, touching the matter of such petition and reference: and for that purpose may administer an oath accordingly; and every person taking such oath shall be punishable for any false evidence given under it, as if it had been administered to him at the bar of the house of lords, *id. ibid.*

9. FOR BETTER EXAMINATION OF WITNESSES in the courts of equity in *Ire.*, and for empowering the courts of law and equity there to grant commissions for taking affidavits in all parts of *G. B.*, 55 *G. 3. c. 157.*

10. The lord chancellor of *Ire.*, or persons having custody of the great seal there, shall appoint one or more fit persons to swear and examine in *Eng.* and *Scot.* witnesses produced before him or them, there to be sworn and examined in suits depending in the court of chancery of *Ire.* as a court of equity, and to take in *Eng.* or *Scot.* answers, pleas, and demurrers of defendants, and affidavits of parties and others, in such suits, in the same manner as the masters in ordinary of the said court of chancery may swear; and the examiner of the court may examine such witnesses, and as the said masters may take such answers, pleas, demurrers and affidavits, according to the practice of the court, *id. s. 1.*

11. The lord-treasurer, chancellor and barons of exchequer in *Ire.*, or any 2 or more of them, whereof the lord-treasurer, chancellor, or lord chief baron shall be one, shall appoint one or more fit persons for the same purposes as to suits in law or equity in the exchequer with all the powers of the said barons therein, *id. s. 2.*

12. The lord-chancellor, &c., the master of the rolls and judges of *K. B.* and *C. P.*, the barons of exchequer, or 5 or more of them in *Ire.*, of whom the chancellor and *C. J.s* of *K. B.* and *C. P.* or *C. B.* of exchequer shall be one, shall from time to time direct the fees to be taken by the several commissioners appointed under this act, exclusive of travelling expences, when required to leave home for any of the purposes of this act, and shall also from time to time direct the rates to be taken for such travelling expences, *id. s. 3.*

13. The persons so to be appointed by the courts of chancery and exchequer in *Ire.*, shall hold such offices at pleasure of the court appointing them, and shall be deemed officers of the court, and called extraordinary commissioners for the above purposes; and may summon persons to attend them respectively at such times and places as they shall respectively appoint, to be sworn and examined as witnesses in suits depending in the courts appointing them, in the same manner as commissioners appointed by special commission by such courts respectively, may examine such witnesses, *id. s. 4.*

14. Every person appointed an extraordinary commissioner under this act, shall, previous to entering on the duties of his office, take an oath for the faithful execution thereof: (see the form next *pl.*) which oath shall be taken by every such officer appointed by the court of chancery of *Ire.* to such duty in *Eng.* before a master in chancery, or commissioner of affidavits appointed by the court of chancery of *Eng.*, who are hereby required to administer the same: and by every officer appointed by the court of chancery of *Ire.*, to such duty in *Scot.* before one of the lords of session in *Scot.* or other commissioner lawfully authorized to take affidavits there, who are also hereby required to administer the same: by every officer appointed by the court of exchequer in *Ire.* to such duty in *Eng.*, before a baron of exchequer of *Eng.*, or other

person in *Eng.* by that court appointed to take affidavits therein, who are also hereby required to administer the same: by every officer appointed by the *Irish* exchequer to such duty in *Scot.* before any baron of *Scotch* exchequer, or commissioner of affidavits in that court, who are also hereby required to administer the same: and every oath so taken, shall, immediately after it hath been taken, be transmitted by the officer so taking it to the proper officer for filing affidavits in the court by which such person has been appointed extraordinary commissioner, who shall file and preserve the same, 55 G. 3. c. 157. s. 5.

The form of oath is as follows:—

“I—do solemnly and sincerely swear, that I will duly and faithfully, and to the best of my skill and power, execute the office of an extraordinary commissioner of the court of — of — in —, for the purposes mentioned in an act passed in the — year of the reign of His Majesty king Geo. 3. intituled An act for the better examination of witnesses in the courts of equity in *Ire.* and for empowering the courts of law and equity in *Ire.* to grant commissions for taking affidavits in all parts of *G. B.*; and shall, in every respect, to the best of my knowledge, conform to the rules and orders of the said court, and provisions of the said act. So help me God.”

15. The courts of chancery and exchequer in *Ire.* shall make such orders touching the conduct of such officers, the examination of such witnesses, and the taking such answers, pleas, demurrers and affidavits in their said courts; and the transmitting the same to the said courts respectively, as to the said courts seems proper, *id.* s. 7.

16. Every person in *Eng.* or *Scot.* sworn or deposed and examined as a witness, or sworn or deposed to the truth of any answer or plea, or affidavits before any officer appointed under this act for taking the same, and who shall in his answer, plea, or affidavit, wilfully swear or depone falsely, shall be deemed guilty and incur the penalties of perjury in the open court wherein the suit in which such oath was so taken then depended, *id.* s. 8.

17. The courts of K. B. and C. P. in *Ire.* shall have the same powers of granting commissions for taking affidavits in all parts of *G. B.* as they now respectively have in *Ire.*, and every person wilfully swearing falsely in any affidavit to be made before any person empowered to take affidavits under the above authority, shall be deemed guilty of, and incur the punishment of perjury, as in last *pl. id.* s. 9.

18. To enable the examination of witnesses to be taken in *India*, in support of bills of divorce on account of adultery committed in *India*, 1 G. 4. c. 101.

19. Whensoever either house of parliament on petition of any party praying a bill for dissolution of any marriage, and stating that the witnesses necessary to substantiate its allegations are resident in *India*, shall see cause to direct their examinations to be taken there, the speaker shall thereupon issue his warrant or warrants to the judges of the supreme courts of *Calcutta*, *Madras* and *Ceylon*, and recorder of *Bombay*, respectively, accordingly as the witnesses proposed to be examined are resident within any one such presidency or island, for examination on oath of all witnesses produced before them touching the allegations of such bill, and any notices or matters specified in such warrant; and where warrants are so issued, duplicates thereof with copies of such bill shall be transmitted by different ships at desire of the agent of the parties soliciting the bill to the persons to whom the warrants are directed, *id.* s. 1.

20. Immediately on receipt of such warrants, the judges or recorder to whom they are directed, shall appoint some time with all convenient speed for examination of witnesses, and receiving other proofs touching and in opposition to its allegations, and touching the matters specified in such warrant: and in the interim shall give such public notice of the examination, and issue such process for attendance of agents, counsel, or witnesses, and may adjourn from time to time as may be requisite: which examinations shall be then and there openly and publicly taken *viva voce* on the oaths of witnesses, and of skilful interpreters administered according to the forms of their respective religions, and shall by some sworn officer of the court be reduced into writing, and 2 copies made: and the judges or recorder shall certify the same under official seal of their several courts, with a declaration by them that the examinations have in their judgment been fairly conducted, and that all fit witnesses have been produced for ascertaining the whole truth, as far as their attendance could be reasonably obtained: and shall transmit the same by different ships to the speaker who issued the warrant: and every such examination so returned shall be good evidence, and shall be allowed and read in either or both houses as required, *id.* s. 2.

21. Such judges or recorder may ask any questions of any witness so produced, and require any further witnesses resident within their jurisdiction to be produced, as appears fit for due investigation of the matter specified in the warrant: and shall allow such attendance by counsel, and such cross examination of witnesses as they deem fit for that purpose, and if necessary, may name some proper person to attend as counsel and agent in opposition to such bill, and procure any evidence necessary for that purpose, in order to full disclosure of the facts and circumstances of the case, *id.* s. 3.

22. “After recital that by usage of parliament no proceedings by bill therein have continuance from one session to another,” IT IS ENACTED, That no proceedings touching any bill for dissolution of marriage, wherein such warrant has been issued, shall be discontinued by prorogation or dissolution of parliament until the examination has been returned: and such proceedings may be resumed and proceeded on in a subsequent session of parliament, 1 G. 4. c. 101. s. 4.

WOMEN.

(STATUTES repealed and expired.)

1. FOR TAKING AWAY CLERGY FROM OFFENDERS AGAINST 3 H. 7. c. 2. *pl.* 5. concerning taking away women against their wills unlawfully, 39 *El.* c. 9. [REP. 1 G. 4. c. 116. s. 1.]

2. TO ABOLISH THE PUNISHMENT OF PUBLIC WHIPPING ON female offenders, 57 G. 3. c. 75. [REP. 1 G. 4. c. 57. s. 1.]

(STATUTES in force.)

1. WHERE ANY DOTH ALIENE THE RIGHT OF HIS WIFE, the suit of the woman, or her heir after the death of the husband, shall not be delayed by non-age of the heir, who ought to warrantize: but the purchaser shall tarry for his warranty till the full age of the warrantor, 13 *E. 1.* (*West. Sec.*) c. 40.

2. A WOMAN BEING 14 YEARS OLD AT THE DEATH OF HER ANCESTOR, shall have livery of her land, for the law of the land wills it, 39 *H. 6.* c. 2.

3. FOR PROVIDING A REMEDY FOR WOMEN INFORCED to be bound by obligation, 31 *H. 6.* c. 9.

4. “Whereas powerful persons have invented means, by force or deceitful promises, to get women sole into their possession, in the places where they have most power, after which they will not suffer them to be at liberty, till they bind them to such offenders, or other persons, to their use, in great sums, by obligations or statutes merchant: and also often compel them to be married contrary to their liking, or otherwise they will levy the same sums of their lands and goods, and endanger their persons,” IT IS ENACTED, That in all such cases the party bound may have a writ out of chancery, containing the matter of their unreasonable treatment directed to the sheriff of the county, where such offences were done, commanding him to make proclamation in the next county court, that the persons contained in the writ, appear at a certain day or place before the lord-chancellor, or otherwise before the justices of assize in the same county, or other notable person assigned by the chancellor, at which day, if they appear, the chancellor, justice, or other person, shall duly examine the parties on the premises, and the obligations which are found made as aforesaid, and all process thereon shall be void; but if made for a true duty, and not by such means, shall stand good: and if the persons named in the writs make default at the day, the obligation, with all process thereon, shall be void, and the sheriffs shall execute the writs, on penalty of 300*l.*, whereof one half shall be to H. M., and the other half to the party suing the writ of proclamation: and the party grieved shall have an action of debt for the latter half, with process of outlawry: and no protection or foreign plea shall be pleaded, *id.* *ibid.*

5. AGAINST TAKING AWAY OF WOMEN AGAINST THEIR WILLS, 5 *H. 7.* c. 2.

6. “Whereas maids, widows, and wives, having substance, or being heirs apparent to their ancestors, have on that account been often taken by misdoers contrary to their will, and afterwards married to them, or to other by their assent or defiled,” IT IS ENACTED, that the taking, or procuring, or abetting the taking any woman so against her will unlawfully, and also receiving her willingly, and knowing her to be so taken, is felony, and such takers, procurers, and receivers shall be deemed principal felons, *id.* s. 1. [Clergy taken away from principals or accessories before the fact, 39 *El.* c. 9. ss. 1—2, which is REP. 1 G. 4. c. 116. s. 1.]

7. FOR PUNISHING SUCH AS SHALL TAKE AWAY, OR MARRY maiden heiresses, being within the age of 16 years, without consent of their parents, 4 & 5 *P. & M.* c. 8. (and recital *in* s. 1.)

8. It shall not be lawful to take, or convey away any maid, or woman, child, unmarried, being within the age of 16 years, from the custody, and against the will of the father, or of such persons to whom he by his will or other act shall appoint, or bequeath, the keeping or education of such maid, &c. except such taking be had by or for her master, or mistress, or guardian, in socage, without fraud, *id.* s. 2.

9. Every person above the age of 14 years, who shall unlawfully take, or convey any maid, or woman child, unmarried, and within the age of 16 years, from the custody, and against the will of the father, mother, or persons who then happen to have by lawful means the education or governance of such child, shall, on conviction, suffer 2 years imprisonment, or pay such fine as is imposed by the star-chamber, *id.* s. 3. [Star-chamber dissolved, 16 *C. 1.* c. 10. s. 3.]

10. Every person who shall so take away, or cause to be taken away, and deflower any such maid, or woman child, or shall against the will,

or without the knowledge of her father, if her father is alive, or of her mother, having the custody of such child, if the father be dead, by secret letters, messages, or otherwise contract matrimony with such maiden, or woman child, shall being convicted suffer 5 years imprisonment, or pay such fine as is assessed by the star-chamber, to go in moieties to H. M., and the parties grieved, 4 & 5 P. & M. c. 8. s. 4.

11. The star-chamber, justices of assize by inquisition or indictment, shall hear and determine the said offences, and the same process shall lie in such indictment, as on an indictment of trespass at common law, *id.* s. 5.

12. If any woman child, or maiden, being above the age of 12 years, and under that of 16, consents to such person, that shall so make any contract of matrimony against this act, her next of kin to whom the inheritance should descend after her death, shall have all such lands and hereditaments as she had in possession, reversion, or remainder, at the time of such consent, during the life of the person so contracting matrimony: and after his decease, shall descend to such persons as they should have done, if this act had never been other than to him who shall so contract matrimony, *id.* s. 6.

13. This act shall not affect any custom or authority, touching orphans, within London, or any other city, borough, or town, *id.* s. 7.

14. CONCERNING WOMEN CONVICTED OF SMALL FELONIES, 21 J. 1. c. 6. [Con. indefinitely, 3 C. 1. c. 4. s. 22. 16 C. 1. c. 4.; and see 3 W. & M. c. 9. s. 6. BENEFIT OF CLERGY, *pl.* 30.; and 4 & 5 W. & M. c. 24. s. 13., *id.* *pl.* 31., which are MADE PERP. 6 & 7 W. 3. c. 14. s. 1., *id.* *pl.* 26.]

15. Every woman lawfully convicted by her confession, or by verdict of 12 men, of or for the felonious taking of any money, goods, or chattels, above the value of 12d. and under that of 10s.: or as accessory to any such offence, the same being no burglary nor robbery in or near the highway, nor the felonious taking of any money, goods, or chattels, from the person of any man or woman, privily, without his or their knowledge, but being only such an offence as in the like case a man might have his clergy, shall for the first offence be branded, and marked in the hand, on the brawn of the left thumb, with a hot burning iron, with a roman T thereon, the said mark to be made by the gaoler, openly in the court before the judge, [see as to commutation of this punishment, *tit.* BURNING IN THE HAND, *pl.* 2.] and also to be further punished by imprisonment, [whipping, *REP.* 1 G. 4. c. 57. s. 2.] stocking, or sending to the house of correction, in such manner and form, and for so long, (not exceeding the space of one whole year,) as the judge, or other justices before whom she is so convicted, or having authority in the cause, shall in their discretion think meet, according to the quality of the offence, and then to be delivered out of prison for the same, 21 J. 1. c. 6.

16. TO ABOLISH THE PUNISHMENT OF PUBLIC WHIPPING ON female offenders, 1 G. 4. c. 57.

17. The 57 G. 3. c. 75. s. 1. shall be repealed, *id.* s. 1. Judgment or sentence shall, in no case, be given against any female offender, that she shall suffer public or private whipping, 1 G. 4. c. 57. s. 2.

18. Where the punishment of whipping female offenders, either publicly or privately, hath hitherto formed the whole or part of the judgment or sentence pronounced against them, or has in any other case been inflicted, it shall and may be lawful for the court, or justice before whom conviction takes place, to pass sentence of confinement to hard labour, in the common gaol, or house of correction, for not exceeding 6 months, nor less than one month, or of solitary confinement, for not exceeding 7 days at one time, *id.* s. 3.

WOODS. (See FORESTS; TREES.)

(STATUTE repealed.)

FOR ESTABLISHING REGULATIONS IN THE OFFICE of surveyor or general of H. M.'s woods, forests, parks, and chaces, 43 G. 3. c. 31. [REP. 46 G. 3. c. 142. s. 1.]

(STATUTES in force.)

1. FOR THE PRESERVATION OF WOODS, 55 H. 8. c. 17. [MADE PERP. AND AMD. 13 El. c. 25. ss. 3. 18. As to inclosing woods, &c. 22 E. 4. c. 7. FORESTS, *pl.* 52.]

2. In all coppice-woods, or underwoods, which shall be felled at 24 years growing or under, there shall be left standing for every acre of wood felled, 12 standils or storers of oaks; if there be not so many of oak, there shall be left so many of other kind, *viz.* of elm, ash, aspe, or beech, as shall make up the number, likely to be timber trees, the same standils to be of such standils or stores as have been left there at any selling of the same underwoods in times past; and the stores so left shall be preserved till they be 10 inches square within 3 foot of the ground, upon pain that every owner, having an estate in the ground, causing any such underwoods to be felled, and not leaving such stores, to forfeit for every standil not so left, 3s. 4d. the one half to H. M., and the other to the party that will sue for same in any court of record,

by action of debt, &c. or information, wherein no essoin, &c., 55 H. 8. c. 17. s. 1.

3. All underwoods which shall be cut down at the age of 14 years, or under, from 20th April next, after the felling thereof during 4 years, shall be inclosed, or the springs thereof otherwise preserved from cattle, by them which shall have possession in the woods, upon pain to forfeit for every rood, 3s. 4d. for every month; and all underwoods which shall be so felled, being above 14 years growth, and not above 24 years, after the felling during 6 years, shall be inclosed, or the springs thereof otherwise preserved from cattle, at the costs of such which shall have interest in the woods, upon pain to forfeit for every rood 3s. 4d. for every month, *id.* s. 2.

4. No person shall convert into pasture or tillage any such underwoods, containing 2 acres or above, which now be wood, and reserved to the use of increase of wood or underwood, and being 2 furlongs distant from the house of the owner, or from the house whereunto such wood doth lie, upon pain to forfeit for every acre 40s., *id.* s. 3.

5. All persons and bodies politic and corporate, which shall have any several woods growing with great trees above 24 years growth, shall at the felling or weeding thereof leave standing in such wood, for every acre 12 trees of oak of the same great trees, if there be so many there, and for lack of oaks, as many other trees of elm, ash, beech or aspe, as shall make the full number, the same to be preserved during 20 years next after such felling of such woods; and also from the 20th April next after the felling thereof, during 7 years sufficiently inclose them, or the springs thereof otherwise preserve from cattle, upon pain to forfeit for every such great tree lacking 6s. 8d., and upon pain that owner of the soil causing such great trees to be cut down, shall forfeit 6s. 8d., and upon pain to forfeit for every rood not inclosed or preserved, for every month 3s. 4d., *id.* s. 5.

6. Every owner of such woods, &c. may sell the same for building, repairing, and inclosing of houses, orchards, and gardens, and for inclosing of parks, forests, chaces, or other grounds, and for making or repairing of waterworks, bridges, floodgates, making or amending of ships, and other vessels, and for all other things concerning their own affairs, as they might have done before this act, *id.* s. 6.

7. No person which shall have any woods or underwoods, wherein any other persons have used time out of remembrance to have common of pasture, shall fell such woods, (except it be to his own use) until the fourth part of such woods, or as much as the fourth part shall amount unto, be set out and inclosed, as herein provided, *viz.* the owner of the soil shall call together the commoners, or the more part of them, and by the assent of the more part of them shall set out such fourth part; and if the lord and commoners do not agree, then 2 justices of peace, not being of the alliance, council, or fee of the owner, being thereunto appointed by the justices in quarter sessions, upon request made by the owner, shall have power to call before them, upon such penalties as the justices shall appoint, 12 of the commoners and inhabitants; and upon the appearance of the owners, &c. or the more part of them, the justices shall declare the cause of their appearance, and shall by their assent proceed to the severing of such fourth part; and if the justices, owners, commoners, and inhabitants cannot agree, such justices shall set out by mete and bound the fourth part, or so much under the fourth part of such woods as shall by the justices be thought necessary; and within 3 months after such severance, the owner of the woods shall inclose the same, and after such inclosure, such owner may fell the woods, *id.* s. 7.

8. There shall be left standing upon the part so severed, like number of standils or storers of young oaks, or other young trees of elm, ash, aspe, or beech, if it be underwoods that be so felled; and if the woods felled shall be great trees, then such number shall be left standing of great trees, upon like penalties, as in s. 5. *pl.* 5. limited; and the part so severed shall be immediately inclosed, and kept inclosed for 7 years, in like manner, and upon the like penalties as in s. 5. limited; and the standils, storers, and great trees, appointed to be left standing, shall be so preserved, as in s. 5.; and no beasts, during 7 years after the felling of the woods, shall be put in or suffered to feed in any parcel of such part so set forth, upon pain of 4d. for every beast, *id.* s. 8.

9. If any owner of such woods in any waste ground, cut down any trees contrary to the form aforesaid, every person so offending shall forfeit for every tree 6s. 8d.; one half of all such forfeitures to be to H. M., and the other moiety to such person that will sue, as in s. 1. *id.* s. 9.

10. The commoners may use their common for their cattle within the residue of the woods not inclosed, as if this act had never been: and the owner of the soil shall be excluded to put any cattle in the same residue, or to take any profit of the pasture upon the same, during the 7 years, after the felling of the underwood growing in such part so severed and inclosed; and after the 7 years expired, until the next cutting down of the woods upon the part severed, as well the

same part as the residue shall be used in common, as well by the lord as by the commoners, 35 H.8. c.17. s.10.

11. Any person may fell and inclose all woods and underwoods in waste grounds, which have been used to be inclosed for the maintenance of wood, *id.* s.11.

12. If the part of wood so inclosed be not felled within 4 months after the inclosing, the commoners may put their cattle into the ground so inclosed, as long as the wood shall be unfelled, and the owner shall leave places of entrance and exit for their beasts, *id.* s.12.

13. This act shall not extend to any owner of woods within the wilds of *Kent, Surry, and Sussex*, other than to the common woods within such wilds, *id.* s.13.

14. This act shall not charge any person with any penalty, for any timber trees growing within 2 miles of the sea, in *Cornwall*, or any other timber tree, being scar and dead in the tops, or any other timber trees to be taken by H. M.'s commission, or for any offence, unless the person offending be sued within one year after the offence committed, *id.* s.15.

15. If any person break or destroy any fences made for the saving of the same woods, he shall forfeit 10s., *id.* s.16.

16. If any person suffer his swine, of the age of 10 weeks, during such years as the woods be appointed to be inclosed, to go in any ground or woods, unless the swine be ringed or pegged, the owners of such swine shall forfeit for every swine 4d., the one half, if it be in H. M.'s woods, to be to his highness, and the other to the finder; and if it be within any other person's grounds, the one half to be to the owners of the soil, and the other part to him that will sue, as in s.1., *id.* s.17.

17. Where any woods shall be felled in any park, or ground inclosed, wherein deer shall be kept, the owners of such parks, &c. shall be chargeable for the inclosure and preservation of the same but for 4 years after such felling, *id.* s.18.

18. If the inclosures of any of such woods be broken down against the will of the owner, whereby cattle escape and hurt the spring, or if the woods be by any means destroyed or hindered, without the assent of such owners, the penalties shall be extended upon the persons by whose default the wood shall be so destroyed, &c. and not upon the owner, *id.* s.19.

19. Every owner of such woods, underwoods, grounds, and coppice, after the same have been fenced, or the spring otherwise preserved, 2 years, may put colts and calves, under the age of one year, into such woods, &c., *id.* s.20.

20. All woods or coppices, intended by 35 H.8. c.17. to be inclosed, and the springs thereof preserved, shall be sufficiently inclosed, or the springs thereof otherwise saved, 2 full years more than by such act limited, according to age of woods felled, upon like pains as are contained in such act; and no cattle shall be put into any coppice woods inclosed, from the time of the sale, until the end of 5 years, nor from the end of 5 years any other cattle but calves and yearling colts, until the end of 6 years, if the wood was under the age of 14 years, at the last fall; or until 8 years, if the wood was above the age of 14 at the last fall, 15 El. c.25. s.18.

21. TIMBER SHALL NOT BE FELLED TO MAKE COALS FOR THE making of iron, 1 El. c.15.

22. No person shall convert to coal or fuel for the making of iron, any timber trees of oak, beech, or ash, or any part thereof, of the breadth of one foot square at the stub, and growing within 14 miles of the sea, or of the rivers of *Thames, Severne, Wye, Humber, Dee, Time, Teese, Trent*, or any other river, &c. by the which carriage is used by boat to the sea, upon pain of forfeiture for every tree or part thereof so employed, 40s., one half to H. M., and the other to him that will sue for same by original writ, bill, &c. wherein no essoin, &c. *id.* s.1.

23. This act shall not extend to the county of *Sussex*, nor to the wild of *Kent*, nor to the parishes of *Charewood, Newdigate, and Leigh*, in the wild of *Surry*, *id.* s.2.

24. TOUCHING IRON MILLS NEAR *London*, on the river *Thames*, 23 El. c.5.

25. No person shall convert to coal or fuel, for the making of iron in any iron mills, furnace, or hammer, any wood or underwood, which shall grow within 22 miles from *London*, or within 22 miles of the *Thames*, from *Dorchester*, in the county of *Oxford*, downwards; or within 4 miles of the foot of the hills called the *Downs*, betwixt *Arundel* and *Pemsey*, in *Sussex*, nor within 4 miles of *Winchelsey* and *Rye*, nor within 2 miles of the town of *Pemsey*, nor within 3 miles of *Hastings*; upon pain to forfeit for every load 40s., one half to H. M., and the other to him that will sue, by original writ, bill, &c. wherein no essoin, &c., *id.* s.1.

26. This act shall not extend to any woods in any such part of the wilds of *Surry, Sussex, or Kent*, as is distant above 18 miles from *London*, and 8 miles from the *Thames*, *id.* s.2.

27. No new iron works shall be erected within 22 miles of *London*, nor within 14 miles of the *Thames*, nor within 4 miles of the *Downs*,

or of the towns of *Pemsey, Winchelsey, Hastings, or Rye*, upon pain of 100l., to be recovered and applied as aforesaid, 23 El. c.5. s.3.

28. This act shall not extend to any woods upon any lands of *Christopher Durrel*, in the parish of *Newdigate*, within the wild of *Surry*, which have been coppiced for the use of his iron works, *id.* s.4.

29. FOR THE PRESERVATION OF THE TIMBER IN THE wilds of the counties of *Sussex, Surry, and Kent*, and for the amending of highways decayed by carriages to and from iron mills there, 27 El. c.19. [REF. as to highways, 39 El. c.19. which is REF. 7 G.3. c.42. s.57.]

30. No person shall set up within the counties of *Sussex, Surry, or Kent*, any iron mills, furnace, finery, or blowery, for the making or working of iron, other than upon such former bays or pens whereupon hath been, or shall be standing, some iron mills, furnace, or hammer, or else upon such lands as the party shall furnish the same, with sufficient supply of his own woods, being to him in fee, or for life, without impeachment of waste; nor shall convert to coals or fuel for the making or working of iron in any iron mills, &c. the bodies of any sound timber trees, apt for the making of cleftwares, or sawing timber of oak, ash, or elm, of the bigness of one foot square at the stub, or any part of the same; upon pain of forfeiture for every iron mill, &c. 300l., and for every body of such timber tree, so converted, 40s.; one half of which forfeitures to be to H. M., and the other half to him that will sue, by original writ, bill, &c. wherein no essoin, &c. 27 El. c.19. s.1.

31. The owners of such trees, the bodies whereof shall be employed for timber or cleft ware, within the wilds of *Sussex, Surry, or Kent*, the same not being within 18 miles of *London*, or 8 miles of the *Thames*, or 4 miles of the towns of *Rye, and Winchelsey*, or 3 miles of *Hastings*, or 4 miles of the foot of the *Downes*, between *Arundel*, and *Pemsey*, in *Sussex*, may employ the tops and offals of such trees for fuel for iron works, *id.* s.2.

32. FOR THE PUNISHMENT OF UNLAWFUL CUTTING, or stealing, or spoiling of wood or underwood, and destroyers of young timber trees, 15 C.2. c.2. (and recital in s.1.) See further, 1 G.1. St.2. c.48. 6 G.1. c.16. TREES, pl.1.]

33. Every constable, or other person, shall have power to apprehend all persons they suspect having or carrying any burden of wood, underwood, poles, young trees, bark, or bast, of any trees, or any gates, stiles, posts, poles, rails, or hedge wood, broom, or furze; and by warrant under hand and seal of one justice of peace, any officer may search the houses or other places of all persons they suspect to have any wood, &c. and where they shall find any such, to apprehend all persons suspected for taking the same, and them carry before a justice; and if they do not give a good account how they came by such wood, &c. or shall not within some convenient time to be set by the justice, produce the party of whom they bought the same, or some witness to depose on oath for sale of the wood, &c. they shall be convicted of the offence of cutting and spoiling of the same woods, &c. within the statute, 43 El. c.7. [TRESPASS, pl.8.] and liable to the pains thereby and by this act inflicted, 15 C.2. c.2. s.2.

34. Every person so convicted shall, for the first offence, give the owner such damages, and within such time, as the justice shall appoint, and pay down to the overseers of the poor, such sum not exceeding 10s. as the justices shall think meet: and if such offender do not make satisfaction to the owner, and pay to the poor the justice shall commit him to the house of correction for not exceeding one month, or to be whipped by the constable. And if such person shall again commit the said offence, and be convicted, he shall be sent to the house of correction for one month, and kept to hard labour. And if such person shall again commit such offence, and be convicted, the third time he shall be deemed an incorrigible rogue, *id.* s.3.

35. Whosoever shall buy any burdens of wood, poles, or sticks, which may be justly suspected to have been unlawfully come by, one justice, upon complaint, may examine the matter upon oath; and if they find that the same was bought of a person who might justly be suspected to have unlawfully come by the same, and that the same was unlawfully come by, such justice shall award the party to pay treble the value to the party from whom the same was unlawfully taken, and in default of present payment, may issue warrants to levy same by distress and sale of offender's goods, and in default of distress may commit the party to gaol, there to remain one month, *id.* s.4.

36. No person shall be questioned for any offence upon this law, that hath been punished for the same by any former law; nor unless he be questioned within 6 weeks after the offence, *id.* s.5.

37. IF ANY PERSON SHALL MALICIOUSLY SET FIRE, OR BURN, or cause to be burnt any wood, underwood, or coppice, such setting on fire, or burning, or causing to be burnt shall be declared felony, and the offender shall suffer as a felon; and where such offences are committed in *Scot.*, such offenders shall suffer as wilful fire raisers, according to 7 A. c.21. s.7. relating to *SCOTLAND (Treason)*, 1 G.1. St.2. c.48. s.4. [See the rest of this act. TREES, pl.1.]

38. IF ANY PERSON, NOT HAVING A RIGHT OR LEGAL LICENCE to do the same, shall set fire to, burn, or destroy, or shall abet, aid, or assist in or at the burning or destroying of any grass, furze, or fern, growing, or being in or upon any forest or chase within *Eng.* without the consent of the owner or person entrusted with the care of such forest, &c. and being brought before a justice for the county, riding, division, or place, where the forest, &c. is, and is convicted by confession or oath of one witness, or on view of such justice, such person so convicted shall forfeit not exceeding 5*l.* or less than 40*s.*, to go one moiety to the informer, and the other to the poor of the parish where the offence was committed, to be levied by distress and sale of offender's goods by warrant under the hand and seal of such justice; and in case no distress is found, such justice may commit such offender to the common gaol of the county or place for not exceeding 3 months or less than one, 28 *G. 2. c. 19.*

39. EVERY SURVEYOR OF H. M.'s WOODS AND HIS DEPUTY, AND officers, and keepers of any forest or chase, may seize and take away for their own use any saw, axe, or other instrument used by persons whom they find unlawfully stocking up, sawing, cutting down, topping and destroying any timber tree, or other tree, underwood, or covert within such chase, 4 *G. 3. c. 31. s. 4.*

40. FOR THE BETTER REGULATION OF THE OFFICE OF THE SURVEYOR-general of woods and forests, 46 *G. 3. c. 142.*

41. Any officer appointed to every office under the surveyor-general [now the commissioners of woods, forests, and land-revenues,] of woods and forests, parks, and chases, shall take the oath herein set down to be administered by such surveyor or by any justice of peace, if such surveyor shall direct such officer to be sworn before one, *id. s. 2.*

42. All returns and estimates of the quantity, quality, and value of timber, trees, coppice, and underwood, and of inclosures, buildings, repairs, plantations, and other works to be done under authority of such surveyor, and all accounts of money received or expended for sale of any such timber, trees, &c. and for such inclosures, &c. or for any other matter rendered by any officers under such surveyor, shall be subscribed with the name, and in the hand-writing, and verified by oath of such officer, such oath to be certified in writing upon such report, &c. either by some justice or such surveyor, and which oath either of them may administer, *id. s. 3.*

43. All such estimates, returns, and accounts, shall be transmitted by party making the same so subscribed to such surveyor, previous to such verification thereof, to require the party making the same to attend before him, and be examined on oath, touching all or any of the particulars and items contained in such estimates, &c. and the conduct of any such officers in execution of their duty; which examination such surveyor shall reduce to writing, and cause it to be signed by such party; and if any unintentional error has been made in such estimates, &c. the same may be corrected previous to its verification by oath, and such correction certified by such surveyor on the estimate, &c. *id. s. 4.*

44. If any such officer or other person in such examination or verification, shall be guilty of wilful perjury, he shall be liable to all the pains by law provided in case of wilful perjury, *id. s. 5.*

45. Such surveyor may send and receive letters and packets, postage free, in such manner and under such restrictions as other officers in 4 *G. 3. c. 44.* and 42 *G. 3. c. 63.* named, are thereby permitted so to do, *id. s. 6.*

46. All money, bills, and drafts received by such surveyor on account of the revenue under his management, shall, the day after received, or the day after any bill has been accepted, be paid into the bank of *Eng.* for which receipt the cashier shall give a good discharge, and the same shall there be placed to the account intitled "The account of the public monies of the surveyor-general of the woods and forests," inserting the name of such surveyor-general for the time being, *id. s. 7.*

47. Such surveyor may reserve for casual and ordinary payments in his own, or his banker's hands, a sum not exceeding 3000*l.*, or any larger sum the treasury may direct; and when the money so reserved is under such sum, such surveyor may make up the same by drafts upon such fund in the bank of *Eng.*, *id. s. 8.*

48. The payments into the exchequer of any such revenue shall be made by an order of such surveyor to the bank, to write the sum required from his account; and the bank on receipt of such order shall deliver a cancelled note for the amount to such surveyor, who shall pay same into the exchequer, where it shall be received as so much cash, *id. s. 9.*

49. Such surveyor shall make all other payments required out of the money in the bank by drafts on the bank, and shall specify the particular service, salary, or other charge for which given; and such draft shall have marked in the margin a figure corresponding to the page in the book kept by such surveyor, wherein is entered the service for which such draft was given, *id. s. 10.*

50. All drafts drawn pursuant to this act, shall be a sufficient authority to the bank to pay the same to the bearer, *id. s. 11.*

51. On death, resignation, or removal of any such surveyor, the balance of cash then in the bank shall vest in his successor in trust for

the public service, and shall be forthwith transferred and placed to his accounts; and such successor may issue his drafts for all demands unpaid which accrued in the time of the former surveyor, *id. s. 12.*

52. Such surveyor shall keep such account with the bank; and if he observe the rules hereby prescribed, he shall not be answerable for any money paid into the bank, and the bank shall answer for all money received from such surveyor, *id. s. 13.*

53. If any person shall knowingly forge or counterfeit, or cause to be forged, &c. or knowingly and wilfully act or assist in forging, &c. the name or hand-writing of such surveyor, or his deputy, to any draft, instrument, or writing, in order to receive or obtain any money from the bank of *Eng.*, on account of such surveyor, or any draft, instrument, or writing in form of a draft made by such surveyor or his deputy, or shall utter or publish any such, knowing same to be forged, or counterfeited with intent to defraud any person whatever, such person shall, on conviction, be adjudged guilty of felony without clergy, *id. s. 14.*

54. TO ABOLISH THE OFFICES OF THE WARDENS, CHIEF JUSTICES, and justices in eyre, north and south of *Trent*, 57 *G. 3. c. 61.*

55. The offices of wardens, chief justices and justices in eyre of H. M.'s forests, chases, parks, and warrens, north and south of *Trent*, shall upon determination of the present interests, be wholly abolished, and the duties thereof performed by the first commissioner of the woods and forests and land revenues; and the powers of the offices hereby abolished shall for that purpose be vested in him, and the same shall be exercised by him in like manner, and as fully as they have been by such wardens, &c.; provided such commissioner shall have no fee, salary, &c. in respect thereof, *id. s. 1.*

56. The salaries of such officers so abolished shall make part of the consolidated fund of the *U. K.*, and a sum equal to such salaries shall be retained in the exchequer as part of such fund, and not issued to the civil list, *id. s. 2.*

WOOL AND WOOLLEN MANUFACTURES.

(STATUTES repealed and expired.)

1. THE MEASURE and assize of cloths imported, 2 *Ed. 3. c. 14.* [CONF. 3 *R. 2. c. 2.* REP. 49 *G. 3. c. 109. s. 1.*]

2. NONE SHALL WEAR any cloth but such as is made in *Eng.*, 11 *E. 3. c. 2.* [ALT. 24 *H. 8. c. 13.* REP. 1 *J. 1. c. 25. s. 45.*]

3. CLOTHS NOT OF DUE length and breadth according to 2 *Ed. 3. c. 14.* shall be forfeited, 25 *Ed. 3. St. 4. c. 1.* [SEMB. REP. 27 *Ed. 3. St. 1. c. 4.*]

4. CLOTHS SHALL BE sealed before they are sold, 27 *E. 3. St. 1. c. 4.* [REP. as to this object of the act by 49 *G. 3. c. 109. s. 2.*]

5. HOW WOOL SHALL BE shewed and sold in and near the staples, 28 *E. 3. c. 14.* BOUNDS of every staple, 28 *Ed. 3. c. 15.* [SEMB. both EXP.]

6. TO REGULATE the length and breadth of cloths 47 *E. 3. 8vo. ed. Stat. at large, i. 722.* [CONF. 12 *R. 2. c. 14.* REP. 5 & 6 *Ed. 6. c. 6. s. 50.*]

7. FOR REGULATING the sale of cloths, 3 *R. 2. c. 2.* [SEMB. REP. 11 & 12 *W. 3. c. 20. s. 2.*]

8. CONFIRMATION of all former statutes concerning cloths, 7 *R. 2. c. 9.* [REP. 5 & 6 *E. 6. c. 6. s. 50.*]

9. THE LENGTH and breadth of *Cogware* and *Kendal* cloth, 13 *R. 2. c. 10.* [VIRTUALLY REP. 5 & 6 *Ed. 6. c. 6. s. 50.* and 49 *G. 3. c. 109. s. 1.*]

10. FOR PREVENTING the exportation of imperfect cloth, 13 *R. 2. St. 1. c. 11.* [REP. 49 *G. 3. c. 109. s. 1.*]

11. FOR REGULATING the purchase of wools by denizens, 14 *R. 2. c. 4.* [REP. by 21 *J. 1. c. 28. s. 11.*]

12. NONE SHALL BUY *Guildford* cloths before fulled and completed, 15 *R. 2. c. 10.* [REP. 5 & 6 *Ed. 6. c. 6. s. 50.*]

13. CLOTHS MAY BE made of any length and breadth, 17 *R. 2. c. 2.* [REP. 5 & 6 *Ed. 6. c. 6. s. 50.*, 49 *G. 3. c. 109. s. 1.*]

14. CONCERNING the export of single worsteds, 17 *R. 2. c. 3.* [REP. 5 & 6 *Ed. 6. c. 6. s. 50.*]

15. CLOTH discharged of subsidy and sealing, 1 *H. 4. c. 19.* [EXP.]

16. THE LENGTH and breadth of cloth, of ray and colour, 7 *H. 4. c. 10.* [CONF. 13 *H. 4. c. 4.* REP. as to ray, 9 *H. 4. c. 6.* and entirely by 5 & 6 *Ed. 6. c. 6. s. 50.*]

17. *KENDAL* cloth exempted from searching and aulnage fees, 9 *H. 4. c. 2.* [EXP.] FOR ENCOURAGING poor people in *Cumberland*, *Westmoreland* and *Carptmeal*, *Hawkeshead* and *Broughton* in *Lancashire*, to continue a trade of making *Cogware*, *Kendals*, *Carptmeals* and coarse cottons, 7 *J. 1. c. 16.* [SEMB. both EXP. since 11 & 12 *W. 3. c. 20. s. 2.*]

18. FOR REGULATING cloths called *straight*, 11 *H. 6. c. 9.* [REP. 5 & 6 *Ed. 6. c. 6. s. 50.*, 49 *G. 3. c. 109. s. 1.*]

19. FOR REGULATING the measure of woollen cloth, 18 *H. 6. c. 16.* [EXP.]

20. FOR IMPROVING the manufacture of cloths, 4 *Ed. 4. c. 1.* [REP. as to its regulations for these objects, 5 & 6 *Ed. 6. c. 6. s. 50.*, 49 *G. 3. c. 109. s. 2.*]

31. FOR CLOTHS made in certain *Devonshire* hundreds, 7 E. 4. c. 2. [REP. 49 G. 3. c. 109. s. 1.]
32. CONCERNING deficiencies in broad set and strait or narrow cloths, 8 E. 4. c. 1. [REP. 54 & 6 E. 6. c. 6. s. 50., 49 G. 3. c. 109. s. 1.]
33. REGULATIONS of dying wool and cloths, 1 R. 5. c. 8. [REP. 49 G. 3. c. 109. s. 1. and 50 G. 3. c. 83. s. 1.]
34. TOUCHING woollen cloth, 4 & 5 H. 7. c. 8. [REP. 21 J. 1. c. 28. ss. 11. 15.]
35. FOR MAINTENANCE of drapery and making of cloth, 4 & 5 H. 7. c. 11. [CON. 21 H. 8. c. 1. both EXP.]
36. FOR MAKING woollen cloths, 12 H. 7. c. 4. [EXP.]
37. CONCERNING the making of woollen cloth, 1 H. 8. c. 2. [EXP.]
38. AGAINST deceitful making of woollen cloths, 3 H. 8. c. 6. [EXP.]
39. FOR SEALING cloths of gold and silk, 4 H. 8. c. 6. [EXP.]
30. CONCERNING white cloths in *Devonshire*, 5 H. 8. c. 2. [REP. 49 G. 3. c. 109. s. 1.]
31. THAT WHITE cloths under 5 marks may be carried over sea unshorn, 5 H. 8. c. 5. [REP. 50 G. 3. c. 83.]
32. CONCERNING cloths called white straight, 6 H. 8. c. 8. [REP. 49 G. 3. c. 109. s. 1.]
33. FOR AVOIDING deceits in making woollen cloths, 6 H. 8. c. 9. [REP. 49 G. 3. c. 109. s. 1.]
34. CONCERNING the true dyeing of woollen cloth, 24 H. 8. c. 2. [EXP.]
35. FOR CLOTHIERS in *Worcestershire*, 25 H. 8. c. 18. [REP. 49 G. 3. c. 109. s. 1.]
36. FOR TRUE making of woollen cloths, 27 H. 8. c. 12. [REP. 33 H. 8. c. 18. in part, and entirely by 49 G. 3. c. 109. s. 1.]
37. FOR EXPORT of certain woollen cloths, 27 H. 8. c. 15., [EXPL. 33 H. 8. c. 19. Both REP. 50 G. 3. c. 83.]
38. FOR FOLDING of cloths in *North Wales*, 33 H. 8. c. 3. [REP. 49 G. 3. c. 109. s. 1.]
39. FOR TRUE making of kerseys, 33 H. 8. c. 18. [REP. 49 G. 3. c. 109. s. 1.]
40. AGAINST regrating of wools, 22 H. 8. c. 1. and 37 H. 8. c. 15. [Semb. both EXP.]
41. FOR THE TRUE MAKING of woollen cloths, 3 & 4 Ed. 6. c. 2. [REP. 49 G. 3. c. 109. s. 1.]
42. FOR THE TRUE making of woollen cloth, 5 & 6 Ed. 6. c. 6. [REP. 21 J. 1. c. 28. s. 11., 49 G. 3. c. 109. s. 1.]
43. TO LIMIT the persons who shall weave broad woollen cloth, 5 & 6 E. 6. c. 8. [REP. 1 M. Sess. 3. c. 7. which act is repealed 49 G. 3. c. 109. s. 1.; but 5 & 6 E. 6. c. 8. is not thereby REV. See 49 G. 3. c. 109. s. 4. *infra*.]
44. FOR PUTTING down gig mills, 5 & 6 Ed. 6. c. 22. [REP. 49 G. 3. c. 109. s. 1. See 43 G. 3. c. 136. s. 2.]
45. REGULATING cloth-making in corporate and market towns, 1 M. Sess. 3. c. 7. [REP. 49 G. 3. c. 109. s. 1.]
46. TOUCHING weavers, 2 & 3 P. & M. c. 11. [REP. 49 G. 3. c. 109. s. 1.]
47. TOUCHING viewing and sealing the cloths called *Bridgewater*, 2 & 3 P. & M. c. 12. [REP. 49 G. 3. c. 109. s. 1.]
48. TOUCHING making woollen cloths, 4 & 5 P. & M. c. 5. [REP. 49 G. 3. c. 109. s. 1.]
49. FOR CONTINUING the making of woollen cloth in divers towns in *Essex*, 1 El. c. 14. [REP. 49 G. 3. c. 109. s. 1.]
50. FOR REFORMING the excessive length of kerseys, 14 El. c. 10. [REP. 5 J. 1. c. 16. ss. 1, 2. and ss. 3. 5. of that act are REP. 49 G. 3. c. 109. s. 2.]
51. FOR ABOLISHING logwood dyes of cloth, 23 El. c. 9. and 39 El. c. 11. [both REP. 13 & 14 C. 2. c. 11. s. 26. and 49 G. 3. c. 109. s. 1.]
52. TOUCHING breadth of white woollen cloths, 27 El. c. 17. [MADE PERF. 35 El. c. 7. s. 50. REP. in part 43 El. c. 10. s. 9. and all REP. 49 G. 3. c. 109. s. 1.]
53. CONCERNING white straight made in *Devon* and *Cornwall*, 27 El. c. 18. [REP. 49 G. 3. c. 109. s. 1.]
54. TOUCHING the breadth of plunkets, azures, blues, and other coloured cloths, 35 El. c. 9. [REP. 49 G. 3. c. 109. s. 1.]
55. FOR REFORMATION of abuses in *Devonshire* kerseys, or dozens, 35 El. c. 10. [CON. 3 C. 1. c. 4. ss. 20. 22., 16 C. 1. c. 4. but REP. 49 G. 3. c. 109. s. 1.]
56. AGAINST DECEITFUL stretching and tentering of northern cloth, 39 El. c. 20. [REP. 49 G. 3. c. 109. s. 1.]
57. FOR TRUE MAKING of woollen cloth, 43 El. c. 10. [REP. 49 G. 3. c. 109. s. 1.]
58. FOR TRUE MAKING of woollen cloth, 4 J. 1. c. 2. [CON. 21 J. 1. c. 18. BOTH REP. 49 G. 3. c. 109. s. 1.]
59. FOR BURYING in woollen, 18 C. 2. c. 4. [REP. 30 C. 2. St. 1. c. 3. and 32 C. 2. c. 1. all REP. 54 G. 3. c. 108.]
60. FOR BETTER ascertaining the length and breadth of *Yorkshire* woollen cloth, 7 Ann. c. 13. [CON. 1 G. 1. St. 2. c. 15. REP. 49 G. 3. c. 109. s. 1.]
61. FOR REGULATING the woollen manufacture of mixed broad cloth, 10 A. c. 16. [CON. 1 G. 1. St. 2. c. 15. REP. 49 G. 3. c. 109. s. 1.]

62. FOR BETTER regulating the manufactory of cloth in the *West Riding of Yorkshire*, 11 G. 1. c. 24. [CON. 7 G. 2. c. 25. and 14 G. 2. c. 35. REP. 5 G. 3. c. 51. s. 1.]

63. FOR BETTER preventing the importation of *French* woollen manufactures into any ports in the *Levant* by H. M.'s subjects, and to prevent illegal importation of raw silk and mohair yarn into this kingdom, 32 G. 2. c. 24. [EXP.]

64. TO SUSPEND (till 1st July, 1804) proceedings in prosecutions, &c. under certain statutes relating to the woollen manufacture, and also under 5 El. c. 4., so far as that act relates to persons employed therein, 43 G. 3. c. 136. [CON. 44 G. 3. c. 64., 45 G. 3. c. 83., 46 G. 3. c. 18. and (till 1st May, 1809) 48 G. 3. c. 151. All EXP.]

(STATUTES in force.)

1. FOREIGN CLOTH-WORKERS COMING INTO THE REALM shall be in H. M.'s protection, and have safe conduct, and H. M. will grant these franchises, 11 Ed. 3. c. 5.

2. EVERY MAN, AS WELL STRANGER AS NATIVE, MAY BUY WOOLS, and the sea shall be open to all merchants to pass with their merchandise at pleasure, 18 Ed. 3. St. 2. c. 3.

3. CLOTHS UNDER ASSIZE SHALL NOT BE FORFEIT, BUT SHALL BE paid for by the buyer, according to their size, 27 Ed. 3. St. 1. c. 4. s. 1.

4. TO REGULATE PACKERS and WINDERS OF WOOL, 27 Ed. 3. c. 23. [AND. as to winders of wool, 28 G. 3. c. 58. ss. 85—89.]

5. A certain number of porters, packers, &c. and winders of wool, shall be ordained for the place where the staple is, and they and the correctors, and all officers of the staple shall be sworn to the due execution of their office before the mayor of the staple, 27 Ed. 3. c. 23.

6. The justices at any general quarter sessions in G. B. or at any adjournment thereof may administer to every person desirous to become a sworn winder of wool, producing a certificate of his qualification from 2 growers of wool, to the satisfaction of the justices, an oath as follows:

'I, A. B. do swear, that I will truly and justly, without deceit wind and fold all and singular the wool which I shall take on me to wind and fold, without leaving or putting any clay, lead, stones, sand-tails, deceitful locks, lambs wool, or any other thing whereby the fleece may be made more weighty, to the deceit and loss of the buyer, and that I will not use any other deceit, craft, guile, or fraud in the winding or folding of any such aforesaid wool.

'So help me God.'

An entry of which oath shall be made in the records of the sessions, and a certificate thereof delivered by the clerk of the peace, &c. to the person who has taken it, 28 G. 3. c. 58. s. 85. But persons not so sworn may be employed in winding or folding wool, 28 G. 3. c. 58. s. 86.

7. "Whereas in 27 E. 3. S. 2. c. 3. s. 1. it is declared felony, with forfeiture of life, member, lands and goods for an Englishman to pass the sea with wools, leather, or woollens." That forfeiture of life and member is repealed, 38 E. 3. S. 1. c. 6. That of lands and goods is repealed, 46 E. 3. Rot. Parl. No. 46.

8. FOR REGULATING THE PRICE AND WEIGHT OF WOOLS, 31 E. 3. c. 2.

9. The price of wools shall not be abated by covin, and certain balances and weights of the sack, half-sack, and quarter, pound, half-pound, and quarter, according to the exchequer standard shall be sent to all sheriffs of Eng., that men may make their own balances and weights according to that standard, and none shall sell or buy by any other weight, *id. ibid*.

10. THE CANVAS IN WHICH WOOL IS PACKED, WITH THE CANVAS, shall be free of customs, 34 E. 3. c. 19.

11. NOTHING SHALL BE DEMANDED OF THE COMMONS, BUT THE ancient subsidy of half a mark, and no subsidy or charge shall be set on wools, [or leather, 45 E. 3. c. 4., 11 R. 2. c. 9.] by the merchants or other without assent of parliament, 36 E. 3. c. 11., 45 E. 3. c. 4., 11 R. 2. c. 9.

12. MERCHANTS OF *London* SHALL BE AS FREE FROM WARRANTY of packing their cloths, according to 27 E. 3. S. 2. c. 3. [REP. 28 E. 3. c. 15.] as other merchants are, 1 H. 4. c. 16.

13. NO STRANGER SHALL CAUSE TO BE FORCED, CLACKED NOR barded, any wools to carry them out of the realm, upon pain of forfeiture, with double value thereof and imprisonment: wool packers shall make good packing, and if any man shall put in the fleece at the winding thereof any locks, peltwool, tar, sand, earth, glass, nor dirt, an action of trespass and deceit will lie for so doing, 8 H. 6. c. 22.

14. CLOTHIERS SHALL PAY THE WAGES OF THEIR CARDERS, spinners, and other work people in ready money, and not in goods, [and see 12 G. 1. c. 34. *infra*, pl. 47.] and shall deliver wools to be wrought according to their due weight, on pain of forfeiture to the labourer of treble the wages in such manner unpaid, and 6d. for every delivery of wool to him of over weight, 4 Ed. 4. c. 1. s. 5.

15. EVERY CARDER, SPINNER, WEAVER, FULLER, SHEARMAN, and dyer shall do his duty, on penalty of double damages to party grieved, and fullers shall use teasles, and not cards deceitfully impairing the

cloth on like penalty: justices of peace in counties, and chief magistrates in towns, hundreds, &c. shall inquire of, and punish offenders with a fine of 3s. 4d. to H. M. with process for their appearance, (without fee,) as in case of surety for the peace: no cloths made in any other realm, except *Wa.* and *Ire.* and prize cloth taken at sea shall be brought into this realm to be sold on pain of forfeiture to H. M., 4 Ed. 4. c. 1.

16. No WOOLLEN-YARN OR CLOTH UNFULFILLED SHALL BE exported under penalty of the value thereof, 7 Ed. 4. c. 3.

17. No STRANGER NOR DENIZEN SHALL CARRY OUT OF THIS realm any woollen cloths, before they be barbed, rowed and shorn, within this realm, upon pain of the forfeiture in 7 Ed. 4. c. 3. mentioned, 3 H. 7. c. 11. s. 1. But vessels, rays, sail, and other cloths, sold at or under 40s. are not comprised herein, *id.* s. 2. [Both 3 H. 7. c. 11. and 7 Ed. 4. c. 3. are CONF. and penalties recoverable by action of debt, bill, or information in any court of record, without essoin or wager of law allowed, 3 H. 8. c. 7. s. 1.]

18. CLOTHS CALLED VESSES, RAYS, SAILING-CLOTHS, AND other cloths commonly sold at 4 marks or under, shall not be comprised in any of the acts, but may be carried out of this realm, not barbed, rowed nor shorn, 3 H. 8. c. 7. s. 2. [EXT. to 5 marks, 5 H. 8. c. 3.: further EXT. 27 H. 8. c. 13., 33 H. 8. c. 19. all REP. 50 G. 3. c. 83.]

19. FOR AVOIDING DEBITS IN WORSTEDS, 5 H. 8. c. 4. [MADE PERP. 25 H. 8. c. 5. s. 1. AMD. *id.* s. 2.]

20. No person shall dry calender any worsted, upon pain to forfeit for every worsted 100s.: no person shall wet calender any worsteds, but such as have been bound apprentices to persons of the same craft 7 years, or approved and admitted by the mayor of *Norwich*, and the two masters of the craft in that city, or in the county of *Norfolk*, upon penalty for every piece so calendered 100s. one moiety to H. M. and the other to the masters of the said occupation; and the masters may sue for the one moiety by writ at the common law, or by bill, or plaint, after the custom of such city, port, or town where forfeiture happens, or by information in the exchequer, 5 H. 8. c. 4. s. 2.

21. No DYER OF WORSTEDS, STAINERS, OR SAYS, SHALL calender the same, or any other goods made of worsted yarn, on penalty of 40s. each piece, to be divided into three parts, to H. M., mayor, and party suing, 25 H. 8. c. 5. s. 2.

22. CLOTHS CALLED VESSES OR SET CLOTHS, NOT BEING above 40s. a cloth value, shall not be forfeited for lacking in length and breadth when wet after sale, 14 & 15 H. 8. c. 11.

23. CONCERNING THE DRESSING OF WORSTEDS, SAYS, AND stainers in *Yarmouth*, 14 & 15 H. 8. c. 3. [CON. 21 H. 8. c. 21. MADE PERP. and *semble* EXT. to *Norwich* and *Lynn*, 26 H. 8. c. 16.] FOR WORSTED YARN IN *Norfolk*, 33 H. 8. c. 16. [AMD. 1 Ed. 6. c. 6. These statutes being of a local nature are not given at length.]

24. FOR THE TRUE WINDING OF WOOLS, 23 H. 8. c. 17. [CON. 28 H. 8. c. 8., 31 H. 8. c. 7., 33 H. 8. c. 17., 37 H. 8. c. 23. MADE PERP. 13 Ed. c. 25. AMD. 28 G. 3. c. 38. ss. 79—84.]

25. No person shall wind any piece of wool not sufficiently warped, nor wind within any fleece, clay, lead, lambs' wool, or other things, whereby the fleece may be more weighty, to the deceit of the buyer, on penalty of forfeiting 2s. to the finder and prover of such deceit, on summary determination of any justice residing at or near the place, who shall, on information laid, summon the offender to appear at a fixed time and place; and on their appearance or default shall examine and give judgment on the premises, 23 H. 8. c. 17. s. 1., 28 G. 3. c. 38. s. 79.

26. This act concerning washing of wool shall not extend to any shire the inhabitants whereof have not used to wash their sheep before shearing, or to persons using to sell their wool by tale, and not by weight, 23 H. 8. c. 17. s. 2.

27. If it appear to the satisfaction of the justice that any such act was not done with intent to deceive the buyer, or that any clay or earth found in such fleece was not intentionally put there to give it weight, but became mixed with the same during the pasturing, &c. of the sheep subsequent to washing, he shall discharge the accused, 28 G. 3. c. 38. s. 80.

28. If the penalties hereby inflicted for false winding or selling of wool are not paid in 6 days after conviction, they may be levied by distress and sale of offender's goods under the justices warrant, *id.* s. 81.

29. The seller of wool, touching which any information has been made, and is pending, may immediately after his summons apply to the justice granting it, and require him on information given for that purpose, to summon the person who actually wound or folded the wool in question to appear at the time fixed in the original summons, or at any other time fixed by the justice, (of which notice shall be given by the seller to complainant), at which time the justice shall determine the complaint, whether the actual winder appear or not, (proof being made that he had been summoned), and if it appear to him that the offence was committed by such winder, &c. without privity of the seller, the former shall be liable to the penalties, and in default of payment, or if they cannot be recovered from him, he may be committed to gaol for not exceeding 3 calendar months, nor less than 21 days, (unless sooner

paid), with costs, if any, the seller remaining liable to the penalties, if such a case is not proved, 28 G. 3. c. 38. s. 82.

30. Any person aggrieved by the determination of such justice, may appeal to the next general or quarter sessions, giving within 5 days after conviction notice in writing to the respondent in such appeal, and shall at the time of making such appeal enter with 2 sureties into a recognizance before such justice to appear and prosecute the same at the said sessions, and abide by the order of the court, and to pay costs if awarded against him (if any), and the sessions shall determine the appeal, and award costs to be paid by either party, *id.* s. 83.

31. No conviction shall be set aside in any court for want of form, or mis-stating any fact provided the material facts, alleged therein, and on which it is grounded, are proved to the satisfaction of the court, *id.* s. 84.

32. TOUCHING CLOTH-WORKERS, AND CLOTHS READY WROUGHT, to be shipped over the sea, 8 Ed. c. 6. (and recital in s. 1.)

33. For every nine cloths unwrought, exported contrary to any former statute by force of any licence, the party shall carry over also one woollen cloth of like quality and size ready wrought and dressed, *viz.* rowed, barbed, first coursed, and shorn, on pain of 10s. penalty for every such 9 cloths, 8 Ed. c. 6. s. 2.

34. Such tenth cloth shall not be accounted one of those permitted to be transported by such licence, *id.* s. 3.

35. No person shall ship or carry beyond seas contrary to any former statute in force any *Kentish* or *Suffolk* cloth unwrought and undressed, *viz.* not rowed, &c. within this realm, on pain of 10s. penalty for each cloth, *id.* s. 4.: No licence for transporting cloth shall extend to *Kentish*, or *Suffolk* cloth, *id.* s. 5.

36. All forfeitures under this statute shall go one moiety to H. M. the other to the master and wardens of the company of cloth-workers to the use of their poor, and be recoverable by action of debt, or information without essoin, &c. or wager of law, *id.* s. 6.

37. No PERSON SHALL IMPORT ANY WOOL-CARDS FOR SALE on pain of forfeiture of such cards, or their value, in moieties to H. M. and the party seizing or suing in any court of record, 39 Ed. c. 14. ss. 1—2. [CON. 3 C. 1. c. 4. s. 22., and indefinitely, 16 C. 1. c. 4. ENF. 13 & 14 C. 2. c. 19.]

38. No foreign wool-cards, card-wire, or iron-wire for making wool-cards shall be imported on like penalty, and recoverable as in 39 Ed. c. 14., to or within the county, city, &c. where the offence committed, wherein no essoin, &c. allowed, 13 & 14 C. 2. c. 19. s. 1. But nothing herein shall hinder the amending or exportation of old overworn wool-cards, 13 & 14 C. 2. c. 19. s. 2.

39. FOR PUNISHING FRAUDS COMMITTED BY SORTERS, kembers, and spinners of wool, and weavers of woollen yarn, 7 J. 1. c. 7.

40. Every person who shall deceitfully embezzle, sell, or detain any wool or yarn delivered by any clothier to any sorter, carder, kember, spinster, or weaver, as well the sorter, &c. so offending, as the buyers and receivers, knowing the same, being convicted by confession, or by one witness upon oath, before 2 justices of peace, or if within a town corporate, before the mayor or chief officer, and one of the aldermen or most substantial persons of the town shall make the party grieved such satisfaction, as by the justices, &c. shall be ordered: and if the offenders shall not be thought sufficient, or do not make satisfaction, they shall for the first offence be apprehended and whipped, or set in the stocks, in the place where the offence committed, or in some market town in the county; and for the second offence incur the like or further punishment, by whipping or stocks, *id.* s. 2.

41. Every receiver of wool or yarn embezzled or purloined contrary to this act, knowing it to be embezzled, &c. shall be subject to like punishment, *id.* s. 3.

42. Every spinner in *Essex*, receiving wool to be spun into yarn for any clothier, or maker of bays, says, or other stuffs, dwelling in *Cogshall*, *Bocking*, *Braintree*, *Halsted*, *Wittam*, or *Colchester*, who shall deliver back the yarn by any shorter reel than 2 yards about, shall be subject to like punishment, *id.* s. 4.

43. FOR ENCOURAGING THE WOOLLEN MANUFACTURES OF THIS kingdom, 1 W. & M. St. 1. c. 32. ss. 6, 12, 13. [CON. 4 & 5 W. & M. c. 24. s. 10., 7 & 8 W. 3. c. 28. s. 3., and indefinitely 9 & 10 W. 3. c. 40. s. 1. AMD. 4 & 5 A. c. 7. CONF. by 28 G. 3. c. 38. s. 1. which repeals the rest of the act.]

44. No wool shall be shipped from *Ire.* but from *Dublin*, *Waterford*, *Youghall*, *Kinsale*, *Cork*, and *Drogheda*, [now REP. 4 & 5 A. c. 7.] nor imported from *Ire.* into any ports but *Liverpool*, *Chester*, *Bristol*, *Minehead*, *Barnstaple*, *Bideford*, and *Exeter*, 1 W. & M. St. 1. c. 32. s. 6. and 4 & 5 A. c. 7.

45. Any person may buy any cloth, stuffs, stockings, or other manufacture of wool made in *Eng.*, *Wa.*, or *Ber.*, and the same freely export into any parts beyond seas, paying usual customs, [which see, 39 G. 3. c. 52. Sch.], *id.* s. 13.

46. Nothing herein shall avoid the charters and grants made to the *Levant*, *Eastland*, *Russia*, or *African* companies, or their privileges, *id.* s. 13. [See as to *African* company, 1 & 2 G. 4. c. 28., *AFRICAN TRADE*, pl. 2.]

47. TO PREVENT UNLAWFUL COMBINATIONS OF WORKMEN in the

woollen manufactures, and for better payment of their wages, 12 G. 1. c. 34. [Ext. in toto to the manufactures enumerated in 22 G. 2. c. 27. MANUFACTURES, *pl.* 3.; also as to prohibiting payment of wages in goods, &c. (*vis.* ss. 3—6.) to the steel and iron manufacturers, 57 G. 3. c. 115. s. 1. *same tit.*, and to labourers in the collieries, 57 G. 3. c. 122. s. 1. *same tit. pl.* 8.; and Ext. in toto to *Scot.* and *Ire.*, 22 G. 2. c. 27. s. 3. AND. 13 G. 1. c. 23. ss. 16—17., 29 G. 2. c. 33., 58 G. 3. c. 51.]

48. This statute extends to combers of jersey and wool, to frame-work knitters, and makers of stockings, and to all persons concerned in any woollen manufactures, 12 G. 1. c. 34. s. 8.

49. All contracts, bye-laws or orders, in unlawful clubs and societies, made by or between wool combers or weavers, or journeymen of those trades, for regulating the same, or for settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, are declared illegal and void; and if any wool comber or weaver, &c. or other person concerned in the woollen manufactures, shall keep up, sign, or be knowingly concerned in any contract, bye-law or order of any club or combination by this act declared illegal, or shall attempt to put any such illegal agreement, &c. in execution, the offender, being convicted on the oath of one witness before 2 justices of peace, upon any prosecution within 3 calendar months after the offence, shall by order of such justices be committed either to the house of correction to hard labour for not exceeding 3 months, or to the common gaol of the county, &c. there to remain for not exceeding 3 months, 12 G. 1. c. 34. s. 1.

50. If any person retained as a wool comber or weaver, or as a servant in either art, shall depart from his service before the end of the term, or shall quit or return his work before it is finished, unless for reasonable cause to be allowed by two justices, every such offender, being convicted before two justices as aforesaid, shall be committed to the house of correction for not exceeding 3 months' hard labour; and if any person employed as a wool comber or weaver, shall wilfully damnify or destroy (without the owner's consent,) any goods or work committed to his care, he shall, being convicted as aforesaid, forfeit to the owner double the value, to be levied by distress and sale of goods by warrant of 2 justices, who, for want of distress, shall commit him to the house of correction, to be kept to hard labour for not exceeding 3 months, or till satisfaction is made, *id.* s. 2.

51. Every clothier, serge-maker, or woollen or worsted stuff-maker, or person employed in making any woollen cloths, serges or stuffs, or concerned in employing wool-combers, weavers, or other labourers in the woollen manufacture, shall pay all persons by them employed the full wages agreed on in money, [or in notes of the bank of *Eng.*, or any duly licensed banker where the workman consents to take the same, but not otherwise, 58 G. 3. c. 51. s. 1. See MANUFACTURES, *pl.* 44.] and not in goods, or in any other manner, or make any deduction on account of any goods sold previous to such agreement; and any 2 justices of peace, on complaint made, may summon the offenders, and for non-payment of the wages in money, issue their warrant for levying the same by distress and sale of goods; and for want of distress, commit the offender to the common gaol for 6 months, or till he shall pay the wages, or give satisfaction to the party, *id.* s. 3. [And see ante 4 Ed. 4. s. 1. s. 5. 10 A. c. 16. s. 6. and 29 G. 2. c. 33. s. 3. &c.]

52. If any clothier, &c. shall pay any wages either in goods or by way of truck, or in any other manner than in money, he shall forfeit 10*l.*, (to be levied as in s. 3. one moiety to the informer, and the other to the party grieved, *id.* s. 4. [The distribution of the penalty *REP.* 58 G. 3. c. 51. s. 2., and given to the churchwardens and overseers of the poor, or in *Scot.* to the kirk session of the parish in which the offence has been committed, for the use of the poor thereof, 58 G. 3. c. 51. s. 3.]

53. If the informer is called to give evidence the whole penalty shall then go to the poor of the parish, 58 G. 3. c. 51. s. 4. [Form of conviction is given, *id.* Sch. (A.) *tit.* MANUFACTURES, *pl.* 48.]

54. Every prosecution on 12 G. 1. c. 34., for paying any persons employed in the woollen manufactures in goods, or by way of truck, or in any other manner than in money, [except as in *pl.* 51.] shall be commenced in 3 months after the offence, 13 G. 1. c. 23. ss. 16, 17. [Form of conviction given as in last *pl.*]

55. If any clothier, serge, woollen, or stuff, worsted or woollen-yarn stocking maker, or person concerned in making the same, or any other person concerned for himself or another, in employing weavers, combers of jersey or wool, worsted combers, spinners, knitters or other labourers in the woollen manufactures, shall pay any person employed by him his wages in goods, or by truck, bill or note, or in any other manner than in money, [but see 58 G. 3. c. 51. s. 1. *pl.* 51., and before that enactment bank of *Eng.* notes seem to have been a good payment in cash if accepted as such, 37 G. 3. c. 45. s. 8., c. 91. s. 7.] shall forfeit 20*l.*, 29 G. 2. c. 33. s. 3.

56. The penalties made payable by this act may be recovered by action of debt, by any party suing for same, or, on conviction, [see the form of conviction referred to *pl.* 55.] before any 2 justices of the county or place where the offence is committed, either by confession of the party,

or on oath of one witness, and if not paid, with costs of distress, &c., within 14 days after conviction, shall be levied by distress and sale of offender's goods, by warrant of such justices, who, for want of sufficient distress, shall commit the offender to the house of correction for not more than 3 months, or till satisfaction is made, 29 G. 2. c. 33. s. 4.

57. If any of the penalties be levied on conviction before the justices of peace, one moiety shall be paid to the poor of the parish where the offence was committed, and the other to the informer, *id.* s. 5. [See 58 G. 3. c. 51. s. 3. *pl.* 52., (which is Ext. s. 1. to this act,) and gives the penalty half to the informer, and half to the churchwardens, &c. for the use of the poor; and s. 4. gives the whole penalty to the poor, if the informer gives evidence.]

58. In case any action of debt be brought for any of the penalties, the defendant shall not be liable to conviction before the justices of peace for the same offence; nor in case of information laid before the justices and conviction, shall the offender be liable to an action of debt on the same offence, *id.* s. 6.

59. Any person grieved by any order of such justices, may appeal to the next general or quarter-sessions for the county or division where such order is made; having first entered into a recognizance, with security before such justices, to prosecute and abide by their order thereon, and giving 8 days' notice in writing of such appeal to the respondent; and the justices in sessions shall determine such appeal, and make such order, and award such costs and damages by distress and sale of the goods of any person refusing to pay the same; and for want of sufficient distress, may commit the party to the common gaol of the said county or division, for not exceeding 3 months, or till satisfaction made; which order shall be final; and no proceedings of any such justices out of sessions, or of the justices in sessions, in pursuance of this act, shall be removed by *certiorari*, or other process of law, *id.* s. 7. [Treble costs may be awarded to be paid by appellant, if the cause of appeal is determined against him, 1 G. 4. c. 93. s. 3. MANUFACTURES, *pl.* 53.]

60. All prosecutions for offences against this act shall be commenced within 3 months after the offence committed, *id.* s. 8.

61. The 29 G. 2. c. 33. ss. 1—2. "which enacts that the justices at any general or quarter sessions next after *Michaelmas*, yearly, shall make rates for the payment of wages to weavers, and others employed in the woollen manufactures, according to the number of yards that the chains are laid upon the warping bars, and not otherwise," repealed, 30 G. 2. c. 12. s. 1.

62. All contracts or agreements made between any clothier or maker of mixed, medley, or white broad cloth, and the weavers employed by him, as to any wages, shall be valid, *id.* s. 2.

63. Such contracts shall extend only to the prices of workmanship or wages to be paid, and not to the payment thereof in any other manner than in money, *id.* s. 3. [But see *pl.* 51.]

64. If any clothier, &c. do not pay the weavers employed by him their wages, &c. in money, within 2 days next after the work performed and delivered to such employer, or some person on his behalf (the same being demanded) he shall forfeit 40*s.* for every such offence, to be recovered and disposed of as in 29 G. 2. c. 33., *id.* s. 4. [See *pl.* 52.]

65. Any person aggrieved by any order of the 2 justices, may appeal to the next quarter-sessions, giving notice of such appeal; and if it appears to the sessions that reasonable notice was not given, they shall adjourn the same to the next quarter-sessions, and there finally determine the same; and shall have power to award costs, 12 G. 1. c. 34. s. 5. [And see note to last *pl.* and note to next *pl.*]

66. If any person shall assault any master wool-comber, weaver, or other person concerned in the woollen manufactures, whereby such master, &c. shall receive any bodily hurt, for not complying with any such illegal bye-laws, &c. as in s. 1. *pl.* 49., or shall write or send any letter or message threatening hurt to any such master, &c., or to burn or destroy their houses, or to cut down his trees, or maim or kill his cattle, for not complying with any demands of his workmen, or for not submitting to any such illegal bye-laws, &c., every person wilfully offending in the premises, being convicted on indictment found within 12 calendar months after the offence committed, shall be guilty of felony, and shall be transported for 7 years, *id.* s. 6. [The ss. 5—6 are Ext. to persons employed in the manufactures enumerated in 22 G. 2. c. 27. s. 12. MANUFACTURES, *pl.* 33.]

67. Breaking into a shop to cut serges or woollen goods in the loom, or tools used in making them, &c., punished with death, *id.* s. 7. [Ext. to silk manufactures 6 G. 3. c. 28. s. 15., but *REP.* 22 G. 3. c. 40. s. 4.]

68. FOR THE MORE EFFECTUALLY PREVENTING any cloth or woollen goods remaining on the rack or tenters, or any wollen yarn or wool left out to dry, from being stolen or taken away in the night time, 15 G. 2. c. 27.

69. If any cloth or woollen goods remaining on the rack or tenters, or any woollen yarn, or wool left out to dry, be stolen or taken away in the night time, any justice of peace of the same county or place, on complaint made within 10 days after such goods stolen, by the owner,

may by warrant authorize any constable, headborough, or other peace-officer, in the day-time, to enter into and search the houses, out-houses, or other places of every person whom the owner of such goods, on his oath, declares he suspects to have stolen or received the same; and in case such constable, &c. find any cloth, woollen goods, or wool, which, from the information of the person making such oath, he has reason to suspect to be so stolen or received, he shall apprehend every person in whose custody such goods are found, and carry him before some justice of the peace of the same county, division, or town: and if such person suspected give not a satisfactory account how he acquired the property or possession of such goods, or within some convenient time set by the said justice, produce not the party of whom he received the same, or some other witness to depose on oath such property or right to the possession of the said goods, he shall be deemed convicted of the said offence of stealing or taking away the said cloth, woollen goods, woollen yarn, or wool; and shall for the first offence forfeit to the owner treble the value; and in default of payment in the time appointed by such justice, he shall issue forth his warrant to levy the same by distress and sale of the offender's goods; and in default of such distress, shall commit him to the common goal of the place where apprehended, for 3 months, or until he pay the same; and for any further offence, shall, on conviction, besides the forfeiture of treble the value to be levied as aforesaid, be committed to the common gaol for 6 months; and if convicted of such offence, the justice before whom he is so convicted shall commit the offender to the common gaol, to remain till the next assizes or great session for trial thereat, and if such offender shall not, by producing the party of whom he acquired the property or possession of such goods, or otherwise prove to the satisfaction of the jury, that he lawfully obtained the property or possession of the same, he shall be adjudged guilty of felony and suffer transportation for 7 years, and be liable to the same punishment for returning therefrom as other felons transported are liable to, 15 G. 2. c. 27. s. 1.

70. If any person so suspected and apprehended is aggrieved by the judgment of any justice, he may (unless twice before convicted) appeal unto the next general quarter sessions, who shall give such relief, and make such order therein, as seems meet; and such order shall be final, *id.* s. 2.

71. This act shall not alter or repeal any law for the punishment of persons stealing or receiving such cloth, woollen goods, woollen yarn, or wool, except in such cases where the proof is laid upon the offender, *id.* s. 3.

72. PERSONS INDICTED FOR FELONIOUS CUTTING AND STEALING any cloth or other woollen manufactures from the rack or tenter in the night time, and thereupon found guilty by 12 men, or by confession, or who will not answer to the same according to law, or shall wilfully stand mute, or challenge peremptorily above 20 jurymen, or shall upon such indictment be outlawed, shall be excluded from clergy, 22 C. 2. c. 5. s. 3. [See the rest of this act, STORES (PUBLIC), *pl.* 4, 5.]

73. Judges may, at their discretion, relieve the offender, and transport him for 7 years from the time of transportation, and during all that time there to be kept to labour; and if he refuse to be so transported, or shall afterwards return to Eng., Wa., or Ber., within the 7 years, he shall be put to execution on the judgment so pronounced against him, 22 C. 2. c. 5. s. 4. [CONF. 1 G. 1. St. 2. c. 25. s. 11.]

74. FOR BETTER REGULATION OF THE WOOLLEN MANUFACTURE, and for preventing disputes among the persons concerned therein, 13 G. 1. c. 23. PUBLIC clause, *id.* s. 19.

75. No maker of mixed medley or white cloth may use any warping bars, but only such as are of the measure following, *viz.* every long warping bar 3 yards 3 inches in length and no more; and every round warping bar 4 yards and 4 inches round, and no more; the 3 inches on the long bar, and the 4 inches on the round bar, being in lieu of the over-measure usually allowed in cloths; and the thrums at the end of the warping bars shall not exceed 8 inches in length; and if any maker of such cloth shall use any warping bar of other length, or with thrums exceeding 8 inches in length, he shall forfeit 10*l.*, *id.* s. 1.

76. Every maker of such cloth or goods mixed with wool shall give out all wool, yarn, and other materials, at 16 oz. to the lb., and shall receive it back by the same weight, without fraud, on penalty of 5*l.* for every offence, *id.* s. 2.

77. All prosecutions for offences against this act, shall be heard by 2 justices, on information given on oath within three calendar months after offence; and they shall hear and determine the same, and on conviction issue their warrants to levy the penalties by distress and sale of goods; one moiety to the informer, and the other to the poor of the parish; and for want of distress, may commit the offender to the county gaol for not exceeding 3 months, or till satisfaction made, *id.* s. 4.

78. All disputes relating to work, wages, or damages, between any clothier and weaver, or other person employed in such manufacture, shall be heard and determined by 2 justices; who, on complaint, shall

summon the parties, hear and examine on oath, and adjudge satisfaction; and give costs and damages, and issue their warrants to levy such costs and damages, by distress and sale of goods of persons refusing for 10 days to pay the same; and for want of distress, to commit them to the county gaol, or house of correction, for not more than 3 months, or till satisfaction made, 13 G. 1. c. 23. s. 5.

79. Persons aggrieved by any order of the justices may appeal to the next quarter sessions, giving 6 days' notice, who shall make such order, and award such costs and damages as shall seem reasonable, and shall levy by their order or warrants the costs and damages by distress and sale of goods, and for want of distress may commit the party to the county gaol or house of correction, for any time not exceeding 3 months, or till satisfaction is made, which order of sessions shall be final, nor shall the proceedings of any justices in pursuance hereof, be removed by *certiorari* or other process, *id.* s. 6.

80. Any one justice of peace on information on oath that any persons are suspected to be guilty of any of the above ill practices, may issue his warrant to any constable or other peace officer, churchwarden, or overseer, directing him in the day-time to enter any house or other suspected place to search for all such bars and weights, as are used by any clothier or maker of woollen goods; and if such clothier, &c. shall interrupt such officer, he shall forfeit 5*l.*, *id.* s. 7.

81. If any end-gatherers shall be found buying or carrying ends of yarn, wefts, thrums, short yarn, or other refuse of cloth, druggot, or other woollen goods, or goods mixed with wool (flocks and pinions only excepted), any constable or peace officer may, by warrant of one justice, search such person and his bags; and if he find any such ends of yarn, &c. shall carry him before any justice, which person, on conviction of any of the said offences on oath of one witness or by confession, shall be deemed an incorrigible rogue or vagrant, and shall be punished as by 12 A. St. 2. c. 23. s. 8. directed, *id.* s. 8. [And see 17 G. 2. c. 5. s. 4. tit. VAGRANT, *pl.* 33.]

82. Every person sued for any thing done in pursuance hereof, may plead the general issue; and if plaintiff is nonsuited, discontinues, or has verdict or judgment against him, defendant shall recover treble costs, *id.* s. 18.

83. FOR MORE EFFECTUALLY PREVENTING FRAUDS and embezzlements by persons employed in the woollen manufactory, 14 G. 3. c. 25.

84. If any picker, scribbler, spinner, weaver, or other person, employed in manufacturing of woollen cloth, or in preparing materials for that purpose, shall not return all working tools, wool, yarn, chain, woof, or abb, delivered out to be manufactured, and all materials wherewith he is entrusted, or give a satisfactory account touching the same to his employer, or shall fraudulently steam, damp, or water the wool or yarn delivered to him to be worked up; or if any person shall take off, cut, or pick out, the list, sorrel, or other mark of any piece of cloth, and shall be convicted of any such offence before some justice, either by confession, or oath of one witness, such person shall be committed to the house of correction for one month, *id.* s. 1.

85. If any person so employed, and entrusted, shall not have delivered or accounted for such tools and materials, and shall abscond, or sell, or dispose of the same; or if any person shall fraudulently buy or receive such tools or materials; or if any person shall be charged on suspicion of having embezzled and kept back, by damping, steaming, or watering the wool and yarn delivered out to him; or with having sold, bought, or received the same, and oath shall be made thereof before one justice, such justice shall issue his warrant to any constable, or peace officer, to enter and search, in the day-time, the residence of offender, and also such other place of which the clothier, his clerk, or servant, shall make oath, that he have just cause to suspect, it appearing to the said justice to be reasonable suspicion that the said working tools, or materials, or part thereof, may be secreted and lodged: and if on search, any of the said working tools, &c. as in s. 1., shall be found, the said constable, &c. shall seize the same, and apprehend the person in whose possession the same shall be found, and bring him before the same, or some other justice; and unless he can give a good account how he came by the same, to the satisfaction of such justice, such person shall be thereof convicted, and suffer punishment as in s. 1., and all such tools, &c. as in s. 1. so seized, and not accounted for, shall, upon such conviction, be delivered over to the churchwardens or overseers, for sale; and applying the monies arising therefrom, after defraying the expences thereof to the use of the poor, *id.* s. 2.

86. In case the person accused shall request of such justice to appoint a reasonable time to produce the person from whom he bought or received the same, or some witness to prove the sale or delivery; such justice shall appoint such time, and issue a summons to the constable where such person or witness shall reside, requiring him to appear before him to be examined and give evidence, on oath, of the matters; but such person at the time of such request, shall enter into a recognizance, with or without sureties, as such justice shall think proper, for his appearance at the time set, or for want of such recognizance, shall be

consented until the time that shall be appointed for the appearance of such party or witnesses; and if afterwards convicted of any of the offences, he shall suffer such punishment as in s. 1. directed, 14 G. 3. c. 25. s. 3.

87. Any justice, on information on oath that there is just cause to suspect that any ends of yarn, wests, thrumms, short yarn, or other refuse of cloth, druggot, or of other woollen goods, or of goods mixed with wool (flocks and pinions only excepted), have been collected and received, and are lodged or concealed, in any place, by warrant under his hand and seal, shall cause such place to be searched in the day-time; and if such ends of yarn, &c. (flocks and pinions only excepted), above 3 pounds, shall be found therein, to seize the same; and also cause the person in whose house the same shall be found, to be brought before him, or some other justice, and on proof being made thereof upon oath before such justice, that such ends, &c. (flocks and pinions only excepted) were found in the dwelling-house, or other place of such person, such person not exculpating himself to the satisfaction of such justice, shall thereupon suffer such punishment as in s. 1., and the materials found in his custody shall, by order of such justice, be burnt or destroyed, *id.* s. 4.

88. If on information on oath before any justice against any offender against this act, it shall appear to him, that such person hath been before convicted of any offence against this act; he shall not convict, but shall commit him to the house of correction until next general quarter-session, or until he enter into a recognizance, with sureties, to appear at, and abide the order of such sessions; and such justice shall bind over the informer to prosecute at the said sessions, which shall enquire into and determine the same in a summary way; and if such person be found guilty, they shall commit such offender to the house of correction for not exceeding 3 months, *id.* s. 5.

89. If it appear to the sessions, that such person hath been convicted at some sessions of any offence against this act; they shall, on a like enquiry and conviction, in a summary way, direct the offender to be committed to the house of correction, for not exceeding 6 months, and to be once publicly whipped at such time and place as they shall direct, *id.* s. 6.

90. Any person aggrieved by the judgment of any justice may appeal; and the justice shall make known to such person, at the time of conviction, his right to appeal to the next quarter sessions, the person then giving to such justice notice in writing, signifying his intention to appeal, and also entering into a recognizance at the time of such notice, with sureties conditioned to try such appeal, and to abide the judgment of, and pay costs awarded by sessions; and the sessions shall on proof of such notice and recognizance, hear and determine the appeal in a summary way, and award costs to either party, if they think proper; but if on such hearing the judgment of the justice, before whom such appellant convicted, is affirmed, such appellant shall suffer such punishment, in consequence of such conviction, as in s. 1., *id.* s. 7.

91. The justice before whom any offender shall be convicted, shall cause the conviction to be made out in form following, *id.* s. 8.

Be it remembered, that on the — day of —, in the year of our Lord —, A. B. is convicted before me [or us], — of H. M.'s justices of the peace in and for the county, division, liberty, or place [as the case may be], of having [here specify the offence, and the time and place where the same was committed]. Given under my hand and seal, or our hands and seals [as the case may be], the day and year aforesaid.

And shall cause the said conviction to be fairly wrote over, upon parchment; and also to be returned to the next general quarter session, to be filed by the clerk of the peace, and kept among the records of sessions, *id.* s. 9.

92. No person shall be proceeded against for any offence against this act, unless information be made on oath, before one justice, in 3 months; and no order, &c. shall be quashed for want of form, or be removed by *certiorari* into any court of record at Westminster, *id.* s. 10.

92. (a) To AMEND 22 G. 2. c. 27. [see MANUFACTURES, pl. 8. which act is AMD. 15 G. 3. c. 14.]

93. So much of 22 G. 2. c. 27. s. 1. [and *semble* of 1 A. St. 2. c. 18. s. 1., 13 G. 2. c. 8. s. 1.] as subjects persons to punishments for reeling short yarn, *Rer.*, 14 G. 3. c. 44. s. 1.

94. Any person who shall reel false or short yarn, and be thereof convicted by the oath or affirmation of the owner, or of any other credible witness, or by the confession, before one justice, shall, for first offence, forfeit from 5s. to 20s.; for the second offence from 40s. to £l.; and for every other offence, such justice may commit the person convicted to the house of correction to be kept to hard labour for one month, and also order him to be once publicly whipped at the nearest market-town upon a market-day; all which penalties shall go to the party grieved, 14 G. 3. c. 44. s. 2.

95. The justice shall make the conviction as follows:

Be it remembered, that on the — day of —, in the year of our Lord —, A. B. is convicted before me, [or us] — of H. M.'s justices of the peace for —,

[specifying the offence, and the time and place when and where the same was committed, and also specifying that it was the first, second, or third offence against this act, as the case shall be.] Given under my hand and seal, [or our hands and seals,] the day and year aforesaid.

Which shall be fairly wrote on parchment, and returned to the next general quarter session to be filed by the clerk of the peace, among the records, 14 G. 3. c. 44. s. 3.

96. Any clerk of the peace where such conviction is filed, upon application, shall cause a copy to be delivered to such person on payment of one shilling for every copy, *id.* s. 4.

97. Any person convicted may, at time of conviction, enter into a recognizance conditioned to try such appeal, abide the order of, and pay such costs as adjudged by the sessions; which shall take cognizance of such appeal, and may affirm such conviction, and award such costs as they think proper; and if not paid, according to the justices' order, such costs may be recovered by distress and sale of goods, by warrant under the hand and seal of any justice; and if no goods found, sufficient to pay the costs and charges of distress, they may commit to the common gaol for 3 months; and the determination of the sessions shall be final; and no order or other proceedings shall be quashed for want of form, or removed by *certiorari* into any court of record at Westminster, *id.* s. 5.

98. The pecuniary penalties inflicted by 14 G. 3. c. 44. on persons convicted of reeling false or short yarn, with the costs of prosecution, shall (if not paid according to the order of the justice) be levied by distress and sale of the goods of the offender, by warrant, under the hand and seal of the justice, with the costs of distress and sale; and if no goods found sufficient to answer the penalties, with costs of distress, then such justice shall commit such offender to the common gaol for one month, unless such penalties and charges, &c. shall be sooner paid, 15 G. 3. c. 14. s. 1.

99. Any person aggrieved may appeal to the next general or quarter sessions; and the sessions may hear and determine the appeal, and make order therein; which shall be conclusive, *id.* s. 2.

100. FOR PUNISHING PERSONS WILFULLY and maliciously destroying any woollen goods, or any implements prepared for or used in the manufacture thereof, 22 G. 3. c. 40. (and recital in s. 1.); [See rest of this statute, LINEN MANUFACTURES, pl. 11. SILK MANUFACTURES, pl. 45. EXT. to Scot. 29 G. 3. c. 46. s. 2.]

101. If any person shall by day or night break or enter by force into any house or shop, with intent to cut or destroy any serge or other woollen goods in the loom, or any tools employed in making thereof, or shall wilfully and maliciously cut or destroy the same in the loom, or on the rack, or shall burn, cut, or destroy any rack on which serges or woollen goods are hung to dry; or shall wilfully, &c. break or destroy any tools used in making the same; every such offender, being lawfully convicted, shall be guilty of felony without clergy [in Scot. being convicted before any justiciary or circuit court, shall suffer death as in other capital crimes, 29 G. 3. c. 46. s. 2], 22 G. 3. c. 40. s. 1.

102. TO EXPLAIN, AMEND AND REDUCE INTO ONE ACT of parliament several laws now in being for preventing the export of live sheep, rams, and lambs' wool, woollens, mortlings, shortlings, yarn, and worsted, cruels, coverlids, waddings, and other manufactures, or pretended manufactures, made of wool slightly wrought up, or otherwise put together, so as the same may be reduced to and made use of as wool again, mattresses or beds stuffed with combed wool, or wool fit for combing, fullers' earth, fulling and tobacco-pipe clay from this kingdom and from Jersey, Guernsey, Alderney, Sark, and Man, into foreign parts; and for making 23 H. 8. c. 17. "For true winding of wool," more effectual, 28 G. 3. c. 38. [AMD. as to export of live sheep to Isle of Man by 38 G. 3. c. 63. s. 9., 45 G. 3. c. 99. s. 8., 51 G. 3. c. 50.; of wools, &c. to Ire. by 48 G. 3. c. 44.; of worsted yarn to Canada by 47 G. 3. S. 1. c. 9., 53 G. 3. c. 55.; as to export of tobacco, or pipe clay, or fullers' earth, 47 G. 3. S. 1. c. 49.; as to carrying wool, &c. coastwise, 57 G. 3. c. 89.]

103. All and singular the statutes now in force, or so much thereof as relate in any manner to the carrying coastwise [see now 57 G. 3. c. 88. pl. 180.], or to any of the isles of Jersey, &c., or to prevent the export of live sheep, rams, and lambs' wool, woollens, mortlings, shortlings, yarn, [worsted yarn, how exported to Canada, see 47 G. 3. S. 1. c. 9.] or worsted made of wool, woollens, cruels, coverlids, waddings, or other manufactures, or pretended manufactures made of wool slightly wrought up or otherwise put together, so as the same may be reduced to, and used as wool again, or mattresses or beds stuffed with combed wool, or wool fit for combing or carding, or any fuller's earth, fulling or tobacco-pipe clays, except 9 & 10 W. 3. c. 40. ss. 3—5. shall be *Rer.*, 28 G. 3. c. 38. And this act shall, from the time of its passing, take effect as hereinafter mentioned viz. from 1 May 1786, up to which date all forfeitures incurred under former acts are remitted, 28 G. 3. c. 38. ss. 87, 88. [See as to 9 & 10 W. 3. c. 40., *infra*, pl. 119. 178.]

104. If any person shall bring, deliver, send, receive, or take, or cause, or procure to be brought, &c., or taken into any ship, vessel, or boat, any rams, sheep, or lambs, of any description soever, of the breed

of *G. B.*, or of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, being alive, to be conveyed out of *G. B.*, or any of the said isles, the said rams, sheep, or lambs, and the vessel or boat on board which they are taken or received shall be forfeited, and liable to be seized and secured for benefit of the seizer or seizers; and every such offender, his or her aiders, procurers, &c. knowing thereof, and thereof convicted, shall, for every sheep or lamb brought, &c. (as above), or taken with any such intent into any ship, vessel, or boat, forfeit *5l.* of lawful money of *G. B.*, and also suffer solitary imprisonment in the common gaol for 6 months, and until such forfeitures shall be paid, so as the whole imprisonment for nonpayment of the forfeiture shall not exceed 2 years; which forfeitures shall be for the benefit of the person who shall sue; but nothing in this act shall subject any person or vessel to any of the pains or forfeitures for carrying any wether sheep, or of the wool growing upon them, to be carried alive in any ship, vessel, or boat, out of *G. B.*, or out of any of the said isles, for the only necessary food of the master, mariners, passengers, or persons therein, and for no other purpose, 28 *G. 3. c. 38. s. 2.*

105. No live wether sheep shall be put on board any vessel for food until application has been made to the comptroller and collector of customs of such port where the same are to be shipped, and a licence obtained from them for the shipping thereof, which licence shall specify the number of wether sheep to be put on board, and they shall in no case exceed such number as in the judgment of the officers granting such licence shall be deemed sufficient for the use of such master, mariners, or passengers, during the voyage; nor shall the same be shipped but in the presence of proper officers appointed to attend the same, on pain that the sheep put on board shall become forfeited to the person seizing the same, and the person shipping or attempting to ship the same shall forfeit *20s.* for every sheep to the person who shall inform, *id. s. 3.*

106. If there is no comptroller or collector of customs at the place, then such licence shall be obtained from, and the shipping of such live wether sheep shall be made in the presence of some officer of *H. M.*'s revenue nearest to such place, who is to grant such licence and attend to the shipping of such sheep, *id. s. 4.*

107. Nothing in this act with respect to any officer being present at the shipping of sheep, or granting a licence, shall extend to the shipping of live wether sheep on board any ship, &c. bound only to or from any port between the *Mull of Cantire* and *Cape Wrath*, for the food of the master, mariners, passengers, or persons on board, and for no other purpose, *id. s. 5.*

108. As in *Scot.* estates and farms often consist of mainland and small islands within the different firths or seas adjacent, on which islands sheep are fed, and which, for that and other purposes, must be removed on board boats or other vessels from one island to another, this act shall not hinder any landholder, proprietor, or tenant of such estate or farm, from carrying and exchanging from the mainland to any island in the firths adjacent, or from such island to another, or from thence to the mainland on board boats or vessels, any live sheep or lambs as occasion may require, *id. s. 6.* [The *s. 7.* requiring bond to be given against export of sheep before removing or exchanging them, and *s. 8.* for thereupon obtaining a licence from a justice for such removal, &c. is *Rer. 57 G. 3. c. 88.*]

109. All persons who shall carry, export, transport, or otherwise convey, or cause to be carried, &c. out of *G. B.*, or out of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, or any of them, into any parts out of the kingdom or isles aforesaid, any wool soever of the growth of the said kingdom or isles, or any woolfells, mortlings, shortlings, yarn or worsted made of wool, woolflocks, cruels, coverlids, waddings, or other manufactures, or pretended manufactures made of wool slightly wrought up, or otherwise put together, so as the same made be reduced to, and made use of as wool again, or mattresses, or beds stuffed with combed wool, or wool fit for combing or carding, or any fullers' earth, fulling or tobacco-pipe clays [but see *s. 10.* next *pl.*, and 47 *G. 3. S. 1. c. 49. pl. 110.*] and also all owners of any ship or vessel, and all owners of every horse or other beast of burthen, waggon, cart, or carriage, upon which any articles before enumerated are exported, transported, carried or conveyed, packed or loaded, with an intent to be exported, knowing thereof, and being actually aiding, and also every master and mariner of or in such vessel, knowing thereof, and being actually aiding, and also every factor or servant, or other person soever, and every collector, customer, comptroller, waiter, searcher, surveyor, or other officer soever, knowing thereof, and actually aiding, and thereof convicted, shall forfeit for the first offence *3s.* for every lb. weight of such wool or other articles, or *50l.* in the whole, at election of the person suing, and shall also suffer solitary imprisonment in the common gaol for 3 months, and till the penalty is paid, so as the whole imprisonment for the nonpayment of such penalty shall not exceed 12 months; and in case of a further conviction for a second or subsequent offence of the same kind, the person so again offending shall forfeit *3s.* for every lb. weight of

such wool and articles prohibited from being exported, or *50l.* at the election of the person who shall sue, and shall also suffer solitary imprisonment in the common gaol for 6 months, and till the penalty in which he shall be convicted shall be paid, so as the whole imprisonment for nonpayment of the penalty shall not exceed 2 years; all which forfeitures shall be for the benefit of the person who shall sue; and the said wool and articles, packed, loaded, removed, carried, conveyed, or shipped, with intent to export the same, shall, together with the ship, vessel, bottom, or boat, waggon, cart, and other carriage, horses or beasts, be liable to be seized, and shall become forfeited for the benefit of the person who shall seize, 28 *G. 3. c. 38. s. 9.*

110. Nothing in this act shall prohibit the exportation of tobacco-pipe clay from any port in this kingdom to any *British* sugar plantation in the *West Indies*, under 17 *G. 3. c. 43. id. s. 10.* [Nor of fulling earth, fulling or tobacco-pipe clays, to any place in possession of *H. M.*, as long as it is allowed to be exported to the sugar plantations, 47 *G. 3. S. 1. c. 49.*]

111. Every owner of wool, or any other enumerated woollen and worsted articles prohibited from being exported, or his agent, who shall carry, or cause to be carried, any wool or other last mentioned articles, to any port on the sea coast within *G. B.*, with an intention to convey the same to any other port on the sea coast within the same kingdom, from whence the same may be shipped off or carried into foreign parts, shall first cause entry to be made of the said wool, &c. at the port, containing the exact weight, marks, and numbers of the same, before he presume to load or carry away any of the said wool, &c. within 5 miles of such port on the sea coasts, from whence the same is to be conveyed; and if any wool, &c. shall be carrying towards the sea, for the purpose aforesaid, without being first entered in manner aforesaid, and without being accompanied with a certificate of such entry, and which the officer is to give, the wool, &c. so found, and also the horses and carriages conveying the same, shall be forfeited for the benefit of the person who shall seize, 28 *G. 3. c. 38. s. 11.* [But see 54 *G. 3. c. 78. pl. 178.*]

112. The above clause is not to extend to the hindering any person from carrying his wool from the place of shearing, on horses, or by carts and waggons, to his own dwelling-house or outhouses, though within 5 miles or less of the sea, so as such person, within 10 days after shearing, and before he remove or dispose of the same, from the place where it was first carried after shearing, do under his hand certify to the officers of customs in the next port the true quantity of wool; (that is to say), the number of fleeces, and where the same is housed, and that such person do not remove, or dispose of the said wool to any other place, without first certifying to the officer, under his hand, his intention to remove the same, three days before such removal; and the officers shall receive and keep such certificates, and make a register of them; but in case such person shall neglect to make and send such certificates to the officer of the next port, or shall remove, or dispose of any of the said wool, before such certificate of his intention made and delivered, such person shall have no benefit by this proviso, but be liable to the penalties in the foregoing clause, *id. s. 12.* [But see 54 *G. 3. c. 78. pl. 178.*]

113. In case any sheep shall be shorn between 1st *March* and 1st *July* in each year, for the sole purpose of sending them to market; and in case the owner shall not remove or dispose of the wool shorn from such sheep, from the places where the same were first carried after shearing, without first certifying in 3 days in manner aforesaid, it shall not be necessary for such owner to certify the true quantity of the wool and number of fleeces, and where the same are housed, until such owner shall certify in manner before mentioned the quantity of wool and number of fleeces shorn from the whole of the flock belonging to him, after the general shearing for that season, *id. s. 14.*

114. Any person authorized as after mentioned, may seize for his own use all such wool, woolfells, mortlings, shortlings, and other woollen and worsted articles, fullers' earth, fulling or tobacco-pipe clays, which he shall see or discover to be brought, carried, or laid on shore, at or near the sea, or any navigable river, to the intent to be exported contrary to this act; and the offender shall be subject to the like forfeiture, as persons are subject unto for exporting, &c. *id. s. 15.*

115. It shall be lawful to export the quantities of wool hereinafter mentioned out of *Southampton* only, unto *Jersey*, *Guernsey*, *Alderney*, or *Sark*, for the only use of any of the inhabitants of the said isles, but under the regulations in this act, respecting the removal and shipping of wool, and so as such wool shall be shipped on board some vessel then the property of some person residing within one of the isles, and so as the shipper do, before the shipping, deliver unto the collector, customer, comptroller, surveyor, or searcher of *Southampton*, a writing under the hand and seal of the governor of *Jersey*, or of his deputy, as to the wool which is to be exported to the said island; and under the seal of the governor of *Guernsey*, or of his deputy, as to the wool which is to be exported to *Guernsey*, *Alderney*, and *Sark*, in which writing it shall be expressed that the party named therein is authorized to export so much wool, expressing the number of tods, to the same isles, or one of them, to be manufactured in one of the isles, and that such party authorized to

export such wool, hath, before the making of the said writing, entered into sufficient bond to H. M. for the landing of the said wool in manner aforesaid, 28 G. 3. c. 38. s. 16.

116. The governor of *Jersey*, or his deputy, shall not make to any person any writing as above, to authorize him to transport out of *Southampton* unto *Jersey*, in one year, from 1 Jan. any greater quantity of wool than 4000 tods; and the governor of *Guernsey* to transport unto *Guernsey*, *Alderney*, and *Sark*, in one year, accounting from 1 Jan. any greater quantity of wool than 2000 tods for *Guernsey*, 400 for *Alderney*, and 200 for *Sark*; and the customer of *Southampton* shall keep account of all the wool so by him permitted to be laden by this act, and shall not permit any greater quantity to be laden than prescribed, in one year, upon forfeiture of his place, and 500*l.*, one moiety to H. M., and the other to him that will sue in any court of record. And if any of the governors, or their deputies, shall give any licence for exporting from *Southampton* into the said isles, any greater quantity of wool; then the governor shall forfeit to H. M. 20*l.* for every tod licensed to be exported over the proportion by this act limited, one moiety to H. M. and the other to him that will sue in any court of record, *id.* s. 17. [See as to exportation to *Canada*, 47 G. 3. S. 1. c. 9., 52 G. 3. c. 55.]

117. The governors aforesaid, or their deputies, clerks, officers, or servants, for the granting such licence, and for entering a remembrance of the same into some book, shall have 1*s.*, *id.* s. 18.

118. No wool, or any of the enumerated woollen or worsted articles, fullers' earth, fulling or tobacco-pipe clays, shall be put on board any vessel, hulk, or boat, whereof any alien born or natural born subject, not inhabiting within *G. B.*, shall be owner or part owner; and such vessel, hulk, or boat, wherein such wool, &c. shall be shipped, shall be forfeited to the seizer. Provided this act shall not extend to any lamb skins ready dressed and prepared, fit for fur or linings, *id.* s. 19.

119. Any buyer or manufacturer of wool within *Kent* and *Sussex*, residing within 15 miles of the sea, having given such bond, with sureties, as is mentioned in 9 & 10 W. 3. c. 40., may sell any wool to any buyer or manufacturer within the said counties, who has also given such bond, and to remove and lodge the same at the warehouse belonging to the person to whom the same shall be sold, as often as necessary, although the person purchasing shall live within 15 miles of the sea, such wool being removed, and such person giving such notice of the lodging and housing thereof, as is by 9 & 10 W. 3. c. 40. required, *id.* s. 20. [But *semb.* *Rep.* 54 G. 3. c. 78. *pl.* 178.]

120. Nothing in 9 & 10 W. 3. c. 40. [now *Rep. in toto*, 54 G. 3. c. 78.] shall prevent any wool shorn or lodged within 10 miles of the sea, within *Kent* and *Sussex*, from being removed to any place, where a regular fair shall be held for the sale of wool; and in case the same is not sold, to bring back such wool to the place from whence taken; provided, previous to the removal, a permit be taken out containing the quantity to be removed, and to continue in force for such time as may be necessary for removal to the fair, and returning thereof to the place from whence taken, in case the same shall not be sold at such fair, and the proper officers shall grant such permits upon application from the grower of the wool, *id.* s. 21. [But *semb.* *Rep.* as to permits, 54 G. 3. c. 78. *pl.* 178.]

121. Every permit shall accompany the wool for which the same has been granted, and shall, in case of such wool being sold at the fair, be produced by the purchaser to the officer, who shall then grant to such purchaser another permit for taking such wool from such fair, which permits shall specify the quantity to be moved, and the time during which it shall be in force, *id.* s. 22.

122. In case of the return of such wool unsold, the same shall become subject to the same rules, as in case the same had never been moved to any fair, *id.* s. 23.

123. If any person shall counterfeit, or in anywise alter any certificate in the recited act mentioned, or any license, or instrument hereby directed to be made or given, or shall cause the same to be counterfeited, &c. or shall knowingly make use of any counterfeited licence, he shall forfeit 20*l.* to any person who shall sue, *id.* s. 24. [S*emb.* superseded since 54 G. 3. c. 78. *pl.* 178.]

124. No wool, or other woollen or worsted articles, prohibited from being exported, shall be removed towards the sea, within 5 miles of the sea coast of any part of *G. B.*, between sun-setting and sun-rising, upon pain of being forfeited, together with the horses, waggon, cart, or carriage, for the benefit of the seizer; and the driver, knowing thereof, shall be committed to the house of correction for one month, *id.* s. 25. [R*ep.* 54 G. 3. c. 78. *pl.* 178.]

125. Nothing in the last clause shall prevent any farmer or grower of wool from removing, after sun-setting, such wool as shall have been shorn that day, from the place of shearing to the dwelling or storehouse of such farmer, although such removal be towards the sea, and within 5 miles of the coast, *id.* s. 26.

126. Nothing herein shall hinder any person from carrying any parcels of woollen or worsted yarn twisted, of 2 or more threads, and manufactured for knitting, so as each parcel be directed to, and carrying to some retailer of such yarn, and so as there be not more than

14 pounds weight directed to and carrying for one person at the same time, and so as such parcel be marked according to the acts requiring the marking thereof, 28 G. 3. c. 38. s. 27.

127. No wool, woolfels, mortlings, shortlings, woolflocks, worsted, bay, or woollen yarn, shall be packed up in any other package otherwise than in packs or trusses of leather or canvass, called *pack cloths*, or in linen or woollen; and all such packs or trusses shall be stamped on the outside with the word "wool," in not less than 3 inches in length, on forfeiture of all such wool, &c. to the seizer, and also upon forfeiture, by the person to whom such wool, &c. shall belong, not exceeding 1*s.* for every lb. weight of such wool, &c. seized, to the person seizing, as the court or justices before whom such wool, &c. shall be condemned, shall direct: but nothing herein shall prevent any person from packing any worsted or woollen yarn in paper, so that such paper is fairly directed to the person to whom the same is intended to be sent, and the word "worsted" or "yarn" be wrote or marked thereon, in letters not less than 1 inch in length, and that the quantity in one such paper contained do not exceed 14 lbs. in weight, *id.* s. 28.

128. The justices before whom any complaint or information respecting the word "wool" not being stamped on the outside of the package, shall be made, shall, if they think fit, order the wool, &c. seized to be returned to the owner; but in such case, the forfeiture incurred by such offence shall not be mitigated below 6*d.* per lb., *id.* s. 29.

129. All persons who shall pack any wool, or other woollen or worsted articles, in any package, otherwise than according to the above directions, or who shall press together, or cause to be pressed together, with screws, presses, or other engine, any wool soever, or any yarn made of wool, or other woollen or worsted articles prohibited from being exported, into any pack; or put, press, pack, or steam the same, or cause to be put, &c. into any butt, pipe, hogshhead, chest, or other cask, upon any pretence whatsoever, shall forfeit all such wool, &c. with the package thereof, and 3*s.* per lb. weight of wool, &c. the whole of which penalties shall be paid by the owner or packer to the person who shall seize or sue, *id.* s. 30.

130. Every person who shall press together, or cause to be pressed together, with any screws, presses, or engine, any wool, or woollen or worsted articles prohibited from being exported, into any truss, sack, pack, bag, or other wrapper, or shall put, press, pack, or steam the same, or cause to be put, &c. into any butt, pipe, hogshhead, chest, or any other cask or vessel, contrary to this act; and all persons aiding in such packing, shall, above the penalties before mentioned, be subject to the same pains and penalties as are inflicted upon exporters of wool; and the court and justices before whom such persons are tried and convicted, shall punish such offender accordingly: provided, in case any person who may have assisted in such illegal package shall, before apprehended, appear before any justice, and make discovery of the master packer, and other the persons concerned in such package, so that they may be prosecuted to conviction, then the person giving such information shall not be liable to the penalties, and, on conviction of such offender, shall be entitled to the wool, &c. packed: provided, in case the master packer, or person assisting in such package shall, before information taken against him, discover to any justice the name of the person by whom he was employed to pack the same, so that such person may be prosecuted to conviction, then such master packer, or person who shall give such information, shall not be liable to the penalties, and shall be entitled to the wool; and the person directing such wool, &c. so to be packed, shall, on conviction, be liable to the penalties before inflicted on exporters of wool, *id.* s. 31.

131. Every person who shall keep any wharf for the reception of wool in any port in *G. B.* shall, within one month after he begins to keep the same, enter into a bond to H. M. in 200*l.*, and which shall be deposited with the commissioners of customs at *London*, that no part of the wool deposited with him shall, with his privity, be illegally put on board any vessel; and such wharfinger shall also keep a regular entry and account of the quantity of bags or cloths of wool by him received and delivered, the time when, and the names and residence of the persons from whom such wool was received, and to whom such wool was delivered, with the marks and numbers upon the sheets, and the weight of such wool; a copy of which account shall be by him delivered to the principal officers of customs, at the port at which he shall reside, at the end of every 6 months, and oftener if required by such officer; and if any wharfinger refuse to enter into such bond, he shall forfeit 200*l.* to the person who shall sue; and in case he refuse to keep and deliver such account, or be convicted of keeping or delivering a false account, such wharfinger shall forfeit 50*l.*, to be paid to the person who shall sue; and if he shall knowingly permit such wool to be put on board any vessel, otherwise than according to this act, he and all persons aiding therein shall, on conviction, be subject to the pains before enacted against the exporters of wool; and any person giving information, so that such wharfinger and persons may be convicted, shall be entitled to 40*l.*, which shall be paid to such informer by the commissioners of customs immediately after conviction, *id.* s. 32.

132. Every person keeping a wharf at which any wool shall be lodged, shall, within 7 days after he shall receive any wool at such wharf by land carriage, or by inland navigation, transmit a note in writing, signed by the owner of such wharf, or his agent, which shall certify the quantity of wool received, and the number of sheets to the customer or comptroller at the port at which such wharf shall be kept, in case there shall be such officer, and for want thereof, to such other officer of customs as shall be stationed at such port, upon pain of forfeiting 10*l.* to any person who shall sue, 28 G. 3. c. 38. s. 33.

133. No wool, woollens, mortlings, shortlings, combed wool, wool-flocks, or woollen bay yarn, worsted yarn, cruels, or wool slightly manufactured, prohibited from being exported, shall be put on board any vessel or boat, to be carried coastwise, [see now 57 G. 3. c. 88. pl. 180.] unless notice be first given to the commissioners or chief managers of the customs, or to the customer, or collector and comptroller of customs at the port from which the same is to be sent, of the quantity, quality, and package, together with the marks, numbers, and weight, with the name of the ship, and master, together with the name of the owner of the goods, and his abode, and the place at which the same are to be landed, and the name of the person to whom the same are consigned; and also unless a bond be first entered into to H. M., by two persons, in treble the value of the goods intended to be carried coastwise, that the same shall (the danger of the seas excepted) be landed accordingly, which bond shall be executed by the owner of the goods, or some person by him appointed to execute the same, and which execution shall be deemed to be the act of such owner, or shipper; which shipper, if acting as agent, or having sold such goods to any person, shall recover from the proprietor of the goods shipped, all money such shipper shall expend, without wilful default, by reason of his entering into such bond; and in case such bond shall be entered into for any wool, or other last enumerated articles, being the property of different persons, then such owner, or persons for whose account such bond was entered into, shall be accountable for his share of the money expended, in proportion to the amount of such goods so shipped; and also unless a licence be first taken out under the hands of the commissioners or chief managers of customs, or any 3 of them, or from the customer, or collector and comptroller where such bond is given, for the lading, carrying, and landing thereof as aforesaid, which licence they are to grant without fee to the person demanding the same: and if any wool, &c. shall be carried on board any vessel, to be carried coastwise, before such bond shall be entered into, and such licence taken out, &c., then all such wool, &c. or the value thereof, shall be forfeited, together with the ship, vessel, bottom, or boat, and all the guns, ammunition, tackle, apparel, and furniture, for the benefit of the person first informing thereof, *id.* s. 34.

134. "As in Scotland, there are many lochs or inlets of the sea, to which it may be necessary to carry wool, &c. from one part of the coast of such lochs to another, on board vessels; and there are also, adjacent to the coasts of Scotland, a great many islands from whence wool, the produce of the said islands must be brought to the mainland of Scotland, or be carried from such mainland to the islands thereof, &c." therefore the carrying, shipping, or landing of wool, &c. to such intent only, shall not be deemed carrying, &c. for the purpose of carrying the same coastwise; nor shall the carrying, shipping, or landing of such wool, &c. to such lochs, or from such islands to the mainland of Scotland, or from such mainland to such islands, for such intent only, be subject to the restrictions respecting the carrying wool, &c. coastwise; provided nothing herein shall authorize the carrying such wool, to open sea, save as aforesaid, but under such restrictions as are herein expressed, *id.* s. 55. [And see s. 6. pl. 108.]

135. When any wool, woollens, mortlings, shortlings, combed wool, woolflocks, woollen or bay yarn, worsted yarn, cruels, or wool slightly manufactured, shall be shipped to be carried coastwise under this act, the customer, or collector and comptroller of customs at the port from whence such goods shall have been shipped, shall, on the clearance of such ship, transmit a notice in writing, setting forth the quantity, quality, and package of such wool, &c., together with the marks and numbers thereof, with the name of the ship and of the master, to the customer of the port to which such wool, &c. are intended to be conveyed, under penalty of 10*l.*, to be paid by the officer neglecting to transmit such notice, which penalty shall be paid to the person who shall inform; and the bonds before directed to be entered into on the shipping of the said wool, &c. shall not be discharged until a certificate, under the hand and seal of the customer of the port in G. B. where the same were landed, expressing the quantity, quality, and package, marks, numbers, name of the ship and master, out of which such wool, &c. were landed, shall be produced to and left with the person in whose possession such bond shall be kept, at the custom-house of the port whence the said wool, &c. were shipped, and which certificate the customer, &c. of the port at which such wool, &c. shall be landed, is to transmit to the customer, &c. at the port from whence the same were shipped, within 7 days after the landing thereof, under the penalty of

10*l.*, to be paid by the officer neglecting to transmit such certificate to the person who shall inform; and the said customer, &c. at the port at which such wool, &c. shall be landed, shall also grant and deliver another certificate of such landing to the masters of the vessel from which the same shall be landed, without fee, when requested; and all such bonds as shall remain undischarged by such certificate for 6 months, shall be transmitted to the commissioners of customs at London, who are to put them in suit; and if the wool in such notices shall not be landed at the port to which the same were consigned within a reasonable time, then the customer, &c. at the port to which the same were licensed to be sent, shall transmit a notice thereof to the customer, &c. at the port from whence such wool, &c. were shipped, that inquiry may be made in what manner the same have been disposed of or delivered, and which inquiry the customer, &c. is to make without delay, 28 G. 3. c. 38. s. 36.

136. No wool or other woollen or worsted articles, fullers' earth, fulling clay, or tobacco-pipe clay, shall be put on board any vessel or boat, bound to parts beyond the seas, under the penalty of forfeiture, for the benefit of the person who shall inform, of all such goods, and also of such ship, vessel, bottom, or boat, on which such goods shall be laden, and all the guns, ammunition, tackle, apparel, and furniture belonging to such ship, &c. and moreover the master shall, in such case, be deemed the exporter thereof, and be subject to the penalties in such case provided, unless such master shall, upon being apprehended, discover the person who actually shipped such goods, and enter into a recognizance with 2 sureties, before some justice, to prosecute and give evidence against such shipper, so that he may be convicted, *id.* s. 37. [But see as to export of fullers' earth, 47 G. 3. S. 1. c. 49. pl. 110.]

137. Nothing in the above exception shall extend to the masters of vessels not regularly clearing out to foreign parts, but if any wool or other last-mentioned goods shall be discovered on board such vessel, and where no such clearance can be exhibited, then the master shall be deemed the shipper, and such master, and all persons on board such vessel, knowing of such illicit transaction, shall be liable to the pains before enacted against exporters of wool; provided, in case any person on board any ship not regularly cleared out to foreign parts, other than the master, shall, on being apprehended, give information, so that such master may be convicted, or the vessel condemned, such person informing shall not be liable to any penalties to which he might otherwise be liable, and shall also be entitled to 40*l.*, which shall be paid to such informer by the commissioners of customs, immediately after conviction, *id.* s. 38. [The s. 39. is Rer. 57 G. 3. c. 88. see pl. 180.]

138. The wool, &c. prohibited from being exported, which shall be found on board such vessel, or within such carriage, or upon such horse or beast, shall be forfeited to the person who shall seize the same, *id.* s. 40. [The s. 41. is Rer. 57 G. 3. c. 88. pl. 180.]

139. No master of any vessel, who shall ship any wool to be carried coastwise, shall unpack, or permit to be unpacked, any wool to him delivered (except through necessity, of which such master shall make oath in writing before one justice, on his arrival at the port to which such wool shall be consigned), upon pain of forfeiting, for every bag unpacked, 40*s.* to the owners of such wool, *id.* s. 42. [The s. 43. is Rer. 57 G. 3. c. 88. pl. 180.]

140. All coquets for carrying wool, or the said articles, from any port within the kingdom of G. B., or the said isles, shall be written on paper, and not parchment, and signed by 3 of the chief officers of such ports; and all certificates of landing, in any other of the ports, shall be written upon paper only, and signed in like manner; and all wool, &c. both at shipping and landing, shall be weighed in the presence of the said officers giving such coquets, and the exact weight, marks, and numbers shall be expressed in the coquets, and written therein, without any obliteration, erasure, or interlineation soever, *id.* s. 44.

141. All persons who, by insurance or otherwise, shall undertake that any sheep, wool, or other articles before enumerated, shall be carried to any parts beyond the seas, from this kingdom, contrary to this act, or who in pursuance of such insurance, &c. shall deliver, or cause to be delivered, any sheep, &c. in any parts beyond the seas, such person and their aiders, shall, on conviction, be liable to be punished as exporters of wool, *id.* s. 45.

142. All persons who shall pay or agree to pay any money for insuring, or exporting any sheep, &c. contrary to this act, shall, on conviction, be liable to be punished as exporters of sheep or wool; and moreover, such sheep, so insured, shall become forfeited to the person who shall sue, *id.* s. 46.

143. In case the insurer, conveyor, or manager of such fraud, or the person agreeing to insure, &c. do, within 6 months after such agreement, first give notice thereof to the commissioners of customs, so as the person concerned with him be convicted, he shall not only be discharged of such offence, but shall also have to his own use, such sheep, wool, and other articles enumerated, and which shall be insured, after the charges of prosecution are deducted, and shall likewise retain to his own use the insurance money; and in case the party insured

shall, within the like space of 6 months, first make discovery thereof to the commissioners, so as the person concerned with him shall be convicted, he shall recover back such insurance money as he paid; and in case the insurance money is not at the time of discovery actually paid, then the person is indemnified from paying the same, and all agreements entered into for paying such monies are void; and the person first discovering shall also be discharged from the punishment to be inflicted upon him, 28 G. 3. c. 38. s. 47.

144. All policies of insurance made on goods laden or to be laden on any vessel bound from G. B. to foreign parts, which shall afterwards appear to be wool, woollen or worsted yarn, or any of the enumerated articles prohibited, shall be deemed void, notwithstanding any words soever which shall be inserted in such policy; and nothing shall be recovered by the assured from the insurer for loss or damage, or for the premium given as the consideration for insuring such wool, &c. *id.* s. 48.

145. The master or commander, or any other commissioned or deputed officer of any of H. M.'s ships or sloops, in any port, creek, or road, or in the open sea, within the limits of the station assigned to such ships, may enter, or cause to be entered and searched, any ship, vessel, or boat, and if upon search any sheep, wool, or other articles prohibited from being exported shall be found therein, and the master shall not immediately produce to the commander a coquet licensing such articles to be carried coastwise, &c. such commander shall seize such ship, &c. and carry the same, together with the crew and cargo, into some port in G. B., and there deliver the same into the custody of the collector and comptroller, *id.* s. 49.

146. All wool, and other articles prohibited from being exported, found on board any ship, vessel or boat, contrary to this act, and which shall have been seized by any of H. M.'s ships or sloops, shall be lodged in H. M.'s warehouse in such port where the same shall be seized or brought, until condemned, and being condemned, such wool, &c. shall be exposed publicly to sale, after 60 days public notice being given in writing at the custom-house of the port, and on the Royal Exchange of London, by inch of candle, to the last and best bidder; and all ships, &c. so seized, and hereby forfeited, and which shall be condemned, shall, together with all their guns, &c. be exposed to sale in like manner, and the produce of the wool, ships, &c. so sold, after deducting the expences of prosecution and condemnation, shall be divided, one-third to the commander, one-third to the officers of the ship that took the same, and the remaining third to the mariners belonging to such ships, to be equally divided amongst the mariners, by the collectors of the port, or such person as shall be authorized to pay the same; and if such seizure shall be made upon the information of any person not a mariner on board such ship so appointed to cruise, such informer shall not only be indemnified from the pains, &c. to which exporters, their aiders and abettors are liable, but shall also receive one-third part of the produce of such sale, after deducting the expences, and the residue thereof shall be divided as before directed, *id.* s. 50.

147. Every commander of such ship or sloop neglecting his duty, shall lose all pay due, and suffer 6 months imprisonment, and be forever incapable of serving H. M. in the navy, customs, excise, or salt duties; and any person giving information against such commander, shall, on conviction of such offender, be entitled to 40*l.*, to be paid to such informer immediately after conviction, by the commissioners of customs, excise, or salt duties, or other revenue as after-mentioned, with respect to forfeitures incurred by persons unable to pay, *id.* s. 51.

148. No person, except an officer of customs, excise, or salt duties, who shall suspect that any sheep, wool, or articles hereby prohibited, are carrying contrary to this act, may examine or seize such sheep, &c. other than in company with a constable, or officer of the peace, who are, on application made to them, immediately to attend the person applying for such assistance, *id.* s. 52.

149. If any constable or officer of the peace, or if any officer of customs, excise, or salt duties, upon application to him, shall neglect or refuse to attend any person, or shall neglect his duty in the premises, he shall forfeit 20*l.*, one moiety, after deducting the charges of recovering, to the person suing, and the other moiety to the poor of the parish where the offence has been committed; provided nothing in this act shall take away the power hereby given to the commanders and officers of ships of war, to seize any ship, &c. the master whereof shall not produce such coquet as aforesaid, *id.* s. 53.

150. Every person who, by deputation, commission, or other instrument, under the hands and seals of the commissioners of customs, excise, or salt duties, shall be appointed to act as an officer under them for putting this act in execution, shall be esteemed an officer of customs, excise, or salt duties, *id.* s. 54.

151. If any officer of revenue, or other person, &c. shall make any collusive seizure, information, or agreement soever, whereby the owner, his agent or servants, or any offender against this act, may avoid the seizures, &c. he shall, upon conviction, be subject to the like pen-

ties as are incurred by exporters of wool; and such information and seizure, and all proceedings thereupon, shall be for the benefit only of the person (not an accomplice) who shall first discover such collusive information and seizure; provided any person concerned in such collusive seizure or agreement, who shall first discover such offence to the commissioners, shall be discharged thereof, provided he makes such discovery within 3 months after offence committed, and so as one or more of his accomplices be convicted thereof; and if such person first making such discovery, be not an officer of revenue, or owner of the goods, he shall, as a farther encouragement, have 40*l.*, the same to be paid by the commissioners of customs on the conviction of such offender, 28 G. 3. c. 38. s. 55.

152. If any person putting this act in execution, shall be opposed, wounded, or beaten, in seizing or attempting to seize any sheep, or any other goods before enumerated, by any person, either in the day or night, by land or water, which were intended to be exported, or which were carrying on board any vessel, the person who shall so oppose, &c. and all other persons whatsoever, being armed with offensive weapons, or wearing any disguise, who shall rescue, or attempt to rescue any sheep, &c. seized, such person being convicted of any of the said offences shall, by order of the court, be transported for not exceeding 7 years; and if such offender shall return into G. B. before the expiration of the time for which he shall be transported, he shall suffer as felons without benefit of clergy, *id.* s. 56.

153. If any person shall offer or promise to give any bribe, or reward soever, to any officer of customs, excise, or salt duties, or to any person soever, to permit the exportation or concealment of any sheep, &c. prohibited from being exported, or the removing thereof, contrary to this act, or to conceal or connive at any other act whereby any of the provisions hereby made may be evaded, such offender shall (whether the offer be accepted or not) forfeit 300*l.*, to be recovered and applied to the use of him who shall inform, by action of debt, &c. in any court of record at Westminster, *id.* s. 57.

154. Every officer of excise, customs, or salt duties, neglecting the duty by this act required, or compounding for any ship, sheep, wool, or articles before mentioned, and by this act forfeited, shall be deemed aiders in the exportation, and suffer the punishment against exporters thereof, *id.* s. 58.

155. All bonds in pursuance of this act shall not be chargeable with any of the duties upon stamped vellum, &c. *id.* s. 59.

156. In all questions, prosecutions, suits, and informations, it shall not be necessary for the prosecutor, upon any hearing or trial, to prove that such sheep were of the breed, or such wool of the growth of this kingdom; but without such proof, upon such hearing and trial, it shall be deemed, that such sheep were of the breed, and such wool of the growth of this kingdom, unless the contrary shall be proved by the defendant, *id.* s. 60.

157. All actions, suits, prosecutions, and informations, to be commenced upon this, or 9 & 10 W. 3. c. 40. [now REP. 54 G. 3. c. 78. *pl.* 178.] for any offence done against this or the said act, or for any penalty, may be prosecuted (except where in this act otherwise directed) in any court of record at Westminster, or in the exchequer in Scot., or in any court of oyer and terminer, great session, or gaol delivery, or at the quarter sessions of the peace, or before 2 justices of the peace, in a summary way, at the election of the seizer or informer, *id.* s. 61.

158. No prosecution or information shall be proceeded upon, before 2 justices in a summary way, where the seizure, penalty, or forfeiture then claimed, shall exceed in the whole 200*l.*, *id.* s. 62.

159. The said quarter sessions, and also such 2 justices, shall direct all such ships, vessels, goods, carriages, and cattle, as shall be by them declared to be forfeited, and which shall have been seized by this or the said act, to be publicly sold to the highest bidder, at such time and place as they think proper; and also, by their order or warrant, shall levy all penalties incurred by any offender against this or the said act, and also all costs awarded upon any appeal touching the same, by distress and sale of the goods of such offender, rendering the overplus (if any) to the owner, after deducting the charges of distress and sale, *id.* s. 63.

160. One clear moiety of the seizures, penalties, and forfeitures (except the penalties of the bonds, and except as by this act otherwise directed), shall, when recovered, be paid to such person who shall give such information to any officer of customs, excise, or salt duties, and after deducting the expences of recovering such penalties, the remainder of the other moiety shall be paid to the officer assisting in making such seizures; but in case any officer of customs, excise, or salt duties shall make any of the seizures before directed, without information, then, after deducting the expences of recovery, the remainder of such produce shall be paid to the officer seizing, *id.* s. 64.

161. Any officer of customs, excise, or salt duties, constables, and other officers of the peace, and all persons acting in their assistance, may detain all persons found actually exporting, or attempting to ex-

part, any sheep, wool, or other enumerated articles, or who shall be aiding in the exporting, or attempting to export the same, and them may carry before one or more justices near, who shall, if he or they are cause, commit the person brought to the county gaol till the next general quarter sessions, there to be tried and dealt with as by this act is directed; which sessions shall examine, hear, try, and determine all such offences, and, upon conviction of the offenders, punish them, in manner before in s. 63. *pl.* 139. mentioned, 28 G. 3. c. 58. s. 65.

162. The persons who shall convey any offender arrested by the authority of this act before any justice, shall, in case such offender shall be committed to prison, enter into recognizance to H. M., before such justice, in 40*l.*, conditioned to appear at such general quarter sessions, and to prosecute the person committed, *id.* s. 66.

163. If it appear to the satisfaction of the justices before whom any offender shall be convicted of any of the offences before mentioned, for which only a pecuniary penalty is imposed, either by the confession of the party convicted, or by the testimony of a witness, that such offender hath not goods sufficient to answer to penalty, then without giving any warrant for the purpose, or if such penalty cannot be wholly levied by the warrant issued, the justices who have convicted such offender, or any other 2 justices of the same county, upon proof thereof, may commit such offender to the common gaol for not exceeding 3 months, *id.* s. 67.

164. If any offender ordered to be committed to prison under this act, for any offence for which a pecuniary penalty alone is imposed, shall, before commitment to prison, procure security to be given by 2 sureties, to the satisfaction of the justices, for payment of the penalty, with charges, within 14 days, exclusive of the day of conviction, then such justices may accept such security, and upon non-payment thereof at the time stipulated, the same justices, or any other 2 justices for the same county may cause the party convicted, and his sureties, to be apprehended by warrant under their hands and seals, and every of them may commit to the common gaol for such time as the party convicted was subject to have been imprisoned, in case no security had been given, *id.* s. 68.

165. Any person aggrieved by the judgment of such justices may appeal to the next general or quarter sessions, giving, within 14 days after such conviction, notice in writing to the informer of such appeal, and at the time of making such appeal, with 2 sufficient sureties, entering into recognizances before the same justices, to appear and prosecute such appeal at the said sessions, and abide by the order of the same court, and to pay the costs thereby awarded against such persons; and such appeal shall, by the said sessions, be examined, and the case fully inquired into, and the matter heard and determined; and in case such judgment so appealed against is affirmed, the party appealing shall pay to the informer double costs, *id.* s. 69.

166. In case the person appealing shall pay the penalty under such conviction into the hands of the justices by way of deposit, or shall be committed to prison, such person may appeal to the general quarter sessions, on entering (without sureties) into such recognizances, and remaining in prison in the mean time, or depositing such penalty in the hands of the justices, there to remain till the appeal is determined, *id.* s. 70.

167. Every information shall be made on oath; and the justices before whom any complaint or information is made may summon before them, at the instance of either party, any witness to appear before them, at the time and place specified in the summons; and the person summoned shall appear, and submit to be examined, *id.* s. 71.

168. In any case any person shall take any greater fees for any surffiance, licence, or certificate, or other matter, than the fee herein limited, the offender shall forfeit to the party aggrieved 5*s.* for every 1*d.* taken over the fee allowed, *id.* s. 72.

169. In case any person shall be prosecuted in any court of record at Westminster, for any penalty incurred, a *capias* may issue on the first process, specifying the penalty sued for, and the person sued shall be obliged to give good bail, &c., *id.* s. 73.

170. Actions and informations shall be tried in any court of record, by a jury of freeholders, to be summoned out of any other county than that wherein the facts shall be committed, *id.* s. 74.

171. If any person is in prison for want of sufficient bail for any of the penalties, and refuses to appear or plead to a declaration or information to be delivered to such person, or to the gaoler at the said prison, for the space of one term, judgment shall be entered against him by default, *id.* s. 75.

172. If any person shall be convicted for any of the offences specified in this act, and there happens to have been no seizure whereby the informer or prosecutor can be rewarded, then the commissioners of customs, excise, or salt duties, or other revenue, may cause 1*s.* per lb. weight for all such of the articles for which such offender shall be convicted, or 40*l.*, in case the quantity cannot be known, to be paid by the receiver-general, out of any public money in his hands; and the money

paid by any officer shall be allowed in his account as so much money paid to H. M., and such officer shall be discharged thereof, 28 G. 3. c. 58. s. 76.

173. No person shall be liable to be prosecuted for any offence, unless such prosecution shall be commenced within 3 years, *id.* s. 77.

174. To encourage persons to discover the exporters of sheep, &c., prohibited from being exported, the first 3 persons who have been aiding in exporting of sheep, &c. who shall give information thereof to any justice within this kingdom, whereby the punishment and penalties appointed by this act may be inflicted and recovered, the party so discovering (not being owner or part owner of the said sheep, &c.) shall not suffer any of the penalties or punishments; provided, if any owner of any vessel, or any master or mariner, or person, aiding in loading any vessel, or boat, knowing of such exportation, shall, within 3 months after the knowledge thereof, or after his return into G. B., give the first information thereof before any of the barons of the exchequer, or before the head officer of any port where he shall first arrive, or before any justice of the peace, upon his oath, of the number and quantity of the articles so transported, and by whom, where, and in what ship, and shall enter into recognizance to H. M., with 2 sureties before any justice, in 40*l.* each, personally to appear and give evidence of the same; then such owner, master, and mariners, or other person so aiding therein, shall not be liable to any of the penalties, but shall be enabled to recover such benefit as is appointed to be allowed by this act on conviction of such offender, *id.* s. 78. [See ss. 85, 86. *ante*, *pl.* 6, 7; ss. 79—84. *pl.* 25—31.]

175. No prosecution for any offences, and penalties now due remitted, *id.* s. 87, 88. [Exceptions, *id.* s. 90. *Exp.*]

176. If any person who shall claim the benefit of this act, shall, after such claim, bring any action, &c. against any officer of the navy, customs, excise, or salt, or other person who has aided such officer, for any act done by them, by reason of any of the offences discharged by this act, such claim shall be deemed to be an absolute release to such officer, from all actions, &c. and such officer may plead the general issue, and recover costs against the persons bringing such action, *id.* s. 89.

177. In case any action, suit, or information is commenced on account of the seizure of any ship, vessel, or boat, waggon, cart, carriage, horse, or other beast of burden, or of any sheep, &c. as illegally carried or exported, or intended to be exported, or for any matter done by virtue of this act, such action shall be commenced within 6 months, and shall be laid in the proper county; and the person sued may plead the general issue; and if the jury find for the defendant, &c. he shall recover treble costs; and in case any information is commenced and brought to trial on account of any seizure, wherein a verdict shall be found for the claimer thereof, and it appears to the judge or court, that there was a probable cause of seizure, the judge or court shall certify on the record that there was a probable cause for seizure; in such case the defendant shall not be entitled to costs, nor shall the seizer be liable to any action, indictment, or prosecution, on account thereof; and in case any action, indictment, or other prosecution is commenced and brought to trial against any person, wherein a verdict shall be given against the defendant, if the court or judge shall certify on the record that there was a probable cause for seizure, then the plaintiff, besides the ship or goods seized, or the value thereof, shall not be entitled to above 2*d.* damages, nor to any costs, nor shall the defendant in such prosecution be fined above 1*s.* *id.* s. 91.

178. SO MUCH OF 9 & 10 W. 3. c. 40. (*viz.* comm. semb. ss. 3—5.) which remained unrepealed by 28 G. 3. c. 38. s. 1. (*see that act*, s. 90. *pl.* 119.) and so much of 28 G. 3. c. 58. as requires that notice shall be given, or entry made by the owner or owners of wool shorn, or housed, or laid up, or lodged, within 10 miles of the sea side, or as requires any certificate of any wool, or number of fleeces shorn or housed, or removed or disposed of, or as requires notice or bond to be given, on entry made, or any permit to be taken out, or licensed certificate, or other instrument, before the removal of any wool, or as requires any certificate to be taken from any officer; or as prohibits any persons residing near the sea from selling or buying wool, without having entered into bond, or as subjects to forfeiture wool carried towards the sea side, unless it has been entered, or as subjects wool first found within 10 miles of the sea to forfeiture, if afterwards lodged within 15 miles of the sea, or as subjects any wool, or horses, or carriages carrying the same, between sun-set and sun-rise, to any forfeiture, is repealed, 34 G. 3. c. 78.

Exceptions to the Prohibition of Export of the above Articles.

179. Any 3 commissioners of customs in Eng., may grant their licence to remain in force one month from the date, for exportation from any one port of G. B., into the port of Douglas, or Ramsey, in the Isle of Man, but to no other, any number of live sheep, not exceeding 100, in the whole in any one year, which sheep shall be exported accordingly under the like regulations and forfeitures, so far as they are applicable

as the export of wool, is by 28 G.3. c.38., allowed to the islands of *Guernsey, Jersey, Alderney, or Sark*; 38 G.3. c.63. s.9. [Like power for exportation from *Whitehaven, Liverpool or Bristol*, by licence to be in force 3 months, of not exceeding 100 sheep to the same ports of the *Ile of Man*, given 45 G.3. c.99. s.8. And also for exportation from *Liverpool or Whitehaven*, by licence to be in force for one month, of 300 sheep to the same ports of the *Ile of Man*, 51 G.3. c.50. NOTE. For the regulations of export of wool, from *Eng.*, or *Scot.*, to *Ire.*; viz. the giving bond for its due export; licence from board of customs, &c. see 48 G.3. c.44. The export of 5000 lbs. weight of worsted, or woollen yarn, from the port of *London*, annually to *Lower Canada*, was allowed to H. M. by advice of his privy council by 47 G.3. S.1. c.9.; and was EXT. to 20,000 lbs. by 52 G.3. c.55. So fullers earth, fulling and tobacco pipe clays, may be exported to any place in possession of H. M., so long as it is allowed to be exported to the sugar plantations, under 17 G.3. c.43. s.4. See 28 G.3. c.38. s.10. 47 G.3. S.1. c.49. *pl.* 110.]

180. All the provisions of 28 G.3. c.38. [viz. those contained in ss.39. 41. and 43.] as to carrying coastwise the last above mentioned articles, are REP., and the same when so carried are now subject to all the regulations imposed by 32 G.3. c.50. on goods prohibited to be exported from G. B., 57 G.3. c.88. ss.1, 2.

181. TO ENABLE WOOLCOMBERS TO EXERCISE TRADES in any town or place in G. B., 35 G.3. c.124.

182. Woolcombers and their wives and children, may set up that or any other trade, in any town, or place, in this kingdom, and shall not be removeable to their last places of settlement, till chargeable to their new place of residence, &c. *id.* s.1. [The same regulations are here provided in favour of woolcombers, as those enacted for woollen manufacturers in general, by 49 G.3. c.109. ss.5—8. *pl.* 185.]

183. TO REPEAL (ss.1—2.) AND AMEND SEVERAL ACTS respecting the woollen manufacture, and for allowing persons employed in any branch thereof, to set up trade in any part of G. B., 49 G.3. c.109. [For the repeals by ss.1—2. see this tit. STATUTES REP. & EXP.]

184. Nothing herein shall avoid contracts of apprenticeship, in any part of the woollen manufacture; but no such apprenticeship is requisite in order to exercise the trade as a master or journeyman, *id.* s.3. But this act shall revive no act repealed by any act herein repealed, *id.* s.4.

185. Persons who have served an apprenticeship to any branch of the woollen manufacture, or who by law are entitled to exercise the same, and their wives, and families, may set up and exercise that or any other trade, in any town, or place in G. B., nor shall be removeable from thence to their last settlement, till they become actually chargeable to such place, and if impleaded in any court soever for using any of the said trades, then, on proving their legal apprenticeship, or that they are wives or children of persons entitled as above, they shall on the general issue be found "not guilty," with double costs to be paid them by the plaintiff, or prosecutor, if the verdict is against him, or if he discontinues or is nonsuit, *id.* s.5.

186. Such persons may be summoned and sworn by any 2 or more justices of the county, town, or place, where they, their wives, or families, may set up trade, as to the place of their last legal settlement, and an attested copy of such affidavit shall be given to them, and shall be evidence of their last settlement, at any general or quarter sessions, *id.* s.6.

187. Where such persons are summoned a second time, they need not swear again, but may leave a copy of such attested copy if required, *id.* s.7.

188. This act shall not prejudice the privileges of the universities of *Oxford*, or *Cambridge*, or give liberty to any person to set up as a vintner, &c. there, without leave of the chancellor, *id.* s.8. Nor shall extend to the city of *London*, or to alter the laws and customs of apprentices there, *id.* s.9.

WORKS, PUBLIC.

1. FOR BETTER REGULATION OF THE CONDUCT OF THE office of works, and the expenditure thereof, 54 G.3. c.157. [Sections 6—12. of 22 G.3. c.82. (see that act, KING, &c. *pl.* 72.) are REP. by 54 G.3. c.157. s.1.]

2. H. M. may appoint a surveyor-general of H. M.'s works, and public buildings, out of whatever funds their expence is to be defrayed; who shall have 1500*l.* per ann. salary, and be disabled from sitting in parliament during the holding his said office, 54 G.3. c.157. s.2 [But see tit. KING.]

3. Any 3 or more commissioners of treasury, from time to time, may nominate and appoint a fit and proper person, being an architect by profession, to be assistant-surveyor and cashier in the said office, and also to nominate and appoint any number of persons, not exceeding 8; and being architects by profession, under the denomination of "architects attached to the office of works," who shall be subject to the orders and directions of the said surveyor-general, in preparing plans, estimates, working drawings, and reports, and also in making surveys, inspecting workmen, and superintending the execution of

WRECK.

contracts, at all times, and at such of the royal palaces, or other public buildings, as the said surveyor may appoint, and grant to the said assistant surveyor and cashier such salary, and to the said attached architects such salary and commission, as to them the said commissioners of the treasury may seem proper, 54 G.3. c.157. s.3.

4. They may abolish any of the offices at present existing in the office of works, which appear to them inexpedient to continue, and may appoint such officers and clerks in the office of such surveyor-general, with such salaries as to them seem expedient, *id.* s.4. And in case they deem it expedient to abolish any offices at present existing in the office of works, they may make such provision by way of retired allowance for every person whose office may be so abolished, as they shall deem just and reasonable, till such person is otherwise provided for, *id.* s.5.

5. The assistant surveyor and cashier, or any of the officers and clerks employed in the said office of works, (except as hereinafter mentioned) shall not be in any manner engaged in any business as architects or builders, other than under the provision of this act, and the orders of the said surveyor-general; nor shall they become contractors, either openly or secretly, for execution of any public buildings, or works of any description, carried on under control, or superintendence of the said surveyor-general; provided always that nothing herein contained shall extend to prevent the attached architects in the office of works, or the clerks of the works, or labourers, in trust, or any of them, from carrying on their private business as architects, &c. *id.* s.6.

6. Neither the surveyor-general, nor the assistant surveyor and cashier, or any of the attached architects, or any other of the officers and clerks employed in the said office of works, shall take, or receive any fee, perquisite, or gratification whatever, in respect of any business done in the said office, or connected therewith, other than the salaries, or commission to which they may be entitled under this act, or under authority of treasury, *id.* s.7.

7. If any of the said officers and clerks so employed, except the said attached architects and clerks of the works, and labourers in trusts,) shall be in any manner engaged in business as architects, or builders, other than under the provisions of this act, and the orders of the said surveyor-general, or if the said assistant surveyor and cashier, or any of the officers and clerks employed in the said office of works, shall become contractors, either openly or covertly, for the execution of any public buildings, or works of any description, carried on under the control or superintendence of the said surveyor-general, or if the said surveyor-general, or the said assistant surveyor and cashier, or any of the said attached architects, or any other of the officers or clerks, so employed as above, shall take any fee, perquisite, or gratification, in respect of business done in the said office, or connected therewith, other than the salary or commission to which he may be entitled under this act, or the authority of the treasury, and such taking or receiving is proved to the satisfaction of the treasury, for the time being, every such person shall be deprived of his situation in the said office of works, *id.* s.8.

8. The treasury shall, as soon as conveniently may be after passing this act, prepare a full and complete code of instructions for the conduct of the whole business of the office of works, and for the regulation and control of its whole expenditure, in all its branches and departments, conformably to the true intent and meaning of 22 G.3. c.82. and shall transmit the same to the surveyor-general of the office, signed by any 3 or more commissioners of treasury, for the guidance of the said surveyor-general, and his assistant, and his attached architects, and of all the other officers and clerks employed in the said office, in the performance and exercise of their several and respective duties therein, and the said commissioners shall cause a copy of the said code of instructions to be laid before parliament, within 21 days after their signature thereof, if parliament be then sitting, but if not, then within 21 days after its next meeting; and the treasury may from time to time alter, vary, and change such code of instructions, or issue any additional instructions, for the conduct of the business of the office of works, and the regulation of the expenditure thereof, in such manner as the good of H. M.'s service may, from time to time, appear to them to require, always laying before parliament, as above directed, with regard to the original code, a copy of such new instructions, *id.* s.9.

WRECK.

1. WHAT SHALL BE ADJUDGED WRECK OF THE SEA, AND WHAT not, 3 E.1. (*West. Prim.*) c.4.

2. Where a man, a dog, or a cat, escape quick out of the ship, such ships, or any thing within them, shall not be adjudged wreck; but the goods shall be saved and kept by view of the sheriff, coroner, or H. M.'s bailiff, and delivered into the hands of such as are of the town; so that if any sue for those goods, and after prove that they were his, or perished in his keeping, within a year and a day, they shall be restored;

and if not, they shall remain to H. M., and be seized by the sheriffs, coroners, and bailiffs, and delivered to them of the town, to answer before the justices of the wreck belonging to H. M.; and where wreck belongeth to another, he shall have it in like manner; and he that otherwise doth, and is thereof attained, shall be awarded to prison, and make fine at H. M.'s will, and shall yield damages also; and if a bailiff do it, and be disallowed by his lord, and the lord will pretend any title thereto, the bailiff shall answer, if he have whereof; and if he have not, the lord shall deliver his bailiff's body to H. M., 3 *Ed. (West. Prim.)* c. 4.

3. CONCERNING WRECK OF THE SEA, WHERESOEVER IT IS FOUND, if any lay hands on it, he shall be attached by sufficient pledges, and the price of the wreck valued, and delivered to the towns, 4 *Ed. 1. S. 2.* [See rest of this statute, CORONER, *pl.* 3—12.]

4. FOR PRESERVING ALL SUCH SHIPS AND GOODS THEREOF, which shall happen to be forced on shore or stranded on the coasts of this kingdom, or any other of H. M.'s dominions, 12 *A. S. 2. c. 18.* (PUBLIC clause, *id.* s. 6.) [MADE PERP. 4 *G. 1. c. 12. s. 1. AMD., id.* s. 2.]

5. The sheriffs, justices of peace of every county or county of a city or town, and all mayors, bailiffs, and other head officers of corporations and port towns near the sea, and all constables, headboroughs, and officers of the customs therein, shall, on application made to them on behalf of any commander of a ship, being in danger of being stranded, or being stranded, command the constables of the ports nearest the coasts where such ship shall be in danger, to summon as many men as shall be thought necessary, to the assistance, and for preservation of such ship and cargo; and if there shall be any ship belonging to H. M., or her subjects, riding near the place, the officers of the customs, and constables, are required to demand of the superior officers of such ship, assistance by their boats, and such hands as they can conveniently spare for the same purpose; and in case such superior officer of such ship neglect to give such assistance, he shall forfeit 100*l.*, to be recovered by the superior officer of the ship in distress, with costs, by action of debt or information in any of H. M.'s courts of record, wherein no essoin, &c. allowed, 12 *A. S. 2. c. 18. s. 1.*

6. The collectors of the customs, and the commanding officer of any ships, and all others who shall act in the preserving of any such ship in distress, or her cargo, shall, within 30 days, be paid a reasonable reward by the commander or owners of such ship in distress, or by the merchant whose ship or goods shall be saved; and in default thereof, the ship or goods shall remain in the custody of such officer of the customs, or his deputy, until such charges be paid, and until the said officer of the customs, and the master or other officer of the ship, and all others so employed, shall be reasonably gratified, or security given for that purpose, to the satisfaction of the parties. And in case after such salvage, the commander, mariners, or owners of such ship so saved, or merchant whose goods shall be saved, shall disagree with the officer of the customs, or his deputy, touching the monies deserved by any of the persons employed, the commander of such ship so saved, or the owner of the goods, or the merchant interested, and also the officer of the customs, may nominate 3 of the neighbouring justices of peace, who shall adjust the quantum of gratuities to be paid to the several persons, and such adjustments shall be binding on all parties, and shall be recoverable in an action at law in any of H. M.'s courts of record; and in case no person appears to make claim to the goods saved, the chief officer of the customs of the nearest port shall apply to 3 of the nearest justices of peace, who shall put him or some other responsible person in possession of the goods, such justices taking an account of the goods, to be signed by the officer of the customs; and if the goods shall not be claimed within 12 months, public sale shall be made thereof, (and if perishable goods, forthwith to be sold) and after charges deducted, the residue of the monies, with an account of the whole, shall be transmitted to H. M.'s exchequer, there to remain for the benefit of the owner, who upon affidavit or other proof of his property, to the satisfaction of one of the barons, shall, upon his order receive the same, *id.* s. 2. [Goods saved from stranded ships, after paying salvage and charges, are liable to customs, 5 *G. 1. c. 11. s. 13.* For proceedings where salvage under this act is not paid or secured, see 26 *G. 2. c. 19. s. 7.*; regulations extended, 48 *G. 3. c. 130. s. 21.*, 1 & 2 *G. 4. c. 76. s. 19. pl. 65.* and see 49 *G. 3. c. 122. s. 32. pl. 84.*]

7. If any person besides those empowered by the officer of the customs, and the constables, shall enter or endeavour to enter on board any such ship in distress, without the leave of the commander, or of the officer of the customs, or constable, or in case any person shall molest them in the saving of the ship or goods, or shall endeavour to hinder the saving of such ship or goods, or shall deface the marks of any such goods, before the same be taken down in a book, by the commander and the first officer of the customs, such person shall, within 20 days, make double satisfaction, at discretion of the 2 next justices of peace, or in default thereof, shall by them be sent to the next house of correction, where he shall be employed in hard labour for 12 months; and any commander or superior officer of the ship in distress, or the officer of the customs, or constables on board the ship, may repel by force any such persons as shall,

without consent as aforesaid, press on board the said ship in distress, and thereby molest them in the preservation of the ship, 12 *A. S. 2. c. 18. s. 3.*

8. In case any goods shall be found upon any person, that were stolen or carried off from any such ship in distress, he, on whom such goods shall be found, shall, on demand, deliver the same to the owner, or to such person authorized by the owner to receive the same, or shall be liable to pay treble the value, to be recovered by such owner in an action, 12 *A. S. 2. c. 18. s. 4.*

9. Every person who shall make or be assisting in the making a hole in any ship so in distress, or steal any pump, or shall be aiding in the stealing such pump, or shall wilfully do any thing tending to the immediate loss of such ship, shall be guilty of felony without clergy, *id.* s. 5.

10. If any action be prosecuted for any thing done in pursuance of this act, all persons so sued may plead the general issue, giving this act and the special matter in evidence; and if plaintiff in such suit is nonsuit, or discontinues, or has a verdict or judgment against him on demurrer, defendant shall recover full costs, *id.* s. 6.

11. If any officer of the customs shall, by fraud or wilful neglect, abuse the trust hereby reposed in him, and is convicted thereof, he shall forfeit treble damages to the party grieved, to be recovered in any court of record, and shall be incapable of the same or any other employment relating to the customs, *id.* s. 7.

12. This act shall be read four times in the year in all churches and chapels of every seaport town, and upon the sea coast, upon the Sundays next before Michaelmas-day, Christmas-day, Lady-day, and Midsummer-day, in the morning, after prayers, and before sermon, *id.* s. 8.

13. This act shall not prejudice H. M., or any grantee of the crown, or any lord of a manor, or other person, in relation to any right to wreck, or goods that are flotsam, jetsam, or lagan, *id.* s. 9.

14. The statute 12 *A. S. 2. c. 18.* shall not affect the ancient jurisdiction of the admiralty, or Cinque Ports, but shall be put in execution within the jurisdiction of the Cinque Ports, by the proper officers of the admiralty court, 4 *G. 1. c. 12. s. 2.*

15. FOR MORE EQUAL PAYING, AND BETTER COLLECTING CERTAIN small sums for relief of shipwrecked mariners and distressed persons, H. M.'s subjects in the [kingdom of Portugal, 8 *G. 1. c. 17.*] [or in the ports of Cadiz, and Port St. Mary's, in the kingdom of Spain, 9 *G. 2. c. 25.*] and for other uses usually contributed to by the merchants trading to [Portugal, 8 *G. 1. c. 17.*] [and to those ports in Spain, 9 *G. 2. c. 25.*] 8 *G. 1. c. 17.* and 9 *G. 2. c. 25.* [See note to next *pl.*]

16. FOR COLLECTING AT THE PORT OF Leghorn, certain small sums of money, to which the merchants trading there have usually contributed for relief of shipwrecked mariners, captures, and other distressed persons, H. M.'s subjects, and for other charitable and public uses, 10 *G. 2. c. 14.* [The titles of the three last statutes seem sufficient in this place.]

17. FOR ENFORCING THE LAWS AGAINST PERSONS WHO SHALL steal or detain shipwrecked goods, and for relief of persons suffering losses thereby, 26 *G. 2. c. 19.*

18. Every person who shall plunder, steal, take away, or destroy any goods or effects from or belonging to any ship or vessel of H. M.'s subjects, or others, being in distress, wrecked, lost, stranded, or cast on shore, in any of his dominions (whether any living creature be on board such vessel or not) or any of the furniture, tackle, apparel, provision, or part of such vessel, or beat or wound with intent to kill, or otherwise wilfully obstruct the escape of any person endeavouring to save his life from such ship, or the wreck thereof, or put out any false light with intention to bring any ship into danger, shall be deemed guilty of felony, and being convicted, shall suffer death without benefit of clergy, *id.* s. 1.

19. When goods or effects of small value are stranded, lost, or cast on shore, and are stolen without circumstances of cruelty or violence, any person may prosecute for such offence, by way of indictment for petit larceny, and the offenders being convicted shall suffer as in cases of petit larceny, *id.* s. 2.

20. Any justice of peace, on information on oath, of any part of the cargo or effects belonging to any ship lost or stranded upon or near the coast aforesaid, being unlawfully carried away or concealed in any house or place, or of some reasonable suspicion thereof, may issue his warrant for searching such house or place, as in other cases of stolen goods, and if the same are found therein, or in the custody of any person not legally authorized or entitled to keep the same, and the owner or occupier of such house or place, or the person in whose custody the same are found, shall not, on demand, deliver the same to the owner, or to the person authorized to demand the same, or shall not give a good account to the satisfaction of the justice how he became possessed thereof, such justice upon proof of such refusal, shall commit the offender to the common goal for 6 months, or till he has paid treble the value of the goods so unlawfully detained, to such owner, or to the person authorized to receive the same, *id.* s. 3.

21. Every person who shall offer to sale any goods or effects belonging to any vessel lost, stranded, or cast on shore, and unlawfully taken away, or suspected so to have been; the person to whom the same are

so offered for sale, or any officer of the customs or excise, or any constable, or other peace officer, shall stop and seize the said goods and effects, and shall carry the same, or give notice of such seizure to some justice of peace; and if the person who offered the said goods to sale, or some other person on his behalf, shall not appear before the said justice within 10 days next after such seizure, and make out to his satisfaction, that the property of the said goods is in him or in the person by whom he was employed to sell the same, the said goods shall, by order of the justice, be forthwith delivered over to or for the use of the rightful owner, upon payment of a reasonable reward for such seizure (to be ascertained by the justice) to the seizer, and such justice shall commit the person who so offered the said goods to sale, to the common gaol for 6 months, or till he have paid such lawful owner, or to the person authorized to receive the same, treble the value of the goods so unlawfully offered to sale as above, 26 G. 2. c. 19. s. 4.

22. In case any person not employed by the master, mariners, or owners or other persons lawfully authorized in the salvage of any vessel, or her cargo or provision, in the absence of persons so employed or authorized, shall save any such ship or effects, and cause them to be carried for the benefit of the owners into port, or to any near adjoining custom-house, or other place of safe custody, giving notice thereof to some justice of peace, magistrate or custom-house or excise officer, or shall discover to any such magistrate or officer where any such effects are wrongfully bought, sold, or concealed, such person shall be entitled to a reasonable reward, to be paid by the masters or owners of such vessels or goods, and to be adjusted, in case of disagreement, in like manner as the salvage is to be adjusted and paid by 12 A. St. 2. c. 18. s. 2. *pl. 6.*, or in the manner hereinafter prescribed, *id. s. 5.*

23. The justice of peace, mayor, bailiff, collector of the customs, or chief constable nearest to the place where any ship or goods shall be stranded or cast away, shall forthwith give public notice for a meeting to be held of the sheriff or his deputy, the justices of peace, mayors, or other chief magistrates of towns corporate, coroners, and commissioners of the land-tax, or any 5 or more of them, who shall give aid in the execution of this act, and of 12 A. St. 2. c. 18. and employ proper persons for saving ships in distress, and such ships and effects as are stranded or cast away, and also examine persons upon oath concerning the same, or the salvage thereof, and adjust the quantum of such salvage, and distribute the same among the persons concerned therein, in case of disagreement; and every such sheriff, justice of peace, mayor, chief magistrate, coroner, lord of a manor, under-sheriff, or commissioner of land-tax, acting at such meeting, shall be paid 4s. per day for his expences out of the effects saved, by their care or direction, *id. s. 6.*

24. If the charges and rewards for salvage directed to be paid by 12 A. St. 2. c. 18. and by this act, be not paid, or sufficient security given for the same within 40 days, the officer of the customs concerned in such salvage, may borrow money sufficient to pay such charges and rewards, or any part thereof then unpaid, or not secured as above, by or upon one or more bills of sale, under his hand and seal, of the ship or cargo saved, or such part thereof as is sufficient, redeemable upon payment of the principal sum so borrowed, and interest after the rate of 4 per cent. per ann., *id. s. 7.*

25—27. If oath be made before any magistrate lawfully empowered to take the same of any such plunder or theft, and the examination in writing thereupon taken is delivered to the clerk of the peace of the county or division wherein such fact is committed, or to his deputy, or if oath be made before any such magistrate, of the breaking any ship contrary to 12 A. St. 2. c. 18. s. 3. *pl. 7.*; and the examination in writing thereupon taken is delivered to such clerk of the peace or his deputy, then such clerk of the peace shall cause the offender to be prosecuted for the same, either in the county where the fact is committed, or in any county next adjoining, in which adjoining county any indictment may be laid by any other prosecutor; and if the fact is committed in *Wa.*, then the prosecution shall be carried on in the next adjoining *English* county, and the necessary charges of such prosecutions by the clerk of the peace shall be paid by the treasurer of the county or division where the fact is committed, to such amount as the justices of peace in their sessions shall order; and if such clerk of the peace neglects to carry on such prosecution, he shall forfeit 100*l.* for every such offence to any person who shall sue for the same by action of debt, &c. or information in any court of record at *Westminster*, in which no essoin, &c. or more than one imparlance shall be allowed, *id. s. 8.*

28. The commissioners of the land-tax, the deputy sheriff, the coroner, and the officers of excise in each county, riding, and division, shall be proper officers for putting in execution this act and the 12 A. St. 2. c. 18. with those in that act, s. 1. *pl. 5.* named for that purpose, *id. s. 9.*

29. The lord warden and deputy-warden of the cinque ports, and the lieutenant of *Dover Castle*, and the judge official, and commissary of the court of admiralty of the cinque ports, 2 ancient towns, and the members thereof, and every of them, and every other person appointed by the lord warden pursuant to 3 G. 1. c. 15. s. 4. *[now Ref. see PILOTAGE,*

STATS. Rep., &c. pl. 1.] shall be the persons to put in execution, within the jurisdiction of the Cinque Ports, 2 ancient towns and their members, all the powers by this act, and by 12 A. St. 2. c. 18. and 4 G. 1. c. 12. given, 26 G. 2. c. 19. s. 10.

30. If any sheriff or his deputy, justice of peace, mayor, or other magistrate, lord of a manor, commissioner of land-tax, chief or petty constable, or other peace officer, or any custom-house or excise officer, or other person lawfully authorized, be assaulted, beaten, and wounded, for the exercise of his duty, in the salvage of any ship in distress, or of any ship or goods stranded, wrecked, or cast on shore, or lying under water, in any of H.M.'s dominions, any person so assaulting, beating, and wounding, shall, on conviction, by indictment at the assizes, or general gaol delivery, or at the general or quarter sessions for the county or division where such offence is committed, be transported for 7 years to some of H.M.'s colonies in *America*, and be subject to such punishment in case of return before that time, as other persons under sentence of transportation, *id. s. 11.*

31. Any justice of peace, in case of need, and in absence of the high sheriff, may take sufficient power of the county, to repress all unjust violence, and enforce the execution of this act, *id. s. 12.*

32. All persons so assembled, to save any ship or goods, shall conform in the first place to the orders of the master, or other officers or owners, or other persons employed by them; and for want of their presence or directions, to the orders of the persons authorized by this act, or by the 12 A. St. 2. c. 18. s. 1. *pl. 5.* in the following subordination, as any of them happen to be present, *viz.* in the first place, to the orders of any officer of customs, then of any officer of excise, then of the sheriff or his deputy, then of any justice of peace, then of the mayor or chief magistrate of any corporation, then of the coroner, then of any commissioners of the land-tax, then of any chief constable, then of any petty constable, or other peace officers; and any person acting wilfully contrary to such orders, shall forfeit not exceeding 5*l.*, to be levied by warrant of one justice; and in case of non-payment, shall be committed to the house of correction for not exceeding 3 months, *id. s. 13.*

33. This act shall not prejudice H.M. or any grantee of the crown, or any lord of manor, or other person, in any right to any wreck, or goods which are *flotsam, jetsam, or lagan*, *id. s. 14.*

34. The officer of the customs who acts in preserving any ship in distress, or the cargo, shall, as soon as may be, cause all persons belonging to, and others who can give any account of the ship or cargo, to be examined on oath before some justice, as to the name or description of the ship, and the names of the master or chief officer and owners thereof, and of the cargo, and of the ports from or to which she was bound, and the occasion of her distress; which examination such justice shall take in writing, and shall deliver a copy thereof, together with a copy of the account of the goods, to the said officer of customs; who shall forthwith transmit the same to the secretary of the admiralty; who shall publish in the next *London Gazette* so much thereof as is necessary for the information of persons interested, *id. s. 15.*

35. The 12 A. St. 2. c. 18. and the 4 G. 1. c. 12. *pl. 4.* shall remain in force, save only so far as altered by this act, *id. s. 16.*

36. Nothing in this act extends to *Scot.*, *id. s. 18.*

37. FOR CHARGING FOREIGN LIQUORS AND TOBACCO DERELICT *jetsam, flotsam, lagan*, or wreck brought or coming into G.B. with the duties payable on importation of the same, 52 G. 3. c. 159.

38. All liquors and tobacco derelict *jetsam, flotsam, lagan*, or wreck brought or coming into this kingdom, shall be liable to pay the same duties, and entitled to the same drawbacks and allowances to which liquors and tobacco of the like kind regularly imported are by any law in force liable or entitled, *id. s. 1.*

39. Every person bringing into this kingdom, or finding or discovering on the coasts thereof any foreign liquors or tobacco derelict *jetsam, flotsam, lagan*, or wreck, for which any customs or excise duty is imposed, shall, within 24 hours next after he has so brought, found, or discovered such liquors or tobacco, if the same are found on land, or within 24 hours next after the same have been landed, if found at sea, give notice thereof to the next custom-house or excise office, or to some neighbouring officer of customs or excise, specifying the place where such liquors are then deposited, and the proper officers shall thereupon forthwith take a particular account of the kinds and quantities of such liquors, &c.; and shall demand of the person in whose possession the same may be, or who have found or brought the same to land, the full customs or excise duties due in respect thereof; and if such duties are not on such demand paid by such persons, the said officers shall cause such liquors, &c. to be safely lodged in a warehouse to be kept therein under H.M.'s lock, till the duties are paid, or the liquors, &c. sold in manner hereinafter mentioned, *id. s. 2.*

40. Every person who shall bring into this kingdom, or find or discover on the coasts thereof, any such foreign liquors or tobacco derelict, &c. on which any customs or excise duty is by law imposed, and shall not give notice thereof as above, shall forfeit 100*l.* for every such offence, *id. ibid.*

41. Every person who shall remove, open, or alter in quantity or quality, or cause to be so removed, &c. or aid, or assist in removing, &c. any such liquors or tobacco, or break, sever, or destroy, or cause to be broken, &c. or assist in the breaking, &c. any of the cases or packages containing any such liquors or tobacco, before such liquors, &c. are by them deposited in a warehouse as aforesaid, shall for every such offence forfeit 100*l.*; and all such liquors, &c. so removed, opened, or altered in quantity or quality, together with the casks and other packages respectively containing the same, shall be forfeited, and the same respectively may be seized by any officer of customs or excise; provided always, that if the duties on such liquors, &c. are not paid within 18 months next after the said liquors, &c. are deposited in such warehouse, the commissioners of customs or excise shall sell and dispose of such liquors, &c. or any part thereof, for the satisfying the duties payable in respect of such liquors, &c. and also the expences of conveying such liquors, &c. to such warehouse, and of the keeping and sale of such liquors and tobacco, rendering the overplus (if any) of the monies arising by the said sale after payment of the said expences to the person by law entitled to the same; and if upon such liquors, &c. being put up to sale, no person shall offer or bid for the same as much or more money than the duties payable in respect thereof, together with the warehouse rent and expences taken together would amount to, then the said commissioners shall permit the person by law entitled to the same to dispose thereof for exportation, only subject to the usual regulations in such cases; or if such person or persons shall refuse so to do, then to sell and dispose of such liquors, &c. for exportation, or to destroy the same, as such commissioners may deem most expedient; but nothing hereinbefore contained shall prevent any such liquors, &c. as the said commissioners may deem necessary for that purpose, from being sold duty free for payment of the salvage expences incurred in respect thereof, *id.* s. 2.

42. The lord of the manor on which such liquors or tobacco are found having by law just claim thereto, or where no such lord exists, then the person bringing into this kingdom, or finding or discovering on the coasts thereof any such foreign liquors, &c. may retain the same in his own custody for a year and day, computed from such bringing, finding, or discovering thereof, on his entering into bond to H.M., his heirs, and successors, with 2 sufficient sureties, to be approved of by the proper officer of customs or excise, in treble the value of such liquors, &c. for due payment of the duties in respect thereof at the end of such year and day, or in default of such payment, shall restore such liquors, &c. at the end of such year and day to the proper officer of customs or excise, in the same state and condition as the same were in at the time of such bringing, finding, &c. thereof, *id.* s. 3.

43. Every person, who shall assault, oppose, molest, or hinder any such officer in the due execution of this act, or of any of the powers thereby given to any such officer, &c. shall forfeit 200*l.* for every offence, *id.* s. 4.

44. All penalties hereby imposed, and sued for, or prosecuted under order or permission of the commissioners of customs in *Eng.* and *Scot.*, or by any officer of customs, may be recovered and disposed of in such manner as any penalties incurred, or goods forfeited for any offence against the laws of customs may now be legally sued for, &c.; and the officer of the customs concerned in any such seizures or prosecutions shall receive such share of the produce arising from the said seizures as he is now by law entitled to upon prosecution of seizures for unlawful importation, and to such share of the produce arising from any such penalty or composition paid for any offence against this act, as they are now by any law or regulation entitled to upon prosecutions for pecuniary penalties, *id.* s. 5.

45. All penalties imposed and sued for by order of the commissioners of excise in *Eng.* or *Scot.* respectively, or by any officer of excise, shall be sued for, recovered, levied, or mitigated by such means, as any penalty may be sued for, &c. by any law of excise, or by action of debt, &c. or information in any of H.M.'s courts of record at *Westminster*, or in exchequer in *Scot.* respectively, and one moiety of every such penalty shall be to H.M., and the other to him who shall inform, discover, or sue for the same, *id.* s. 6.

46. FOR PREVENTING FRAUDS AND DEPREDACTIONS COMMITTED ON merchants, ship owners, and underwriters by boatmen and others, [on the coasts, and in the harbours, bays, and rivers of *Eng.*, *Wa.*, and *Ber.*, see s. 1.], AND ALSO FOR REMEDYING CERTAIN DEFECTS relative to the adjustment of *Salvage* in *Eng.*, under 12 *A. St.* 2. c. 18. s. 2. pl. 6. 49 *G. 3.* c. 122. [which is CON. 53 *G. 3.* c. 87. s. 1. and AMD. 53 *G. 3.* c. 87. ss. 2—8., and both these acts incorporated in and AMD. by 1 & 2 *G. 4.* c. 75. PUBLIC CLAUSES, 49 *G. 3.* c. 122. s. 33., 1 & 2 *G. 4.* c. 75. s. 39.]

47. All pilots, boatmen, hovellers, or other persons, taking up any anchors, cables, tackle, apparel, furniture, stores, or materials, or any goods, or merchandize, which may have been parted with, cut from, or left by any ship or vessel within any harbours, rivers, or bays, or on any of the coasts of this kingdom, whether such vessel shall be or shall have been in distress or otherwise, and which have been weighed, swept for, or taken possession of by any such boatman, &c. shall send a report in

writing of the articles so found, and stating the marks, if any, thereon, and also an accurate and particular description of the bearings, distances, and situations, and time when and where the same were so found, to a deputy vice-admiral or his agent, at or near to the port or place where such boatman, &c. shall first arrive with such articles, within 48 hours after his arrival at such port or place, or before he shall leave the port, if he shall quit it before that time shall expire; and shall also, within such period as aforesaid, deliver such articles so found into a proper warehouse, or such other place as the vice-admiral of each county shall appoint for safe custody, until the same are claimed by the owner thereof, or his agent or agents, and the salvage, together with such other expences, as are herein-after directed to be paid in respect of such articles, paid by him, or security given for payment thereof, to the satisfaction of the salvor or salvors thereof; and every such pilot, &c. who shall wilfully and fraudulently keep possession of, or retain, or conceal, or secrete any anchors or cables, tackle, apparel, furniture, stores, or materials, or any goods or merchandize, or deface, take out, or obliterate the marks and numbers thereon, or alter the same in any manner, with intent thereby directly or indirectly to prevent the discovery and identification of such articles so found, weighed, &c. and shall not report and deliver the same at some proper warehouse or other place in the manner aforesaid, and within the time herein-before limited, shall forfeit all claim to salvage, and shall, on conviction, be adjudged and deemed guilty of receiving goods, knowing them to have been stolen, and shall suffer like punishment as if the same had been stolen on shore, 1 & 2 *G. 4.* c. 75. s. 1., 49 *G. 3.* c. 122. s. 1.

48. Every deputy vice-admiral or his agent, to whom any such report shall be sent, shall, within 2 days, forward the same, or a true copy thereof, to the secretary of the Trinity-house of *Deptford Strand* in *London*, and the same shall be placed by the said secretary in some conspicuous situation, for inspection of all persons choosing to inspect and examine the same, 1 & 2 *G. 4.* c. 75. s. 2. 49 *G. 3.* c. 122. s. 2.; Provided, that no report shall be forwarded by such deputy vice-admiral or his agent to the said corporation, till the articles so to be deposited, in respect of which a report is required to be made as herein-before directed, shall amount in value to 20*l.*, 1 & 2 *G. 4.* c. 75. s. 2., 49 *G. 3.* c. 122. s. 3.

49. Any deputy vice-admiral or his agent may seize and detain any such articles as have not been so reported; upon which seizure he shall deposit the same in the warehouse or other place to be appointed as in s. 1. pl. 47., and shall, within 2 days thereafter, send a report in writing of the articles as seized, and stating the marks (if any) thereon, to the Trinity-house, as directed to be made public in s. 2.; and if he shall not make such report as aforesaid within 2 days after such seizure as aforesaid, he shall, on conviction before any justice of peace or magistrate, on oath of one credible witness, or on confession of the offender, forfeit 20*l.* for every such neglect, together with double the value of the goods so seized, one half of which penalty shall be paid to the informer, and the other half to the poor of the parish or township where such offence is committed; and every deputy vice-admiral or his agent, who shall make any such seizure, without previous information being given to him, shall, on the same articles being claimed by and delivered to the owner thereof, or his agent, be entitled to receive such sum of money as shall be equal to one-third of the value thereof, after payment of the duties, and any charges incidental to recovery and preservation of the same, 1 & 2 *G. 4.* c. 75. s. 3., 49 *G. 3.* c. 122. s. 4.

50. If the owner and deputy vice-admiral or agent so seizing cannot agree on the value of the articles, it shall be ascertained in like manner as in s. 37. pl. 84. directed, with regard to salvage, or shall be referred to decision of the high court of admiralty, 1 & 2 *G. 4.* c. 75. s. 4. 49 *G. 3.* c. 122. s. 5.

51. If such seizure is made in consequence of information given to them, the deputy vice-admiral or agent so seizing shall only receive from the owners or their agents of the articles 1-6th of the value thereof, and one other 1-6th shall be paid to the person giving the information, the value of such articles to be ascertained, as in s. 3. pl. 49., 1 & 2 *G. 4.* c. 75. s. 5. 49 *G. 3.* c. 122. s. 6.

52. If any such articles, so reported and delivered into the warehouse or other place as aforesaid, shall not be claimed within a year and day after such report has been transmitted to the Trinity-house as above, the same shall be sold, and a certificate of such sale delivered to the purchaser thereof, under directions of the admiralty, and the monies arising from sale thereof applied in the manner directed in 12 *A. St.* 2. c. 18. s. 2. pl. 6.; and if seized by the deputy vice-admiral or his agent as aforesaid, then the seizer, and any person who has given the information which led to the seizure (if any was so given), shall be equally entitled to the salvage allowed by the admiralty to the salvors in the case of unclaimed property, 1 & 2 *G. 4.* c. 75. s. 6. 49 *G. 3.* c. 122. s. 7.

53. If the salvors of any such articles, or of any goods so found, weighed, swept for, or taken possession of, and so lodged and reported as aforesaid, and the owners thereof, or agents, cannot agree respecting the amount of salvage to be paid for the same, or the value thereof, as the case may be, then the matter in difference shall be determined by any 3

justices residing near the place where such articles or goods shall be deposited, [who, *not in the act*] shall begin to proceed in their inquiry, as to such matters in dispute, within 48 hours after such difference is referred to them for their determination thereof; and if they cannot agree respecting the same, they may nominate any 3rd person conversant in maritime affairs, at their option, who shall ascertain the amount of the salvage to be paid, or the value thereof, as the case may be, within 48 hours after he has been so nominated; and the said justices, and such 3rd person so nominated as aforesaid, shall have full power, whenever they see occasion, to examine the parties, or their witnesses, on oath, which oath they are hereby authorized to administer, 1 & 2 G. 4. c. 75. s. 7., 49 G. 3. c. 122. s. 8.

54. The said justices may decide, in like manner, and within the same time as herein-before directed with regard to salvage, on all claims and demands soever, made by pilots, boatmen, and other persons, for service of any description (except pilotage) rendered by them to any vessel, as well for carrying off from the shore to such vessel any anchors, cables, or other stores from any port of the coast of *Eng., Wa., and Ber.*, or for saving and preserving any goods or merchandize wrecked, stranded, or cast away from any vessel, or for being instrumental in saving the life of any person on board the same, the master or owners, or their agent or agents, being present with such justices; and the latter shall have full power to hear and determine on all cases of services rendered by pilots, boatmen and others, to vessels (except pilotage), whether they are at the time in distress or not, and they shall have like power of examining the parties or their witnesses on oath, as last herein-before directed; and their decision shall be final and conclusive on all parties, except in cases where an appeal is interposed by either party to the high court of admiralty, within 30 days after the award of the justices or such person so appointed, as in last *pl.*, 1 & 2 G. 4. c. 75. s. 8., 49 G. 3. c. 122. s. 9.

55. In case the parties so claiming to be entitled to salvage, or who are to pay the same, or their agents, are dissatisfied with such award and decision of the justices, or person so to be nominated, as in *pl.* 53. either of them may respectively, within 10 days after such award is made, but not afterwards, declare to the justices, or such nominee, his desire of obtaining the judgment of the high court of admiralty respecting the said salvage, and thereupon he shall proceed, by taking out a monition within 30 days from the date of the award; in which case, the justices shall deliver to the owners and proprietors, or their agents, any such anchor or cable, goods, or other articles, respecting which any claim for salvage is made on the owners or proprietors thereof, or their agent, giving sufficient bail in the amount of the sum awarded for salvage or compensation, and which shall be taken by a commissioner for taking examinations in prize cases, if there is one in the port or place where such difference shall arise; but if there is no such commissioner there, then the said justices, to whom such difference has been referred, or either of them, or any other justice of peace may take; and after taking, shall certify the same according to the form in the schedule, and transmit the same without delay to the high court of admiralty, together with a true certificate in writing, of the gross value of the whole of the articles respecting which salvage is claimed, and also a copy of such proceedings and awards, on unstamped paper, certified under the hand of such commissioner or justice taking the bail as above, and the same shall be admitted by such court of admiralty as evidence in the cause, 1 & 2 G. 4. c. 75. s. 9., 49 G. 3. c. 122. s. 10.

SCHEDULE to which this act refers.

' On the — day of — in the year of our Lord —, before me — at — in the county of — [ship's name,] *A. B.* [here insert the names of the salvors against, and name the stores and other articles (*id est*) Anchors and cables, &c. as the case may be] certain goods and merchandizes lately found and taken possession of, and belonging to the said ship, whereof — was master, and also against the said — master, and the owners [or if the owners alone appear by themselves or agents, then leave out the master's name] of the said goods and merchandize, in a cause of salvage [master's name] on which day appeared personally — of — and — of — who produced themselves as sureties for the said — the master, and for the owners of the said goods and merchandize, and submitting themselves to the jurisdiction of the high court of admiralty of *Eng.*, bound themselves, their heirs, executors, and administrators, for the master and owners of the said goods and merchandize, in the sum of — of lawful money of *G. B.*, unto the said — to answer such salvage and expences, or the value of the goods [as the case may be] as shall be herein-after decreed by the said court, according to the tenor of the act in that case made and provided; and unless they shall so do, they hereby consent that execution shall issue forth against them, their heirs, executors, and administrators, goods and chattels, wherever the same shall be found, to the value of the sum above mentioned.'

This bail was duly taken, acknowledged, and received, at the time and place above written, before me, the undersigned commissioner; and I do believe and consider the persons above mentioned sufficient security for the said sum of —.

56. The persons so to be named by the said justices shall decide on

the amount of salvage to be paid, or on the value of the articles, or on the remuneration to be made to persons rendering assistance to vessels, or persons as aforesaid, may demand and receive from the owners of the articles saved, or of the vessels in behalf of which the services may have been rendered, or their agents, a sum not exceeding *2l. 2s.* which fee shall be paid by the latter after he has made his award or decision, and on delivery of the same, 1 & 2 G. 4. c. 75. s. 10., 49 G. 3. c. 122. s. 11.

57. Every person who shall wilfully cut away, cast adrift, remove, alter, deface, sink or destroy, or shall do or commit any act with intent and design to cut away, &c. or in any other way to injure or conceal, any buoy, buoy rope or mark belonging to any vessel, or which may be attached to any anchor or cable, belonging to any vessel whatever, whether in distress or otherwise, shall, on conviction of such offence, be deemed guilty of felony, and may be transported for any term not exceeding 7 years, or in mitigation of such punishment to be imprisoned for any number of years, at discretion of the court in which the conviction is made, 1 & 2 G. 4. c. 75. s. 11., 49 G. 3. c. 122. s. 12.

58. Every person who shall knowingly and wilfully, and with intent to defraud and injure the true owner thereof, or any person interested therein as aforesaid purchase or receive any anchors, cables, or goods or merchandize taken up, weighed, swept for, or taken possession of, whether having belonged to any vessel in distress or otherwise, or having been preserved from any wreck, if the directions herein-before contained with regard to such articles have not been previously complied with, such persons shall, on conviction thereof, be deemed guilty of receiving stolen goods, knowing them to be stolen, as if they had been stolen on shore, and suffer the like punishment as for a misdemeanor at common law, or be liable to be transported for 7 years, at discretion of the court before which he is tried, 1 & 2 G. 4. c. 75. s. 12., 49 G. 3. c. 122. s. 13.

59. In case the master, mate, or crew of any vessel bound to parts beyond the seas, shall find and take on board her any anchor, cable, goods or merchandize, or shall receive the same on board from any other person who has found the same, knowing the same to have been so found, the master, mate, or other person in command of such vessel, shall make a true entry in the log book of such ship, of the description of the articles so found or taken on board, stating the marks (if any) thereon, and the bearings and distances, and other minute description, and the time when and where the same were found and taken on board; and shall also at the first possible opportunity, transmit a report in writing, containing a true copy of such entry to the Trinity House, and on the return of such vessel to any port in *Eng., Wa., or Ber.* he shall deliver the same articles into the possession of a deputy vice-admiral or his agent, in or nearest to such port at which he shall first arrive, and within 24 hours after his arrival, with the like report as before directed; which deputy, &c. shall transmit such report to the Trinity House, to be placed by them for inspection, as in s. 2. *pl.* 48. and if the same is not claimed by the owners, or their agent, within a year and a day after such report is transmitted, the same shall be sold according to law with regard to unclaimed property; and in default thereof, or if the master of such vessel shall dispose of such anchor, &c. to any person soever, or shall not on his first return to any port within *Eng., Wa., or Ber.*, report and deliver the same according to this act, he shall for every such offence forfeit all claim to salvage, and on conviction before any justice or magistrate on oath of one credible witness, or on confession of the offender, forfeit and pay any sum not exceeding 100*l.* nor less than 30*l.* one-half of which penalty shall be paid to the informer, and the other to the president and governors, for the relief and support of maimed and disabled seamen, and of the widows and children of such as are killed, slain, or drowned in the merchants service, under 20 G. 2. c. 38. *tit.* SEAMEN, *pl.* 62. and shall also pay double the value of such articles to the owner thereof, 1 & 2 G. 4. c. 75. s. 13., 49 G. 3. c. 122. s. 14.

60. The deputy vice-admiral, or his agent, who makes the report required by s. 1. *pl.* 47. to the Trinity House, may receive from the owners of the articles in respect of which the report is made, or if the same are not claimed, then out of the produce of their sale the sum of 1*l.* 1*s.* for each report; and the secretary or other proper officer of the Trinity House may receive in like manner the sum of 1*l.* 1*s.* for each report so to be received by the said corporation, to be made public by them as in s. 2. *pl.* 48. which sum shall be paid to the said deputy, &c. before delivery of the goods, and accounted for by him to the Trinity House, 1 & 2 G. 4. c. 75. s. 14., 49 G. 3. c. 122. s. 15.

61. Every pilot, hoveller, boatman, or master of a vessel, who shall convey to any foreign port any anchor or cable which may have been weighed, swept for, or taken possession of by them, or purchased by them of other persons, knowing them to have been so weighed, &c. without being so reported, and shall there sell and dispose of the same, shall be deemed guilty of felony, and transported for not exceeding 7 years, 1 & 2 G. 4. c. 75. s. 15., 49 G. 3. c. 122. s. 16.

62. All persons who shall trade or deal in buying and selling anchors,

cables, sails, or old junk, old iron, or marine stores of any kind or description, shall have their names, with the words "Dealer in Marine Stores," painted distinctly in letters of not less than 6 inches in length, upon the front of all their storehouses, warehouses, and other deposits, for such goods; and in default of so doing, shall, on conviction before any justice or justices, magistrate or magistrates of any jurisdiction where such storehouse, &c. is, on oath of one credible witness, or on confession of the offender, forfeit and pay a sum not exceeding 20*l.* nor less than 10*l.*, one-half to be paid to the informer, and the other half to the poor of the parish or township where the offence is committed; and no such dealers or traders shall cut up any cable, or part of a cable, exceeding 5 fathoms in length, or uncant, untwine, or unlay the same into junk or paper stuff on any pretence, without first obtaining a permit from some justice or magistrate residing near the residence of such dealer, which permit shall not be granted, unless affidavit is made that the cable so intended to be cut up had been *bonâ fide* purchased by the party so intending to cut up the same, and without any knowledge or suspicion on his part, that the same had been dishonestly come by; and in which shall also be specified the particular quality and description of such cable, and the name of the seller thereof, which affidavit shall be recited at length in the permit thereupon granted, on pain of forfeiting for the first offence any sum not exceeding 20*l.* nor less than 10*l.* and for every second or further offence, not exceeding 50*l.* nor less than 20*l.* to be recovered before any justice of peace; one-half thereof to go to the informer, and the other half to the poor of the parish in which such offence is committed, 1 & 2 G. 4. c. 75. s. 16., 49 G. 3. c. 122. s. 17.

63. All dealers in such marine stores shall keep a book fairly written, in which entries shall be from time to time regularly made, of all old marine stores by them from time to time bought, containing a true account and description of the times when so bought by them, and of the names and abodes of the sellers, and before any person who shall obtain such permit for cutting up any such cable (as herein-before, *pl.* 62. required), shall proceed to cut up the same by virtue thereof, there shall be published, by the space of one week at least before cutting up the same, one or more advertisements in some public newspaper printed nearest to the storehouse, &c. where the articles are deposited, notifying that such party had obtained such permit, for the purpose of cutting up such cable, and of the kind and quality therein described, and also specifying the place where such articles are deposited; whereupon every person who has just cause to suspect that such articles are the property of such person, and has verified upon oath the fact of such his suspicion before any justice or magistrate residing near the said storehouse, &c. by warrant for that purpose thereupon granted, may require of such dealer, who has so advertised, and is so sworn to be suspected as aforesaid, the production and examination of the book of entries hereby required by him to be kept, and inspect and examine the cables described in such permit; and in case such dealer, when so thereunto required shall neglect or refuse to produce to the person named in such warrant, as the person on whose oath the same have been obtained, the book containing his entries, or shall neglect to keep such book in which the above entries shall be made, or to permit such inspection or examination as aforesaid, or shall, after obtaining such permit for cutting up, and before the cutting up any such cable, neglect to publish such one or more advertisements relative thereto, as before required, the offender in all or any of the above particulars shall forfeit and pay, for his first offence, any sum not exceeding 20*l.* nor less than 10*l.*, and for every second or further offence, any sum not exceeding 50*l.* nor less than 20*l.*, one-half of which penalty shall, on conviction before any justice or magistrate resident as aforesaid, be paid to the informer, and the other half to the poor of the parish or township in which such offences are committed; and in case any of the penalties by this act imposed are not paid, with the charges incident to the conviction, immediately thereon, the same may be levied by warrant under hand and seal of such justice or magistrate, on the goods and chattels of any such offender; and in case no sufficient distress is found, he shall be committed by the latter to gaol, in case of a first offence for 6, and in case of a second or further offence, for 12 calendar months, unless the said penalty and the charges are sooner paid, 1 & 2 G. 4. c. 75. s. 17., 49 G. 3. c. 122. s. 18.

64. All manufacturers of anchors and kedge anchors, shall place their names, together with a progressive number, and also the weight of the anchor, in legible characters on the crown, and also on the shank under the stock of each anchor, which they shall manufacture; and shall also place their names, together with a number, and the weight of the kedge anchor upon the crown, and also on the shank near the stock of every kedge anchor which they shall manufacture; and every manufacturer who neglects to place such name, number, or weight as herein-before directed, shall, on conviction before any justice or magistrate, on oath of one credible witness, or on the confession of the offender, forfeit and

pay any sum not exceeding 5*l.* nor less than 40*s.*, one-half to be paid to the informer, and the other half to the poor of the parish or township in which the offence is committed, 1 & 2 G. 4. c. 75. s. 18., 49 G. 3. c. 122. s. 19.

65. Every justice of peace before whom any person is convicted of any offence against these acts, may cause the conviction to be drawn up as follows; and no *certiorari*, or other process for removal of any such conviction, or any proceedings thereon, into any of H. M.'s courts of record at *Westminster*, shall be granted, 1 & 2 G. 4. c. 75. s. 19., 49 G. 3. c. 122. s. 20.

Be it remembered, that on the — day of —, in the year of our Lord —, A. B. is convicted before me [or us] — one [or two, as the case may be,] of H. M.'s justices of the peace for the — [here specify the offence, and the time and place when and where committed, as the case may be,] contrary to an act passed in the 2d year of the reign of King George the Fourth, intituled [here insert the title of this act.] Given under my hand and seal [or, our hands and seals,] the day and year first above written.

66. Any person so convicted of any offence against this act, may, within 3 calendar months next after such conviction, appeal to the general quarter sessions for the county, city, or place where the matter of appeal arises, first giving 10 days notice of such appeal to the persons appealed against, and of the matter thereof, and entering into a recognizance before some justice of the peace for such county, city, or place, with 2 sufficient sureties conditioned to try such appeal, and for abiding the determination of the court therein; which quarter sessions shall, on due proof of such notice having been given and recognizance entered into, hear and determine the matter of such appeal, and may either confirm or quash the conviction, and award such costs to either party as to them shall seem just, which decision therein shall be final; and no proceeding had in pursuance of this act shall be quashed for want of form only, or removed by *certiorari*, or any other process soever, into any of H. M.'s courts of record at *Westminster*, or elsewhere, 1 & 2 G. 4. c. 75. s. 20., 49 G. 3. c. 122. s. 21.

67. The inhabitants of any parish, township, or place shall be competent witnesses for proving the commission of any offence against these acts within the limits of such parish, &c. notwithstanding the penalties thereby incurred, or any part thereof, is given or applicable to the poor of such parish, &c., or otherwise for the benefit or use, or in aid or in exoneration of such parish, &c. 1 & 2 G. 4. c. 75. s. 21. 49 G. 3. c. 122. s. 22.

68. All felonies, misdemeanors, and other offences under these acts, may be laid to be committed, and shall be tried in any city or county (being a county) where any such article, matter, or thing, in relation to which such offence has been committed, has been found in the possession of the person committing the offence; or if sold in foreign parts, then in the county or place in which the person selling the same shall reside, 1 & 2 G. 4. c. 75. s. 22. 49 G. 3. c. 122. s. 23.

69. Nothing in these acts shall extend to the limits in 48 G. 3. c. 130. and 1 & 2 G. 4. c. 76. *pl.* 86. specified; nor affect the provisions of 48 G. 3. c. 104.; 1 & 2 G. 4. c. 75. s. 23., 49 G. 3. c. 122. ss. 24—25. [But 48 G. 3. c. 104. is *REP.* and *EXP.* See *PILOTAGE, STATS. exp.*, &c. *pl.* 4.]

70. Nothing herein shall extend to the taking away or abridging, in any manner whatever, the jurisdiction of the high court of admiralty of *Eng.*, or of the admiralty courts of the Cinque Ports, two ancient towns, and their members, of *Great Yarmouth*, in *Norfolk*, of *Dunwich*, in *Suffolk*, or of *Southampton*, in *Hants*, or of *Southwold*, in *Suffolk*, or of *Lynn Regis*, in *Norfolk*; but the said courts respectively, and the judges thereof for the time being, may have, use, exercise and enjoy jurisdiction over all such matters, rights, and offences as they have heretofore had, &c. as fully and effectually, to all intents and purposes, as if these acts had not been made, 1 & 2 G. 4. c. 75. s. 24. 49 G. 3. c. 122. s. 26.

71. Neither this act nor any thing herein contained shall deprive or prejudice the rights of H. M. his heirs or successors, or any claiming under them, or any patentee or grantee of the crown, or any lords, &c. of manors soever, but such respective rights shall be enjoyed in as ample a manner in every respect as if these acts had never been made, 1 & 2 G. 4. c. 75. s. 25., 49 G. 3. c. 122. s. 27.

72. No lord of any manor, or other person who may be entitled to or claim to be entitled to wreck of the sea, or to any goods found *jetsam*, *flotsam*, or *lagan*, shall be entitled to appropriate such wreck or goods to his own use, or otherwise to dispose thereof, until he has caused a report thereof in writing to be given to the deputy vice-admiral of that part of the coast where the same shall have been stranded, wrecked, or found, or to his agent; or if there is no such deputy vice-admiral or agent residing within the distance of 50 miles, then to the Trinity House; which report shall contain an accurate and particular description of the wreck or goods found, and of the place or places and time or times where and when found, and of any marks thereon, and of such other particulars as may better enable the owners thereof to recover the same, and also of the place or places where the same are deposited and may be found and examined by any person claiming any right to such wreck or goods, nor until the full expiration of a year

and a day after the delivery of such notice, any thing in any law to the contrary notwithstanding; and the deputy vice-admiral or agent aforesaid shall, within 48 hours after receiving such report as aforesaid, transmit a copy thereof to the secretary of the Trinity House, upon pain of forfeiting for any neglect to transmit such account as aforesaid 50*l.*, to any person who will sue for the same; and the said secretary shall cause such account to be placed in some conspicuous situation, for inspection of all persons claiming to examine the same; but nothing herein contained shall repeal or in any manner affect any of the provisions of 53 G. 3. c. 159. *pl.* 37., 1 & 2 G. 4. c. 75. s. 26., 53 G. 3. c. 87. s. 2.

73. When any goods found or taken possession of by any lord of a manor, or person entitled to wreck of the sea, or to goods found *flotsam*, *jetsam*, or *lagan*, or his agent, or servant, or by any vice-admiral, or his deputy or agent, or by any officer or other person soever acting under authority of this act, or of 1 & 2 G. 4. c. 76. *pl.* 86., shall be of so perishable a nature, or so much injured or damaged, that they cannot be kept, then such goods shall and may, at request of any of the persons interested therein, or in the saving thereof, with consent and approbation of some justice of peace not interested in the same or in the saving thereof, and in his presence or in that of some person for that purpose specially appointed by him, be sold by public auction or private contract, as such justice may direct by some writing under his hand, which writing shall contain an accurate and particular account of the goods, and marks thereon, or other particulars belonging thereto, and of the times and places of the finding and intended sale thereof; and the money raised by such sale, after defraying the reasonable expences of sale, to be settled by such justice, shall be deposited in the hands of the lord of the manor, or other person, or deputy vice-admiral, who would have received the custody of the goods so sold, to abide and be subject to the claims of all persons, as the goods themselves would be subject if remaining unsold; provided that all persons required to transmit reports to the deputy vice-admiral of the finding any goods, as in *pl.* 72., shall, in case of any such sale, likewise transmit to him an account of such sale, and of the proceeds thereof; and the latter shall forward such reports to the Trinity House, within the like periods and under the like penalties for any neglect therein, as in cases of any goods found and required to be reported under the provisions of 1 & 2 G. 4. c. 76. or of these acts, 1 & 2 G. 4. c. 75. s. 27., 53 G. 3. c. 87. s. 3.

74. The commissioners of customs and excise shall permit all goods, wares, and merchandize saved from any vessel stranded or wrecked on the homeward voyage, to be forwarded to the port of original destination; and also permit goods saved from any vessel stranded or wrecked on their respective outward voyage, to be returned to the port at which the same were shipped; but such commissioners shall take security for due protection of the revenue in respect thereof, 1 & 2 G. 4. c. 75. s. 28.

75. The deputy vice-admiral of the part of the coast where any vessel is stranded or wrecked, or where any wreck of the sea or goods are cast on shore, and his agent, and also the owner or master of any such vessel, and the owners of any such goods, or of any part thereof, and any officer of customs or excise, and other officer, and all persons soever employed or acting in aid of any such deputy vice-admiral, officer, master, or owner, in saving or recovering any such vessel, or the cargo, stores, tackle, or other articles belonging to the same, or preserving the lives of the crew or persons belonging thereto, or of any wreck as aforesaid, may pass and repass with their horses, carts, carriages, or servants, over any lands near to the part of the sea coast where such vessel is so wrecked or stranded, or on which such wreck shall be cast, without interruption or obstruction by the owner or occupier thereof, for the purpose of rendering assistance in saving, recovering, and preserving any such vessel, or goods or stores, or any cables, anchors, spars, masts, cordage, or other tackle or articles belonging to her, or for saving or otherwise assisting in preserving the lives of the crew, or persons on board, or for taking possession of and securing for benefit of the owners thereof, of any wreck or goods, or other things cast or found on shore, or near thereto, provided there is no road by which the parties may pass and repass with as much convenience and expedition as over such lands; and also to place any planks, timber, or any part of the wreck, or any goods or stores removed or saved from any such vessel, or any other wreck or goods as aforesaid, upon any such land for a reasonable time, until they can be removed to some warehouse or place of deposit, making compensation to the occupier of such lands for any damage done by the above means, which compensation shall be a charge upon the wreck or goods in respect whereof the damage may be done, in like manner as salvage; and in case the parties cannot agree as to the amount thereof, then it shall be settled by 2 justices of peace, or of a third person to be named by them, in such manner and within such times as the amount of salvage is directed to be ascertained and settled by 49 G. 3. c. 122. s. 32., which is adopted and consolidated with s. 37. of this act, *pl.* 84., 1 & 2 G. 4. c. 75. s. 29., 53 G. 3. c. 87. s. 4.

76. If any owner or occupier of any land or premises, over which any person is authorized by these acts to pass and repass, for any of the above

purposes, shall interrupt, impede, or hinder any such person from passing over his land or premises with horses, carts, carriages, and servants, for such purposes or any or either of them, by locking his gates or refusing on request to open them, or otherwise, or shall obstruct or hinder the placing any wreck, goods, stores, or other articles upon his land, or shall prevent their remaining there for a reasonable time, until, they can be removed to some warehouse or safe place of public deposit such occupier shall forfeit 100*l.* to any person who will sue for the same, by action of debt, 1 & 2 G. 4. c. 75. s. 30., 53 G. 3. c. 87. s. 5.

77. Questions in relation to salvage of any vessel, or of any goods, which shall be performed between high and low water mark, shall be within the jurisdiction or cognizance of the high court of admiralty, or of H. M.'s courts of record at *Westminster*, 1 & 2 G. 4. c. 75. s. 31., 53 G. 3. c. 87. s. 6.

78. In every case in which any damage is done by any foreign vessel to any *British* vessel, barge, boat, or other craft, or any buoy or beacon, in any harbour, port, river, or creek, and it appears on a summary application made to any judge of any of H. M.'s courts at *Westminster*, or to the judge of the high court of admiralty respectively, that such damage or loss has probably been sustained or arisen by the misconduct or negligence of the master or mariners of such foreign vessel, he may cause such foreign vessel, being in any harbour, &c. to be arrested and detained, till the master, or owner, or consignee, or some agent of either, shall undertake to appear and be defendant in any action brought for such damage, and give such sufficient security, by bail or otherwise, for all costs and damages, if recovered, as shall be ordered by such judge, if upon the trial of such action or suit it appears that such loss or damage has arisen from such negligence or misconduct, and in such action the person giving security shall be made defendant, and shall be stated to be the owner of the foreign vessel doing such damage; and it shall not be necessary in such action to give any other evidence of the liability of such person to the same, than the production of the judge's order, made in relation to such security as above, 1 & 2 G. 4. c. 75. s. 32., 53 G. 3. c. 87. s. 7.

79. All penalties above 20*l.*, or which by these acts, or by 1 & 2 G. 4. c. 76. are made recoverable by action or suit, shall be recovered in any of H. M.'s courts of record at *Westminster*, 1 & 2 G. 4. c. 75. s. 33., 53 G. 3. c. 87. s. 8.

80. Nothing in this statute shall take away, abridge, or prejudice any grant, liberties, franchises, and privileges heretofore granted to and vested in the Trinity House, 49 G. 3. c. 122. s. 28. [*This provision is not repeated in 1 & 2 G. 4. c. 75.*]

81. Nor shall any thing in these acts take away, &c. any grant, liberties, franchises, and privileges heretofore granted to and vested in the Trinity House of *Hull*, or in the commissioners acting under any acts of parliament relating to the adjustment of salvage for anchors, cables, and other ships' materials found in the *Humber*, or vested in the Trinity Houses of *Newcastle-upon-Tyne* and *Scarborough* respectively; but they shall hold and enjoy the same as fully to all intents and purposes as if this act had never been made, 1 & 2 G. 4. c. 75. s. 34., and 49 G. 3. c. 122. s. 29.

82. Nor take away any right, property, authority, or jurisdiction of the mayor, or of the mayor and commonalty and citizens of the city of *London*, to, in, and on the *Thames* and *Medway*, 1 & 2 G. 4. c. 75. s. 35. 49 G. 3. c. 122. s. 30.

83. Nothing in these acts shall extend to *Scot.* and *Ire.*, 1 & 2 G. 4. c. 75. s. 36., 49 G. 3. c. 122. s. 31.

84. All the means which in virtue of 12 A. St. 2. c. 18. exist and may now be by law applied for conclusively adjusting, and recovering the *quantum* of the monies or gratuities to be paid to the several persons acting or being employed in the salvage of any ship or vessel, or the materials or stores belonging thereto, or goods, in cases where application has been first made pursuant to that act, to officers of the customs, or other the officers in that behalf mentioned, and assistance has been thereupon rendered in pursuance of the provisions of that act, shall be by law applicable in like manner, to all intents and purposes, in cases where the salvors have acted under and by authority of any magistrate, or of the commander or other superior officers, mariners, or owners of any vessel in distress, though no such application has been made to, nor any authority or assistance derived from, any officer of customs, or other the officer or officers in that statute in that behalf mentioned; and thereupon on payment or tender and refusal of the *quantum* of the monies or gratuities to be paid to the several persons who have acted or been employed in such salvage, or in case such payment or tender cannot be made, on security being given for the true payment thereof, to the satisfaction of the justices who shall have adjusted such *quantum* or gratuities, no officer of customs, or other person having custody of such vessel, materials, stores, or goods, may any longer retain the custody of the same, or any part thereof, by pretence of any claim or right to compensation or gratuity of such salvage as aforesaid, or for having acted or been employed therein, 1 & 2 G. 4. c. 75. s. 37., 49 G. 3. c. 122. s. 32.

85. The owner or owners, or, if they refuse, the salvors may sell so

much of the property saved as is sufficient to defray the salvage adjudged, and all expences attending the same, and any other reasonable expences respecting the property allowed by the high court of admiralty, or by the justices acting in execution of this act; and on production of an order or decree from that court, or of an award made by the above justices, the commissioners of customs and excise shall allow the sale of such goods free from payment of duties: provided that, in all cases in which they think it advisable, they may refer any such award produced to them from the justices acting in execution of the provisions of this act, to the judgment and revision of the high court of admiralty, 1 & 2 G. 4. c. 75. s. 38.

86. FOR PREVENTING THE VARIOUS FRAUDS and depredations committed on merchants, ship-owners and underwriters, by boatmen, and others, within the jurisdiction of the Cinque Ports: AND ALSO FOR REMEDYING CERTAIN DEFECTS relative to the adjustment of SALVAGE, under 12 A. St. 2. c. 18. s. 2. pl. 6. 48 G. 3. c. 130. [CON. 53 G. 3. c. 87. s. 1., and AMD. 53 G. 3. c. 87. ss. 2—8., and both these acts incorporated with and AMD. by 1 & 2 G. 4. c. 76. PUBLIC clauses, 48 G. 3. c. 130. s. 24., 1 & 2 G. 4. c. 76. s. 22.]

87. "Whereas, 48 G. 3. c. 130. was CON. to the end of the session of parliament of 1821, by 53 G. 3. c. 87. s. 1., and it is expedient that it be continued, except as hereby altered," be it enacted, that the lord warden of the cinque ports for the time being may appoint by instrument under his hand and seal, 3 or more substantial persons in each of the cinque ports' 2 ancient towns, and their members, to adjust and determine any difference relative to salvage, which may arise between the master of any vessel, and the person or persons bringing such cables and anchors ashore, and if any ship or vessel is either forced or cut from her cables and anchors by extremity of weather, or other accident, and leaves the same in any roadstead, or other place, within the jurisdiction of the cinque ports' 2 ancient towns, and their members, and the salvage cannot be adjusted between the persons concerned, the same shall be determined by any 3 or more of the persons so to be appointed as above, within 24 hours after such difference is referred to them for their determination thereof, any custom to the contrary notwithstanding: provided that such commissioners shall immediately after their nomination proceed to elect some proper person, who shall be a notary, or master extraordinary in chancery as their secretary or register, except to the port of *Dover*, where the register for the time being of the court of admiralty of the Cinque Ports shall be the register, and which secretary or register shall enter in a book kept for that purpose, all the proceedings of such commissioners, and also a copy of the award, which they shall from time to time make; but such election of secretaries or registers shall be subject to the approbation of the existing lord warden, 1 & 2 G. 4. c. 76. s. 1. 48 G. 3. c. 130. s. 1.

88. The boundaries of the jurisdiction of the lord warden of the Cinque Ports, in regard to any matter or thing contained in these statutes, shall be as follows: from a point to the western end of *Seaford*, in the county of *Sussex*, called *Red Cliff*, including the same: thence passing in a line one mile without the sand or shoal, called the *Horse of Wiltendon*, and continuing the same distance without the ridge and new shoals, and thence in a line within 5 miles of *Cape Grimes*, [*Crisnes*, 48 G. 3. c. 130. s. 20.] on the coast of *France*; thence round the shoal called the *Overfalls*, 2 miles distant from the same, thence in a line without, and the same distance along the eastern side of the *Gallopier Sand*, till the north end thereof bears west north-west true bearing from the west north-west bearing of the *Gallopier*, it runs in a direct line across the shoal called the *Thwart Middle*, till it reaches to the shore under the *Maze Tower*: from thence, following in a line of the shore up to *St. Orsyth*, in the county of *Essex*, and following the course of the shore up [to, 1 & 2 G. 4. c. 76. s. 18. only] the river *Coln*, to the landing-place nearest *Brightlingsea*: from thence in a direct line to *Shor Bacon*: from thence to the point of *Shellness*, on the *Isle of Shippey*: and from thence across the waters to *Faversham*, and from thence following the line of coast round the north and south *Forelands* and *Beachy-head*, till it reaches the said *Red Cliff*, including all the waters, creeks and havens comprehended between them; but nothing in these acts shall enlarge or abridge the local limits of the ancient jurisdiction, rights, and privileges of the lord high-admiral of *Eng.*, or the lord warden, or admiral of the Cinque Ports, respectively, or their respective representatives; but the same shall remain according to ancient usage, and the above description shall only be deemed applicable to the purposes of these statutes, 1 & 2 G. 4. c. 76. s. 18., 48 G. 3. c. 130. s. 20.

89. The said commissioners so appointed as above, may decide on all demands made by pilots, hovellers, boatmen, and other persons for services of any sort rendered to any vessel, as well for carrying off from shore to her any anchors, cables, or other stores from any part or port of the coast of *Kent*, *Sussex*, *Essex*, or *Isle of Thanet*, or from the sea, or any other place to *Ramsgate*, *Dover*, or any other harbour, port, or place on the said coasts, within the aforesaid jurisdiction, [viz. of the Cinque Ports, &c. see pl. 88.] or for saving and preserving within that ju-

risdiction, any goods or merchandize wrecked, stranded, or cast away from any vessel, the master or owners thereof, or their agents being present at the place of sitting of the commissioners; and shall have full power to hear and determine on all cases whatever of services rendered by pilots, boatmen, and others, to shipping within the above jurisdiction, whether in distress or not; and whenever they see occasion, may examine the parties, or their witnesses on oath, which oaths shall be administered by their secretary or register, 1 & 2 G. 4. c. 76. s. 2., 48 G. 3. c. 130. s. 2.

90. The commissioners and their secretary or register, who shall decide on any of the above demands, may demand and receive of and from the owners of such vessels, or the proprietors of any such goods, against whom any pilot, boatman, or other person shall make any demand for services of any sort rendered to such vessels, or for the sole saving any goods wrecked, stranded, or cast away within the above jurisdiction, and such owners shall pay to them such fee for deciding on such demand as shall be adjudged to them in that behalf by the existing lord warden of the cinque ports; provided that no person appointed commissioner under this act, shall have authority to act in any other port or place than that in which he is resident, or from which his usual place of residence is not distant more than one mile: and before such commissioners shall in any case proceed to act, they shall severally take the following oath before a magistrate or commissioner of K. B. or C. P., or a master extraordinary in chancery, 1 & 2 G. 4. c. 76. s. 3., 48 G. 3. c. 130. ss. 3, 4.

"I A. B. do swear, that I have not, neither will I in any way, directly, or indirectly, take or receive any fee, emolument or reward, from any of the parties whose interests are referred to my decision (except such fee or reward as shall be allowed by the lord warden to be paid to me by the ship owners or proprietors of the cargo, or their agents), and that I will not accept or receive any fee whatever from the persons claiming reward or salvage, but that I will decide, according to the best of my judgment, on the evidence to be brought before me, without favour or affection to either party. So help me God."

91. In case the parties so claiming to be entitled to salvage, or compensation for services rendered as above, or the parties who are to pay the same, or their agents, are dissatisfied with such award and decision of the commissioners, either of them may, within 8 days after such award made, but not afterwards, declare to the commissioners his desire of obtaining the judgment of some competent court of admiralty, respecting such salvage or compensation, and thereupon such party, or parties shall forthwith be required by the commissioners to declare whether they will proceed in the high court of admiralty of *Eng.*, or in that of the Cinque Ports, and shall so proceed within 20 days from the date of such award by taking out monition against the adverse party; but in such case the commissioners shall permit the ship and cargo, notwithstanding such declaration and proceeding, to depart on her voyage, or to deliver to the owners and proprietors, or their agents, any goods or merchandize, respecting which any claim for salvage shall be made on the owners or proprietors thereof, or their agents, giving good bail in double the amount of the sum awarded, and which bail the said commissioners, or any of them, shall take and certify according to the form in the schedule annexed, and shall transmit the same without delay, to the court of admiralty in which the intention of proceeding shall be so declared, together with a true certificate in writing of the gross value of the whole ship and cargo, or other goods, respecting which salvage is claimed, and also an official copy of such proceeding and awards certified by their secretary or register: and the same shall be admitted by such court of admiralty as evidence in the cause, 1 & 2 G. 4. c. 76. s. 4. 48 G. 3. c. 130. s. 5.

The SCHEDULE to which this act (s. 4.) refers.

"On the — day of —, in the year of our Lord —, before, &c. at — in the county of —

[Ships' Names.]

[Masters' Names.]

"A. B. [here insert the name of the salvors,] against the said ship —, whereof — was master, her tackle, apparel, and furniture, and the goods, wares, and merchandizes on board the same: and also against the said — master, and the owners of the said ship and cargo, [or as the case may be, against certain goods and merchandizes lately laden on board the said ship, whereof — was master; and also against the said — master, and the owners (or if the owners alone appear by themselves or agents, then leave out the master's name) of the said goods and merchandizes,] in a cause of salvage, the sum of — pounds of lawful money of G. B., unto the said A. B., &c. to answer the salvage and expences of the said ship and cargo, [or, as the case

"On which day appeared personally W. Z. of —, and Y. Z. of —, who produced themselves as sureties for the said — the master, and for the owners of the said ship and cargo, [or, as the case may be,] for the said — master and owners of the said goods and merchandizes, and submitting themselves to the jurisdiction of the high court of admiralty of *Eng.*, [or, the court of admiralty for the cinque ports, as the case may be,] bound themselves, their heirs, executors, and administrators, for the said master and owners of the said ship and cargo, — [or, as the case may be,] for the said — master and owners, or for the owners of the said goods and merchandizes, in the sum of — pounds of lawful money of G. B., unto the said A. B., &c. to answer the salvage and expences of the said ship and cargo, [or, as the case

may be,] on the said goods and merchandise, as shall hereafter be decreed by the said court, according to the tenor of the act in that behalf made and provided: and unless they shall so do, they hereby consent that execution shall issue forth against them, their heirs, executors and administrators, goods and chatties, wheresoever the same shall be found, to the value of the sum above mentioned.

This bail was duly taken, acknowledged and received at the time and place above written, before me the undersigned commissioner; and I do hereby further certify, that I do believe and consider the persons above mentioned sufficient security for the sum of — pounds.

W. X.
Y. Z.'

92. On appeal so being made to either of such courts of admiralty, the same shall be held to be final, and no ulterior appeal shall be to H. M. in chancery from the sentence of either of such courts, 1 & 2 G. 4. c. 76. s. 5.

93. Every person who shall wilfully cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall commit any act, with intent to cut away, &c., or in any other way injure, or conceal any buoy, buoy-rope, or mark belonging to any vessel, or attached to any anchor or cable belonging to any vessel whatever, within the above jurisdiction, [see pl. 88.] with intent thereby to defraud any person, or body corporate, shall on conviction for such offence be deemed guilty of felony, and liable to be transported for not exceeding 14 years, 1 & 2 G. 4. c. 76. s. 6., 48 G. 3. c. 130. s. 6.

94. All anchors, cables, buoys, ropes, or other ship's stores or materials, or any goods or merchandizes of any sort whatever, which may have been parted with, cut from, or left by any vessel in the Downs, or elsewhere, within the above jurisdiction whether in distress or otherwise, and which have been weighed, swept for, or taken possession of by any pilots, boatmen, hovellers, or other persons, shall be by them delivered, either at Ramsgate, Deal, or Dover, [Harwich, Brightlessea, or Wivenhoe, added by 1 & 2 G. 4. c. 76. s. 7.] six public places of deposit declared by this act for the reception of all such articles, or such other places as shall be declared by the lord-warden, in the same state in which they are found, to the serjeant or serjeants of the admiralty at the cinque ports, or their deputies, or such other person as he shall authorize to receive the same; but if any such articles so found, &c. are not so delivered immediately, or duly reported to such serjeant, &c., on the finding thereof, and are afterwards discovered in the custody of any such pilot, &c. or other person, he shall on conviction be deemed guilty of receiving stolen goods, knowing them to have been stolen, and shall suffer like punishment as if the same had been stolen on shore, 1 & 2 G. 4. c. 76. s. 7. 48 G. 3. c. 130. s. 7.

95. All merchandize, materials, of any sort, or marine stores of any description, whether belonging to H. M. or to any British subjects or foreigners, which may be preserved from any vessel stranded, deserted by her crew, or wrecked, either on shore or on the Goodwin or any other sand or shoal, or any part of the main land, or any part or place within the above jurisdiction, shall be landed, and delivered at one of the 6 places of deposit belonging to the lord-warden's deputies at Ramsgate or Deal, Dover, [Harwich, Brightlessea, or Wivenhoe, added by 1 & 2 G. 4. c. 76. s. 8.] or such other place as shall be declared such by the lord-warden for that purpose, which ever shall be most convenient or contiguous to the place where the loss occurs: and every person, who having preserved, or taken possession of such merchandize, or marine stores within the above jurisdiction, shall sell, dispose of, or otherwise make away with the same, or shall in any manner conceal, deface, take out, or obliterate the marks or numbers thereon, or alter the same in any manner with intent thereby, directly or indirectly, to prevent the discovery and identity thereof by the owners, shall be guilty of felony, 1 & 2 G. 4. c. 76. s. 8., 48 G. 3. c. 130. s. 8.

96. Nothing herein shall extend to prevent or restrain the serjeants, deputies, or other officer of the lord warden, from seizing all such anchors, cables, buoys, buoy-ropes, or other ship's stores, or materials, as in s. 7. pl. 94. and likewise all such merchandize and marine stores, as in s. 8. last pl. which they shall find concealed, or attempted to be concealed within the jurisdiction aforesaid, [see pl. 88.] or which he or they shall find in possession of any person who shall be conveying, or in the act of preparing to convey the same out of the said jurisdiction, or from any place where the same have been landed within the same, to any other place within the same, other than to one of the above public places of deposit; but all and singular the above officers may seize the same as well on shore as at sea, within the said jurisdiction, and may take and carry the same to one of the said public places of deposit, any law or custom notwithstanding, 1 & 2 G. 4. c. 76. s. 9., 48 G. 3. c. 130. s. 9.

97. Every person, within the above jurisdiction, who shall knowingly, and with the intent to defraud and injure the true owners thereof, purchase or receive any anchors, cables, ropes, or other ship's stores or materials of any description, or any merchandize, or lading, which may have been taken up, weighed, swept for, or taken possession of, whether the same have belonged to any vessel in distress, or other-

wise, or have been preserved from any wreck within the jurisdiction aforesaid, such person shall, on conviction thereof, be deemed guilty of receiving stolen goods, knowing them to be stolen, as if the same had been stolen on shore, and suffer like punishment as for a misdemeanor at common law, and be also liable to transportation for 7 years at discretion of the court, 1 & 2 G. 4. c. 76. s. 10., 48 G. 3. c. 130. s. 10.

98. Whenever anchors, cables, and other marine stores or merchandize, which have been weighed, swept for, or taken possession of, within the jurisdiction aforesaid, are carried away to places out of such jurisdiction, the serjeant or serjeants of the admiralty of the Cinque Ports, deputies, or any other officer of the lord warden, may seize such anchor, cable, or other marine stores, or merchandize, out of the jurisdiction aforesaid, and there take and carry away the same to some one of the above [see pl. 95.] public places of deposit, 1 & 2 G. 4. c. 76. s. 11., 48 G. 3. c. 130. s. 11. [or place the same in a place of security till proceedings are instituted against the same, either in the high court of admiralty, or in that of the Cinque Ports, 1 & 2 G. 4. c. 76. s. 11. only.]

99. Every pilot, boatman, or other person, within the above jurisdiction, who shall counsel, instruct, direct, advise or procure any master or other person on board any vessel within the above jurisdiction, whether she be at the time in distress or otherwise, to cut such vessel's cable, or buoy rope, or to do any other act whatever, which shall, or may tend to the destruction or wreck of such ship, with intent thereby to prejudice any owner or person, body politic or corporate, that hath underwritten, or shall underwrite any policy or policies of insurance on such vessel, or her freight, or on any goods laden on board her, shall, on conviction be deemed guilty of felony, and shall be liable to not exceeding 14 years transportation, 48 G. 3. c. 130. s. 12.

100. All dealers in buying and selling anchors, cables, sails, old junk, or paper, stuff, old iron, or marine stores of any kind, within the above jurisdiction, shall have their names, with the words "Dealer in Marine Stores," painted distinctly in letters of not less than 6 inches long on the front of all their store and warehouses, and other depôts for such goods: and in default of so doing, they shall, on conviction before one or more persons appointed to act as magistrates within the limits, in pl. 88. mentioned, forfeit and pay any sum not exceeding 20*l.*, nor less than 10*l.*, one half to be paid to the informer, and the other to the poor of the parish where the offence is committed: and no such dealers shall cut up any cables, or part of the same, or uncant, untwine, or unlay the same, or cordage of any description, into junk or paper stuff, nor any wounding, worming, or cable matting on the same, or on rigging, on any pretence soever, without first obtaining a permit from one or more of the lord warden's deputies, which shall not be granted unless affidavit has first been made before some such magistrate as above, and has been delivered to, and left with the person granting such permit in which affidavit there shall be sworn that the cable and cordage so intended to be cut up had been purchased fairly, and without fraud, by the party so intending to cut up the same, and without knowledge or suspicion on his part, that the same had been dishonestly come by, and which affidavit shall also specify the particular quantity and description of such cable, &c., and the name or names of the seller, and shall be recited at length in the permit, 1 & 2 G. 4. c. 76. s. 12., 48 G. 3. c. 130. s. 13.

101. All dealers in such marine stores, within the limits of the Cinque Ports 2 ancient towns, and their members, shall keep a book, or books, fairly written, in which entries shall be from time to time regularly made of all marine stores from time to time bought by them, containing a true account and description of the times when the same were so respectively bought, and of the names and abodes of the respective sellers thereof, and also that before the party who has obtained such permit for the cutting up any such cable or cordage, as in pl. 100. required to be obtained, shall proceed to cut up the same, by virtue thereof, there shall be published, by the space of one week at least, before the time of cutting up the same, one or more advertisements in some public newspaper, printed within the counties of Kent, Essex, and Sussex, and near to the usual residence or abode of such party, notifying that he had obtained such permit for the purpose of cutting up such quantity of cable or cordage, and of the kind or quality therein described, a true copy of which permit shall be inserted in the advertisement; whereupon every person having just cause to suspect, and having verified on oath the fact of such his suspicion, before any of the persons duly authorized to act as magistrates, within the above limits, by warrant of such magistrate granted to him for that purpose, may require of and from any such dealer, who has so advertised, and is so sworn to be suspected as above, the production and examination of the books of entries hereby required to be kept by him, and to inspect and examine the cables and cordage described in the permit; and if any such dealer shall, when so required, neglect or refuse to produce to the person named in such warrant, as the person on whose

oath the same was obtained, the above book of entries, or shall neglect to keep such a book, or to permit the above inspection and examination, or shall after obtaining such permit for cutting up any cable, &c. and before cutting up the same, neglect to publish such one or more advertisements relative thereto, as herein-before required, he shall forfeit any sum, not exceeding 20*l.*, nor less than 10*l.*, for the first, and not exceeding 50*l.* nor less than 30*l.* for any 2nd or further offence; one half of which penalties shall, on conviction before any of the said magistrates, be paid to the informer, and the other half to the poor of the parish in which the offence is committed; and any of the above penalties which are not paid with the charges incident to the conviction immediately thereupon, shall be levied by warrant of such magistrate, by distress, on the goods of such offender; and if there is no sufficient distress, then every such offender may be committed to the common gaol, within the above limits, for 6 months, in case of any first, and for a 2nd or further offence for 12 months, unless the penalty and charges be sooner paid, 1 & 2 G. 4. c. 76. s. 13. 48 G. 3. c. 130. s. 14.

102. The inhabitants of any parish, township, or place, within the above jurisdiction, shall be deemed to be competent witnesses for the purpose of proving the commission of any offence against this act within the limits of such parish, &c. notwithstanding the penalty incurred by such offence, or any part thereof, may be given, or applicable to the poor of such parish, &c. or otherwise for use or in aid or exoneration of such parish, &c., 1 & 2 G. 4. c. 76. s. 14., 48 G. 3. c. 130. s. 15.

103. The lord warden, and deputy wardens of the cinque ports, the lieutenant of Dover castle, and the judge official and commissary of the court of admiralty of the Cinque Ports, two ancient towns, and the members thereof for the time being, and any other officer specially appointed by the lord warden, and all and every of them may execute within the jurisdiction aforesaid, all the acts, matters, and things in this act contained in like manner, to all intents and purposes, as any magistrate, or magistrates, commissioner, or commissioners, to be appointed under this act, may perform the same, 1 & 2 G. 4. c. 76. s. 15., 48 G. 3. c. 130. s. 16.

104. "After recital of the manner of issuing commissions for punishment of offences, under the provisions of 28 H. 8. c. 15. ss. 5, 6. PIRACY, pl. 6, 7. and that no such commission hath been for a long time sent to any place within the Cinque Ports," IT IS ENACTED, that as often as H. M. shall direct, a commission according to the said act, to the admiral or admirals, or his or their lieutenant-deputy, and deputies, H. M. on application of the lord warden of the Cinque Ports, may direct such commission jointly to them, and also to the lord warden of the Cinque Ports, for the time being, and to his deputy, and the commissioners who shall sit by virtue of such commission so jointly addressed, to whatever shire or place in the realm it is limited, shall have full power to enquire into, try, and determine all offences named in that, or in any other act, relating to proceedings under such commission, by the oaths of 12 good and lawful inhabitants in the shire, limited in the said commission, whether committed within the jurisdiction of the lord high-admiral, or in that of the lord warden of the Cinque Ports: and every trial, conviction, judgment, and proceeding, under such commission, shall be as effectual in law, and followed by the same consequences to the offenders, as if it were had by any separate commission issued under the said act, 1 & 2 G. 4. c. 76. s. 16. 48 G. 3. c. 130. s. 17.

105. Provided that nothing in these acts shall extend to taking away, abridging, prejudicing, or impeaching, in any manner whatever, the jurisdiction of the high court of admiralty of Eng., or of that of the court of admiralty of the Cinque Ports, 2 ancient towns, and their members: but those courts respectively, and the judges thereof, for the time being, may exercise jurisdiction over all such matters, as fully as if this act had not been made, 1 & 2 G. 4. c. 76. s. 16. 48 G. 3. c. 130. s. 18.

106. Nothing in these acts shall impeach or prejudice any grant, liberties, franchises, and privileges, heretofore granted to and vested in the Trinity-house, but that corporation shall enjoy the same as fully as if this act had never been made, 1 & 2 G. 4. c. 76. s. 17., 48 G. 3. c. 130. s. 19.

107. The like means which, by 12 A. St. 2. c. 18. pl. 6. subsist, and may be applied for conclusively adjusting and recovering the quantum of the monies or gratuities to be paid to the several persons acting or employed in the salvage of any vessel or goods, in cases where application shall have been first made, pursuant to that statute, to offices of customs, or other the officers therein in that behalf mentioned, and assistance has been thereupon rendered and had in pursuance of the provisions of that statute, shall be by law applicable in like manner, to all intents and purposes, in cases where the salvors have acted under and by the mere authority of the commander, or other superior officers, mariners, or owners of any vessel in distress, though no such application has been made to, nor any authority or assistance derived from any officer of customs, or other officers, in s. 1, 2. pl. 5, 6. mentioned; and on payment, or tender, and refusal of the quantum of monies, or gratuities to be paid to the several persons

who have acted, or been employed in such salvage, or in case such payment or tender cannot be made, nor security given for due payment thereof, to the satisfaction of the commissioners, who have adjusted such quantum of gratuities, no officer of customs, or other person having possession or custody of such vessel or goods, shall any longer retain possession of the same or any part thereof, by reason or pretence of any right to compensation or gratuity for such salvage, or for having acted, &c. therein, 1 & 2 G. 4. c. 76. s. 19., 48 G. 3. c. 130. s. 21.

108. In all cases where the salvors have acted without application made to, and without authority or assistance derived from any officer of customs, or other officer in 12 A. St. 2. c. 18. s. 1. pl. 5. mentioned, and the superior officers, mariners, or owners of such vessel so saved, or the merchant or other person whose goods are so saved, or their agents, shall disagree with the salvors touching the quantum of the monies or gratuities deserved by any persons so employed as above, the commander of the vessel so saved, or the owner or merchant interested in the goods, or their agents, and such salvors may nominate 3 of the neighbouring justices of peace to adjust the quantum of the monies or gratuities to be paid to such salvors, and if the parties shall not agree in such nomination, then on application of any of the parties to any one neighbouring justice, he shall nominate 2 other like justices, who shall thereupon adjust the quantum of the monies and gratuities to be paid to all and each of such salvors, who shall disagree with such superior officer, &c. touching the quantum of monies or gratuity to be paid to him or them respectively, for his having been employed and acted in such salvage, 48 G. 3. c. 130. s. 22.

109. The owners, or if they refuse, the salvors may sell so much of the property saved as will defray the salvage adjudged and all expences attending the same, and such other reasonable charges respecting the said property, as shall be allowed by the high court of admiralty, or by that of the Cinque Ports, or of an award made by the commissioners appointed under this act; the commissioners of customs and excise shall allow such sale free of duty, but in cases where they deem it advisable, may refer any such award to the judgment or revision of the first mentioned court, 1 & 2 G. 4. c. 76. s. 20.

110. Nothing herein shall affect the jurisdiction to be exercised within the Cinque Ports, or that of the high court of admiralty, 1 & 2 G. 4. c. 76. s. 21. 48 G. 3. c. 130. s. 23.

WRITS.

1. IN WHAT CASE A WRIT OF ENTRY, *sur disseisin in the post*, doth lie, 52 (or 54) H. 3. c. 29. [See ACTION REAL.]

2. If those alienations whereon a writ of entry was wont to be granted be made in so many degrees, that by reason thereof the same writ cannot be granted in the usual form, the plaintiff shall have a writ to recover his seisin, without making mention of the degrees to be provided by H. M.'s council, *id. ibid.*

3. THE CHAMPION'S OATH IN A WRIT OF RIGHT, 3 E. 1. c. 41.

4. The champion of the demandant shall not be compelled to swear that he or his father saw the seisin of his lord, or his ancestor, and that his father commanded him to dereign that right; but the oath shall be kept in all other points, *id. ibid.* [RE. virtually 59 G. 3. c. 46. s. 2.]

5. PROCEEDINGS BEFORE JUSTICES IN EYRE, 13 E. 1. (West. Sec.) c. 10. [see the rest of this act, ATTORNEY, pl. 2.]

6. Justices in their circuits shall appoint a time of 15 days, or a month, within which time it shall be proclaimed, that all such as deliver writs, shall deliver them within such time, and when the time cometh the sheriff shall certify to the chief justice in eyre, how many writs he hath, and what, and that no writ be received after that time; and if any be, the process thereupon shall be of none effect, provided a writ abated during the circuit may be amended; also writs of dower, of men having died within the summons of the circuit assizes of *darrein presentment*, and *quare impedit*, of churches vacant within the foresaid summons, shall be received at any time before the departure of the justices; also writs of *novel disseisin*, at what time the disseisin was done, shall be received in the circuits of justices, *id. ibid.*

7. OF WRITS IN *consimili casu*, 13 E. 1. (West. Sec.) c. 24.

8. In cases where a writ is granted out of chancery, for the fact of another, the plaintiff shall not depart the court without remedy, because the land is transferred from one to another, and that in the register of chancery no writ is found in such case, as of a house, a wall, or a market, but the writ is granted against him who raised the nuisance; for although the house, &c. is transferred to another, the writ shall not be denied; but where in one case a writ is granted, in like case, requiring like remedy, the writ shall be made as before. And if such things levied be transferred from one to another, the writ shall be thus [Quæritur est nobis, A. quod B. & C. levaverant, &c.] 13 Ed. 1. (West. Sec.) c. 24. s. 1.

9. In like manner as a parson of a church may recover common of pasture, by writ of *novel disseisin*, his successor shall recover by a writ

of *quod permittat*, against the disseisor, or his heirs, though a like writ was never granted out of chancery before, 13 *Ed. 1. West. Sec. c. 24. s. 2.*

10. In like manner as a writ is granted, to try whether land be the free alms of such church or lay fee, so such writ shall be made to try whether it be the free alms of this church, or another church, in case where the free alms of one church is transferred to another church, *id. ibid.*

11. As often as it happens in chancery, that in one case a writ is found, and in another case falling under like law, and needing like remedy, is found none, the clerks of chancery shall agree in making a writ, or shall adjourn the plaintiff to the next parliament, and write the cases in which they cannot agree, and refer them to the next parliament, and by consent of the learned of the law, a writ shall be made, that there be no failure of justice, *id. ibid.*

12. NO WRIT CONCERNING THE COMMON LAW SHALL BE AWARDED under the petit seal, 28 *Ed. 1. c. 6.*

13. THAT SHALL BE DONE WITH THEM THAT MAKE FALSE RETURNS to H.M.'s writ, as is ordained by 13 *Ed. 1. (West. Sec.) c. 39. [See SHERIFF, pl. 1.]* with like pain, 28 *Ed. 1. c. 16.*

14. OF THE RETURN OF WRITS IN LIBERTIES; OR by sheriffs, 12 *Ed. 2. St. 1. c. 5.*

15. For returns delivered to sheriffs, by bailiffs of franchises, an indenture shall be made between the bailiff of the franchise, and the sheriff, by his proper name; and if the sheriff change the return so delivered to him by indenture, and be thereof convict of the suit of the lord, if he hath sustained loss, he shall be punished by H. M. for his false return, and shall yield unto the lord, and to the party, double damages; also sheriffs and other bailiffs that receive H. M.'s writs, shall send their own name with the returns, so that the court may know of whom they took such returns; and if any sheriff or other bailiff leave out his name in his returns, he shall be grievously amerced, *id. ibid.*

16. AGAINST FALSE RETURNS OF BAILIFFS OF FRANCHISES, a man shall have averment, and recover as well against them as against the sheriff, as well of too little issues returned as in other cases, so that it fall not in prejudice of the lords, nor in blemish of their franchise, and that the estate of holy church be always saved, and that all the punishment fall upon the bailiffs, by punishment of their bodies, if they have not whereof to answer, 1 *Ed. 3. St. 1. c. 5.*

17. AT WHAT TIME OR PLACE OF THE COUNTY A MAN doth deliver any writ to the sheriff, they shall receive the writs, and make a bill, after the form contained in the statute, 13 *Ed. 1. (West. Sec.) c. 39. [See SHERIFFS, pl. 1.]* without taking any thing; and if they refuse to make a bill, other persons that present shall set to their seals; and if the sheriff or under-sheriffs do not return the writs, they shall be punished after the form in the same statute; and the justices of assizes shall have power to inquire thereof at every man's complaint, and to award damages, 2 *Ed. 3. c. 5.*

18. A *juris utrum* MAINTAINABLE FOR A PARSON, OR vicar, 14 *Ed. 3. St. 1. c. 17. [The parsons' writ of right, 3 Bla. Comm. 252-3.]*

19. Vicars, parsons, and wardens of chapels, and provosts wardens, and chaplains of perpetual chauntries, shall have their writs of *juris utrum*, of land, tenements, rents, and possessions annexed, or given perpetually in alms to vicarages, chapels, or chauntries, and recover by other writs in their case, as far forth as parsons churches or prebends, *id. ibid.*

20. NO WRIT SHALL BE ABATED BY EXCEPTION OF cognizance of villenage, if demandant or plaintiff will aver that he who alleged the exception was free the day of the writ purchased, 37 *Ed. 3. c. 17.*

21. NO WRIT OF *habeas corpus*, or *certiorari*, shall be granted, to remove any prisoner out of gaol, or to remove any recognizance, except they be signed by the chief justice, or, in his absence, by one of the justices of court, for which they are awarded, upon pain, that the writer of such writs not so signed, shall forfeit to king and queen 5*l.*, 1 & 2 *P. & M. c. 13. s. 7.*

22. TO PREVENT PERJURY, SUBORNATION OF PERJURY, and unnecessary expences at law, 43 *El. c. 5.* and recital in *s. 1. [Con. 3 C. 1. c. 4. s. 22. and indefinitely, 16 C. 1. c. 4.]*

23. NO writ of *habeas corpus*, or other writ to be sued out of any court of record at *Westminster*, to remove any action, suit, or cause depending in any court within any city or town corporate, or elsewhere, having jurisdiction to hold plea in any action, &c. shall be received or allowed by the judge, or officers of the court, wherein or to whom such writ is delivered, (but they may proceed in such cause, as if no such writ were sued forth,) except such writ be so delivered before the jury which is to try such cause between the plaintiff and the party suing such writ, have appeared, and one of such jury sworn, 43 *El. c. 5. s. 2.*

24. IN ALL ACTIONS OF DEBT AND ALL OTHER PERSONAL actions, and in all actions of *ejectione firme*, for lands, or tenements, which shall hereafter be depending by original writ, in any court of record at *Westminster*, after issue joined therein to be tried by a jury, and also after judgment had in either of such courts, in any such action, there shall not need to be 15 days between the *teste* day and day of return of any writ of *ven. fac.*, *habeas corpora juratorum*, or *distringas juratorum*, or *fi. fa.*, or *ca. sa.*, and the want of such days shall not be error, 13 *C. 2. St. 2. c. 2. s. 6.*

25. This act shall not extend to any writ of *ca. sa.*, whereon an *exigent* after judgment is to be awarded, nor to any *ca. sa.* against the defendant, in order to charge the bail, *id. s. 7.*

26. Nothing herein shall extend to any action popular, nor to any action which is brought on any penal statute, (except debt, for not setting out tithes,) nor to any indictment, presentment, inquisition, information, or appeal, *id. s. 11. [See the rest of this act, viz. ss. 1-4. ARREST, pl. 6-10.; s. 5. PRISON AND PRISONER, pl. 24.; ss. 8-10. EXECUTIONS, pl. 9.]*

ADDENDA.

ACTION REAL.

(Page 10. after pl. 13. add)

15. (a) IN SUMMONSES AND ATTACHMENTS IN PLEA of land, the summons and attachments from henceforth shall contain the term of 15 days full at the least, according to the common law, if it be not in attachment for taking assizes in the king's presence, or of pleas before justices in eyre during the eyre, 28 Ed. 1. c. 15.

ALEHOUSES.

(Page 15. after pl. 45. add)

45. (a) NO PERSON, BEING A COMMON BREWER OF ALE OR BEER, or innkeeper, distiller, or other seller of or dealer in any kind of spirituous liquors, or who is interested in any of such trades or businesses, shall during such time as he is such brewer, &c. be capable to act as a justice of peace in any matter which shall in any way concern the execution of the statutes relating to distillers or makers of low wines and spirits, or the duty thereon, or to the granting licences to the retailers of spirituous liquors, 24 G. 2. c. 40. s. 22.

45. (b) TO DISQUALIFY CERTAIN PERSONS FROM GRANTING ALE and beer licences, 26 G. 2. c. 15. s. 12. [AMD. 39 G. 5. c. 86. s. 3.]

45. (c) No justice of peace, being a common brewer of ale or beer, innkeeper, or distiller, or other seller of or dealer in ale or any kind of spirituous liquors, or interested in any of such trades or businesses, shall be capable to grant any licence to any person for selling ale, beer, or other liquors by retail; and licences granted by them shall be void, 26 G. 2. c. 15. s. 12.

45. (d) In case it shall happen that in any city, town, or place, any of the corporate justices or magistrates shall not be capable of acting in granting ale and beer licences, by reason that they are sellers of or dealers in foreign spirits, any justice acting for the county at large in which such city, &c. is situate or next adjoining thereto, shall, at the request in writing of the chief magistrate of such city, &c. act as a justice within such city, &c. for the purpose of granting licences to sell ale, beer, or other liquors by retail, in such corporate city, &c. instead of the magistrates thereof so disqualified; and all justices so required to act shall exercise all the powers, &c. of a magistrate within such city in granting such licences, and shall for such purposes be deemed a magistrate thereof; but shall have no other power therein, 39 G. 5. c. 86. s. 3.

APPRENTICE.

(Page 29. pl. 50. add)

Form of the Register.

Number.	Date of Indenture.	Name of the Apprentice.	Sex.	Age.	His or her Parents' Names.	Their Residence.	Names of Persons to whom bound or assigned, as the Case may be.	His or her Trade.	His or her Residence.	Term of the Apprenticeship or Assignment.	Apprentice or Assignee's Free.	Overseers Parties to the Indenture or Assignment.	Magistrates assenting.
													(to be signed by themselves.)

(Page 29. after pl. 52. add)

Form of Conviction.

"Be it remembered, that on the — day of — in the year of our Lord — A. B. is convicted before us, two of his majesty's justices of the peace for the — [specifying the offence, and the time and place when and where committed, as the case may be,] contrary to an act made in the forty second year of the reign of king George the third, intituled [here set forth the title of this act.] Given under our hands and seals the day and year above mentioned."

ATTAIN'T.

(Page 40. STATUTES in force, after pl. 1. add)

1. (a) "To prevent perjuries of jurors by reason of the long delays in attaints before justices." NO ESSOIN OF H. M.'s SERVICE OR PROTECTION shall be from henceforth allowed in such juries no more than in assize of *novel disseisin*, [5 days by the year, to be given before the justices of C. P. in the said juries at least, *semb. superseded by 25 H. 8. c. 3. s. 5. 40. pl. 19.*] and nisi prius shall be as well given in such writs as in other, 5 Ed. 3. c. 6.

BREAD.

(Page 84. STATUTES Repealed & Expired, after pl. 10. add)

11. TO PROHIBIT UNTIL 1st Oct. 1821, AND FROM THENCE to the end of the six weeks next after the commencement of the then next session of parliament, any person or persons from selling any bread which shall not have been baked 24 hours, 41 G. 3. (G. B.) c. 17. [Exp. and REP., and bakers who have sold bread contrary thereto indemnified, 42 G. 3. c. 4.]

CORN.

(Page 148. after pl. 7. add)

8. TO AUTHORIZE H. M. FROM TIME TO TIME TO PROHIBIT the exportation of provisions or food, 41 G. 3. (G. B.) c. 2.

9. H. M. by order in council may prohibit for a time, in such order limited either generally or particularly and by name, or description, the exportation from the kingdom of all or any sort of provision or victual, or any article used as food, under such restrictions as he shall think fit; and in like manner recall such order in whole or in part, or make such alteration therein as he deems fit, *id. s. 1.*

10. All provision, &c. included in such order which is afterwards exported or laden on board any ship, &c. to be exported, shall be forfeited, and may be seized by any officer of customs; and all persons offending herein shall forfeit treble the value of such provisions, and such ship, &c. with all her tackle, &c. shall be forfeited, and may be seized by any officer of customs, *id. s. 2.*

11. All penalties and forfeitures herein contained may be sued for, prosecuted, recovered, and disposed of as penalties incurred on any goods or ships forfeited for any offence against the customs laws may be; and the seizing officer shall receive such share of such seizures and of such pecuniary penalties as he is now entitled to, *id. s. 3.*

12. This act and such orders shall not extend to prohibit the exportation of so much of any such provisions, &c. as shall be necessary for the use of any ship's crew on a voyage out and home, and for the live stock on board of such ship; or for victualling H. M.'s ships or vessels; or any of H. M.'s forces, forts, and garrisons; or to prohibit the exportation [of such provisions, &c. *these words are omitted in the act,*] to the British forts, castles, or factories in Africa, or for the use of British ships trading on such coast; or to prohibit any person from shipping any provisions, &c. to be carried coastwise, having such coast surffiance, cocket, or coast despatch for such purpose, and on such security being given for the landing, &c. the same, as may be required by any law for carrying provisions coastwise, 41 G. 3. (G. B.) c. 2. s. 4.

13. This act shall not prevent evidence from being received by the commissioners of customs in Eng. and Scot. in case any vessel is under seizure for having provision on board contrary to H. M.'s order, or in any information or suit brought for the forfeiture of such vessel on account of such provisions, &c. being on board, in order to show from the small quantity of such provision that the same was on board without the knowledge either of the owner or master, or other person having the charge of such ship, and without any wilful neglect on their part; and in every case where such proof is made, the ship shall not be forfeited, *id. s. 5.*

14. The 32 G. 3. c. 80. and all acts now in force for regulating the coast trade, shall be applied in execution of this act, except where hereby or by such order of H. M. expressly altered, *id. s. 6.*

15. Copies of such orders as shall be made by H. M. in council, if made during the sitting of parliament, shall be laid before parliament within 3 days after issued; and if made when parliament is not sitting, then within 14 days after the meeting of parliament, *id. s. 7.*

CORPORATION.

(Page 150. after pl. 7. add)

8. (a) The [three oaths and declaration, viz. the corporation oaths and declaration in 13 C. 2. St. 2. c. 1. ss. 5, 6. REP. by 5 G. 1. c. 6. s. 2. and the two] oaths of *allegiance* and *supremacy* shall be from time to time administered and tendered to such person or persons who by this act are to take the same (*see s. 12. pl. 11.*) by such person or persons respectively who by the charters or usages of any city, corporation, borough, cinque

port, and its members, or other port town, ought to administer the oath for due executing any office, [of magistracy or any place or trust, or other employment concerning the government thereof, s. 4. Exp.] and in default of such persons, by 2 justices of peace of such city, &c. if such there be, or otherwise by 2 justices of the county where such city, &c. is, 13 C. 2. St. 2. c. 1. s. 10.

8. (b) The said justices of peace and other persons hereby authorized to administer the said oaths respectively, shall cause memorandums or entries to be made of all oaths so taken before them, and deliver the same once in a year to the town-clerk or other register or clerk of every such city, &c. who shall cause the same to be fairly entered into the books or register belonging to the said city, &c., *id.* s. 11.

Page 150. pl. 10. line 2. for 3 G. 1. read 5 G. 1.

EAST INDIA COMPANY.

(Page 211. after pl. 363. add)

363. (a) After 25th May, 1815, it shall not be lawful for the E. I. C., or for the court of directors thereof, with the sanction of the court of proprietors, to charge the Co.'s funds with the payment of any gratuity to any officer civil or military, or other person, exceeding 600*l.* unless the grant or resolution for that purpose has been approved and confirmed by the board of control; and copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both houses of parliament within one month after such grant, if parliament be then sitting, or if not, within one month after their next meeting, 55 G. 3. c. 64.

FORGERY.

(Page 298. after pl. 34. add)

35. (a) EVERY PERSON who shall forge or counterfeit the handwriting of any person in the superscription of any letter or packet to be sent by the post, in order to avoid the payment of postage [or shall forge, counterfeit, or alter, or procure to be forged, &c. the date upon such superscription, or shall write and send by the post, or cause to be written, &c. any letter, &c. the superscription or cover whereof shall be forged, &c. in order to avoid the payment of postage, knowing the same to be forged, &c., on conviction, 42 G. 3. c. 63. s. 14.] shall be deemed guilty of felony, and transported for 7 years, 4 G. 3. c. 24. s. 8., 42 G. 3. c. 63. s. 14.

GREENWICH HOSPITAL.

(Page 332. after pl. 45. add)

45. (a) "Whereas it is expedient that the payment of bills for out-pensions heretofore by 56 G. 3. c. 101. s. 5. directed to be made by the clerk to the treasurer of the navy should be authorized to be made by the deputies of the treasurer of Greenwich hospital;" BE IT ENACTED, that from and after 3d June, 1818, all bills drawn by the paymaster of pensions at Greenwich hospital or under his authority, for payment of out-pensions, may be directed to and paid by any deputy or deputies to the treasurer thereof; and all the penalties, provisions, and regulations now in force with respect to such payment of pensions, when made or directed to be made by the said clerks of the navy treasurer, shall be applied to the payments of pensions, directed to be made by the deputy or deputies of the hospital treasurer as fully as if herein re-enacted, 58 G. 3. c. 64. s. 7. [See the rest of this statute, tit. PRIZE, pages 1295—1302. pl. 10. 18. 56—61. and the schedules, pl. 105.]

45. (b) After 3d June 1818, the certificates on all bills drawn by the treasurer or deputy-treasurer of Greenwich hospital, or by the paymaster of pensions for the payment of any prize or bounty money, grant, pension, or other allowance of money in favour of any person residing at any port or place at which a deputy of the said hospital shall have been or shall be appointed, shall be attested by such deputy and by no other person, *id.* s. 8.

45. (c) It shall be lawful for every licensed agent to send a list of all orders which he may have received or shall hereafter receive from non-commissioned officers, seamen, or marines to the agent appointed for distribution of any prize or prizes, bounty-money, grant, or other allowances of money; which orders, if deposited at Greenwich hospital, shall not be revocable after distribution of the money to which they relate has commenced; and such distributing agent shall not, after receiving any list as aforesaid, pay the non-commissioned officers, seamen, or marines named therein, or any of them, the share or shares due to any of them respectively, but shall pay the same over with the unclaimed and forfeited shares to Greenwich hospital, to be refunded by the treasurer to the non-commissioned officers, seamen, or marines entitled thereto, or the payers named in the orders respectively, in like manner as unclaimed shares are directed to be paid and refunded; and the distributing agents shall, on requisition of the clerk of the cheque of the hospital, deliver to the latter any order deposited in their hands by licensed agents, to be kept at the said hospital; and such distributing agent shall receive from the said clerk of the cheque a receipt for and

undertaking to produce the same, whenever the production thereof is deemed expedient, *id.* s. 9.

HOSPITAL.

(Page 372. after pl. 1. add)

1. (a) AS TO HOSPITALS OF THE patronage and foundation of H. M. the ordinaries, by virtue of H. M.'s commission to them directed, shall inquire of the manner of their foundation, governance, and estate, and of all other matters necessary and requisite in this behalf, and shall certify the inquiries thereof taken into H. M.'s chancery; and as to other hospitals, the ordinaries shall inquire in like manner, and of like things, and thereupon make thereof correction and reformation according to laws of holy church as to them belongs, 2 H. 5. St. 1. c. 1.

IRELAND, (ADMINISTRATION OF JUSTICE.)

1. FOR PREVENTING and removing all doubts concerning the exclusive rights of the [parliament, and, virtually expired since 39 & 40 G. 5. c. 67. Act of Union] courts of Ire. in matters of [legislation and] judicature, and for preventing any writ of error or appeal from any courts in Ire. from being received, heard and adjudged in any courts in G. B., 23 G. 3. c. 28.

2. The right claimed by the people of Ire. [to be bound only by laws enacted by H. M. and the parliament of that kingdom in all cases, Exp. since Act of Union] and to have all suits of law or equity instituted in Ire. decided in H. M.'s courts therein finally and without appeal, is hereby declared, established, and ascertained for ever, and shall at no time be questioned or questionable, *id.* s. 1.

3. No writ of error or appeal shall be received or adjudged, or other proceeding had, by or in any courts in this kingdom in any suit at law or equity instituted in any court in Ire., and if had shall be void, *id.* s. 2.

4. ALL LAWS in force at the time of the union with Ire., and all courts of civil and ecclesiastical jurisdiction in the respective kingdoms shall remain as by law established, subject to alteration by parliament; provided that all writs of error and appeals which before the union might be finally decided by the house of lords of either kingdom, shall be so decided in that of U. K.; and after that event there shall remain in Ire. an instance court of admiralty for determination of causes civil and maritime only, the appeal from which shall be to H. M.'s delegates in his court of chancery of Ire., and all laws in force in either kingdom contrary to any act passed for effectuating these articles are, after the union, repealed, 39 & 40 G. 5. c. 67. Art. 8. (s. 1.)

OFFENCE AND OFFENDER.

(Page 534. after pl. 1. add)

1. (a) FOR REGULATING THE TRIAL OF OFFENDERS IN Eng. who after offence committed fly into Scot., and vice versa, 4 J. 1. c. 1. ss. 26—38. [See ss. 1—23. SCOTLAND (UNION). CON. 3 C. 1. c. 4. s. 22., and indefinitely, 16 C. 1. c. 4. AMD. as to s. 36., 7 J. 1. c. 1. See as to apprehending offenders in Scot. under warrants issued by justices of peace in Eng. for offences committed in Eng., and vice versa, 13 G. 3. c. 31., 44 G. 3. c. 92., 45 G. 3. c. 92., and 54 G. 3. c. 186. tit. JUSTICES OF PEACE, pl. 60—83.]

1. (b) All offences of conjurations, witchcraft, and dealing with evil spirits, murder, manslaughter, felonious burning of houses and corn, burglary, robbing of houses by day, robbery, theft, buggery with man or beast, and rape, committed by any of H. M.'s natural born subjects of Eng. or its dominions within Scot., and the accessories of and to the same, shall be enquired of and determined by the justices of assize or commissioners ofoyer and terminer or gaol delivery, being natural born subjects of Eng. by lawful men of the counties of Cumberland, Northumberland, Westmoreland, or any of them, at the election of such justices, &c., as if such offences had been committed therein. On which trials the party arraigned may produce and examine witnesses on oath for his justification, 4 J. 1. c. 1. s. 26.

1. (c) Justices of peace of such counties may, on complaint made, bind over by recognizance in a convenient sum taken to H. M.'s use, as well the prosecutor as the witnesses he shall desire to produce, (so as such witnesses be paid their charges), to prosecute and give evidence, *id.* s. 27.

1. (d) Every accessory to any such offences committed in Scot. offending in Eng. shall be proceeded withal, indicted, tried, judged, and executed, though the principal is not convicted or attainted; and no such offender shall be allowed the benefit of his clergy, nor admitted to peremptory challenge above 5, and every indictment for any such offences so committed, shall be judged good in law though the words *contra pacem coronam et dignitatem nostram* be omitted, *id.* s. 28.

1. (e) No sheriff, under-sheriff, or other minister to whom it appertains, shall return any juror to try any such offence so committed except such juror has *5*l.* per annum* freehold in the county where the trial is

had, on pain to forfeit for each juror so returned 40*l.*; one moiety to H.M. and the other to the party suing by action of debt, &c. or information in any court at *Westminster*, wherein no essoin, &c.; and the offender may challenge any juror passing on his life for want of such freehold, 4*J.* 1. c. 1. s. 29.

1. (f) No natural born subject of *Eng.* shall, for any of such offences committed in *Scot.* or for being accessory to the same, forfeit any lands, &c. either free or copy, or customary, nor shall his blood be corrupted, nor his wife lose her dower; but nevertheless he shall forfeit to H.M. his goods and chattels, *id.* s. 30.

1. (g) "Recital that a like act is to be made in *Scot.*" therefore, on complaint made by any subject of *Eng.* to any of the justices of assize, commissioners of *oyer* and *terminer*, or justice of peace, being natural born subjects of *Eng.* of any such offence committed by such subjects of *Scot.* within *Eng.*, in case where the offender is returned into *Scot.*, such justice, &c. shall bind over by recognizance as well the said party prosecutor as any witnesses he desires, as in s. 27. *pl.* 1. (c), aforesaid, wherein if default is made and proved by certificate or otherwise before the lord treasurer, chancellor, and barons of the exchequer, or any of them, in the exchequer-chamber, and a decree is made that such recognizance is forfeited, then the court of exchequer shall proceed to levy the debt as if the recognizance was adjudged forfeited by due course of law, *id.* s. 31, 32.

1. (A) Every subject of *Scot.* either party grieved or witness, who shall prosecute in such cases within *Eng.* and thereby have occasion to repair hither, either voluntarily or on such recognizance, shall have and enjoy privilege from arrests concerning all causes, as well capital as others, committed before they so came into *Eng.* (except treason or murder) so long as they shall be necessarily going, coming, or abiding within *Eng.* for such prosecution, *id.* s. 33.

1. (i) Every such offence so committed shall be laid in the indictment to be committed within the realm of *Scot.*, according to the truth, and not in the county where trial is had, *id.* s. 34.

1. (k) Provided that if any *Scotch* subject is proceeded against and tried in *Scot.* on the prosecution of the party grieved, and on evidence in open court for any offence committed in *Eng.*, he shall not be proceeded against in *Eng.* for the same offence; but he shall plead his former acquittal, conviction, &c. within *Scot.*; and thereupon proceedings shall be stayed, until the court is informed of the truth thereof by certificate from *Scot.* or otherwise; and if true, the party shall be forthwith discharged, *id.* s. 35.

1. (l) No *Englishman* shall be sent out of *Eng.* for trial in *Scot.* for offences committed in *Scot.*, *id.* s. 36. [But see next *pl.*]

1. (m) If any person shall commit any offence within *Scot.*, which by the law of *Eng.* is adjudged petty treason, murder, manslaughter, felonious burning of houses and corn, burglary, robbery of houses by day, robbery, theft or rape, and shall fly into *Eng.*, and is apprehended within the counties of *Northumberland*, *Cumberland*, *Westmoreland*, or any parts of the same, or within any places lying on the north side of the river *Tyne*, commonly called *Bedlingtonshire*, *Norhamshire* and *Islandshire*, the town and county of *Newcastle upon Tyne*, and the town of *Berwick upon Tweed*; the justices of assize, or one of them, the justices of gaol delivery, or four of them, the justices of peace, or four of them at quarter sessions, may, on examination of the offence by warrant under hand and seal, send all such offenders into *Scot.* for trial, 7*J.* 1. c. 1. ss. 1—3.

1. (n) Continuance of act, s. 4. Execution of act suspended until a similar law is made in *Scot.* for sending *Scotchmen* committing offences in *Eng.* and flying into *Scot.*, back again into *Eng.* for trial, *id.* s. 5. [both *Exp.*]

1. (o) At all such trials for such offences so committed, the jurors, or the greater part of them (who are to be of a better condition than usual, see s. 29. *pl.* 1. (e), shall, in their discretion and consciences, upon their oaths, receive only such good and lawful witnesses on their oaths, either for or against the party as shall not appear to them, or the greater part of them, to be unworthy witnesses, either in regard of their hatred and malice, or their favour and affection, either to the prosecutor or the party arraigned, or of their former evil life, 4*J.* 1. c. 1. s. 37.

1. (p) Such offenders, if peers of the realm, shall be tried by their peers, as in cases of treason or felony, *id.* s. 38.

PARLIAMENT.

(Page 1221. after *pl.* 159. add)

159. (a) Nothing in 20*G.* 3. c. 17. or 22*G.* 3. c. 31. shall prevent any person from voting at any such election of a knight or knights of the shire, or of a burgess or burgesses for *Cricklade*, for or in respect of any messuages, lands, or tenements, which have been charged or assessed for 6 calendar months next before such election, towards some aid granted or to be granted to H.M., his heirs, &c. by a land-tax in the name of a tenant or tenants actually occupying the same at the time of such assessment being made, although the name of the person so claiming to vote, or the person or persons by or through whom such person so claiming to vote derives his title, or of the predecessor of

such person, shall not be inserted in the assessment, according to the form thereof to 20*G.* 3. c. 17. (*pl.* 162.) annexed, 30*G.* 3. c. 35. s. 2.

(Page 1223. after *pl.* 195. add)

195. (a) No MEMBER OF THE house of commons shall be capable of being a commissioner or farmer of the customs, or of holding or enjoying in his own name or in trust for him any place or employment touching the farming collecting, or managing the customs, 12*G.* 13*W.* 3. c. 10. s. 89.

195. (b) If any such member enjoy or execute such place or employment, he is declared incapable of sitting or voting in such parliament, *id.* s. 90.

195. (c) No commissioner, collector, or other person concerned in collecting or managing the customs, shall by word, message, writing, or in other manner, endeavour to persuade any elector to give or dissuade him from giving his vote for the choice of any knight of the shire, citizen, or burgess; and every offender therein shall forfeit 100*l.*, one moiety to the informer, the other to the poor of the parish, to be recovered in any of H.M.'s courts at *Westminster*; and every person convict on such suit shall become disabled of ever bearing any office relating to the customs, or other place of trust under H.M., *id.* s. 91.

POOR.

(Page 1259. after *pl.* 2. add)

2. (a) TO PREVENT DISPUTES TOUCHING THE PARISHES or places where improved wastes and drained and improved marsh lands shall be charged to parochial rates, 17*G.* 2. c. 37.

2. (b) Where there shall be any dispute or uncertainty in what parish or place waste and barren lands, and lands formerly fen or marsh ground, or covered with water heretofore improved or drained, or hereafter to be improved, &c. lie, and ought to be rated, every occupier of such lands, or of houses built thereon, tenements, tythes arising therefrom, mines therein, and saleable underwoods therein growing, shall be rated to the relief of the poor, and to all other parochial rates within such parish and place lying nearest to such lands, in like manner and subject to the same regulations as all other lands within such parish, &c.; and if any dispute arise touching what parish, &c. such lands ought to be rated in, the justices of the peace for the county, riding, liberty or division where such lands lie, may, at their next general quarter-sessions, after notice given to the officers of the several parishes, &c. abutting on such lands, and to all other persons interested therein, determine the same on appeal of any person interested, and at such sessions cause such lands or hereditaments to be allotted to and equally assessed in such parish, &c. as they see just; and such determination and allotment shall be final as to the parish, &c. in which such lands, &c. shall be rated; and the said lands, &c. shall be rated to the relief of the poor, and to all other parochial rates within such parish, &c. only, to which they are so allotted, *id.* s. 1.

2. (c) Nothing in this act, nor any allotment to be made by the justices at the general quarter sessions in pursuance thereof, shall affect or determine the boundaries of any parish, &c. to any purpose other than for the rating such lands, &c. to the relief of the poor and other parochial rates, *id.* s. 2. [Nothing herein shall avoid or alter 16*G.* 17*C.* 2. c. 11. s. 17. for draining *Deeping Fen*, *id.* s. 3.]

QUARTER SESSIONS.

(Page 1311. after *pl.* 14. add)

14. (a) CONCERNING THE EXECUTION OF CERTAIN STATUTES (*viz.* by the establishing of the six weeks sessions), 33*H.* 8. c. 10. [REPEALED] and the business of the six weeks sessions transferred to, and to be executed at, the ancient quarter sessions, 33*H.* 8. c. 7.]

SEAMEN.

NOTE. Page 1347. *pl.* 104. line 3. after "by" read "53*G.* 3. c. 85."

Page 1347. *pl.* 105. line 7. after "each" read "but see 53*G.* 3. c. 85. *pl.* 106. (a)

Page 1347. *pl.* 106. line 8. after "master" insert "a."

Same line, after "6*l.*" read "increased to 9*l.*", 32*G.* 3. c. 33. s. 8. and further regulated by 53*G.* 3. c. 85. as follows."

(Page 1347. after *pl.* 106. add)

106. (a) After 2*d July* 1813, there shall be paid to the said governors, ministers, consuls, and merchants, for the maintenance of all such seafaring men and boys subjects of the U.K. as shall be shipwrecked, captured, or by other unavoidable accidents driven or cast away, or as shall be discharged unserviceable from any of H.M.'s ships, and to every master or person having charge of a ship taking on board and subsisting them as in 31*G.* 2. c. 10. s. 27. last *pl.* expressed, such sum of money *per diem* as the admiralty shall from time to time in their discretion direct to be paid, the like sum *per diem* only being deducted for such time and for so many persons as such master shall want of his ship's complement during the voyage, 53*G.* 3. c. 85.

SOLDIER.

(STATUTES repealed and expired.)

(Page 1380. after pl. 5. add)

6. FOR ENABLING THE WIVES AND FAMILIES of soldiers embarked on foreign service to return home, 51 G. 3. c. 106. [AMD. and EXT. to the wives, &c. of soldiers dying or employed on foreign service, 52 G. 3. c. 120., both acts REP. 58 G. 3. c. 92. s. 1.]

7. FOR ENABLING THE WIVES AND FAMILIES of soldiers embarked in *Ire.* for foreign service to return to their homes, 52 G. 3. c. 27. [REP. 58 G. 3. c. 92. s. 1.]

(STATUTES in force.)

(Page 1385. after pl. 72. read)

73. TO CONSOLIDATE AND AMEND the provisions of several acts for enabling wives and families of soldiers to return to their homes, 52 G. 3. c. 92. [see 43 G. 3. c. 61. tit. VAGRANT, pl. 76—80. But see the system of passing vagrants abolished, and for what time, 1 & 2 G. 4. c. 64, VAGRANT, pl. 45.]

74. The 51 G. 3. c. 106. and 52 G. 3. c. 27. 120. shall be REP. *id.* s. 1. The secretary at war in G. B., or the chief secretary, or in his absence the under secretary for the military department in *Ire.* shall issue passes to be filled up by any magistrate or justice under this act, for granting allowances to enable the wives, widows, and children, of soldiers, in certain cases herein specified, and in any other case in which such secretaries respectively think it expedient, to return home; and may make such regulations in relation to the issuing and filling up of such passes, and the certificates and vouchers on which the same are to be issued, and the allowances advanced, as such secretaries respectively think fit, *id.* s. 2.

75. The commanding officer of every regiment, battalion, corps, or detachment about to embark for foreign service, and the commanding officer of every regiment, &c. in which any soldier shall die on service, leaving widows or children destitute of the means of returning home, shall cause a return to be made out of the wives, widows, and children of the soldiers of such regiment, &c. who are desirous to return home, and are unable to do so without assistance under this act, stating the several places of residence to which such wives, &c. are desirous to go, whether in G. B. or *Ire.*, and shall give to each such wife, &c. a duplicate of the part that applies to her and her children, certifying thereon that the person to whom such duplicate is given is the widow or wife, or reputed wife, and the child or children of a soldier in his regiment, &c. and distinctly stating that such certificate does not entitle such wife, &c. to any allowance, and that no payment shall be made thereon; but that such certificate is only given for the purpose of identifying such wife, &c. before the magistrate or justice, and enabling him to fill up such pass as shall be allowed by such secretaries; and every such commanding officer shall transmit all such returns or duplicate copies thereof as relate to any wives or widows of soldiers desirous to return to their homes in G. B., to the secretary at war in London; and of such as return to *Ire.*, to the chief secretary of the military department in Dublin; and when any such wives, &c. have to go through any part of G. B. and *Ire.* in returning home, then to both of such secretaries, 58 G. 3. c. 92. s. 3.

76. Each wife or widow to whom any such duplicate is delivered, shall take it to some justice or magistrate, who shall fill up and sign such an engraved form of pass, bearing H. M.'s arms, and signed by the secretary at war, or any officer in his department, and sealed with his official seal in G. B.; or a like form signed by such chief or under-secretary for the military department in Dublin, or some officer in his department, and sealed with his official seal if in *Ire.*; as shall be transmitted to such magistrate, &c. on application by him made to them; and such magistrate, &c. shall fill up the blanks in the pass, and certify the same, and make out a route in the proper column for such wife, &c. specifying the place to which such woman is going, and her route; and shall deliver such pass to her in exchange for such duplicate, in order that she may receive an allowance not exceeding 1*d.* for herself, and 1*d.* for each child, *id.* s. 4.

77. On production of any such pass to any overseer of the poor if in Eng. or any treasurer of the kirk-session if in Scot., or postmaster if in *Ire.*, of any place through which such woman shall proceed according to the route specified in such pass, he shall, out of the money in his hands applicable to the poor-rates if an overseer or treasurer, or out of any public money if a postmaster, pay her an allowance not exceeding the rate *per* mile in such pass specified, for the number of miles to the next city, town, or place to which she is going, not exceeding 18 miles; and he shall indorse on such pass the money so paid, and take a receipt of the woman signed by her or with her mark, specifying the regiment, &c. to which her husband belongs, or if a widow did belong, so as the description in the receipt may correspond with that in the pass, *id.* s. 5.

78. The sums so advanced by such overseer or treasurer shall, on

production and delivery of such receipt to the collector of excise of the district within which such overseer, &c. acts, be repaid for the use of the poor by such collector, out of any public money in his hands, and all sums so repaid, and all sums advanced by any postmaster in *Ire.*, shall be allowed in their accounts, and such overseer, &c. shall give such collector a receipt for such repayment, and the receipt of such overseer, &c. and that of the woman, shall be taken as cash in payment of the excise duties by such collectors, and the woman's receipt shall be taken as cash in payment of the post office duties in *Ire.* by such postmaster, and be allowed in their accounts; and all monies so advanced in G. B. shall be repaid by the general agent, or any other person appointed for such purpose by the secretary at war in London, to such person as the commissioners of excise in Eng. and Scot. shall authorize to draw for or receive the same on account of the duties; and sums so advanced in *Ire.* shall be repaid by the general agent or other person appointed for that purpose, by the chief secretary, or in his absence the under-secretary, for the military department in *Ire.* to the receiver-general of H. M.'s post office in *Ire.*, 58 G. 3. c. 92. s. 6.

79. In the city of Dublin every such woman shall in every instance apply to the agent of the regiment in Dublin, to which she belongs, and not to the postmaster, and such agent shall advance such money and indorse and subscribe such certificate as above, and shall be allowed such sum in his accounts; and such indorsement shall be as valid as if done by such postmaster, *id.* s. 7.

80. If by sickness or accident any such woman or child has been left at any place of embarkation, or at the last quarters of any regiments, &c. or at any place on the march from such last quarters, to any place of embarkation, and the regulations of this act for giving any such allowances have not been performed, and any such woman or child has been omitted in any such return, then the officer commanding where such woman and child have been left, shall make out such return as hereby prescribed of such woman and child, and transmit it to the war office at London or Dublin, and give such woman such duplicate, and transmit such further return as may be necessary under any special circumstances of the case to the secretary at war in London, or chief-secretary, &c. in Dublin, as the case requires; and such return and duplicate shall be of the same effect as if done as herein before directed, *id.* s. 8.

81. Every such soldier's wife or widow shall, at the last place of receiving any allowance under this act, antecedent to her arrival at home, or the port or place of embarkation, deliver up the pass so given her to the person so advancing such allowance; and the overseer or treasurer paying such allowance in G. B. shall deliver such pass to the excise collector, and every pass so delivered up shall, if in G. B., be transmitted by such collector to the secretary at war in London, and if in *Ire.* be transmitted by the postmaster to the under-secretary of the military department in Dublin, *id.* s. 9.

82. If contrary winds or want of a vessel, or if by sickness or other unavoidable cause, such woman is detained more than one night, at any place from the signing of the pass by the magistrate, &c. to her arrival at the port of embarkation or at home, whether in G. B. or *Ire.*, then such woman may apply to any justice who shall examine into the facts on oath, and if satisfied of the truth thereof, shall give such woman an order to receive from the overseer of the poor or treasurer of kirk-session, or person acting as postmaster, as the case requires, if on her journey, and if at her port of embarkation, then from the district paymaster, the sum of 1*s.* *per* day for the maintenance of herself, and 6*d.* *per* day for that of each child specified in the pass; and such payment shall be made her so long as she is unavoidably detained, and such order, with such woman's receipt, and the certificate of some magistrate or justice of such detention, and the period thereof, shall be a sufficient voucher for every such payment, and sums so paid shall be duly vouched and discharged as in s. 6. pl. 72. (f) directed, *id.* s. 10.

83. All wives and widows of soldiers having any such passes, and not complying with the regulations of this act, shall be liable to be treated as vagrants, and may be passed as such to their homes in Eng., *Ire.*, and Scot., as if no pass had been given, *id.* s. 11. [But see passes abolished, and for what time, 1 & 2 G. 4. c. 64. s. 1. VAGRANT, pl. 45.]

TENURES.

(STATUTES repealed.)

(Page 1530. after pl. 5. add)

5. (a) NO FORFEITURE BUT A FINE shall be made for alienation of lands holden in *capite* of the king, 1 Ed. 5. St. 2. c. 12. [semb. REP. 12 C. 2. c. 24. ss. 1, 2.]

VAGRANT.

(STATUTES in force.)

(Page 1561. after pl. 1. add)

AGAINST LEWD AND WANDERING PERSONS pretending themselves to be soldiers or mariners, 39 El. c. 17. [REP. 52 G. 3. c. 31. This has been inserted at length by mistake in title VAGRANT, pl. 1—8.]

APPENDIX.

APPENDIX.

No. I.—Stat. Incert. Temp. No. V. WEIGHTS AND MEASURES.

DE ADMENSURATIONE TERRE.

WHEN an acre of land contains ten perches in length, it shall contain in breadth 16 perches. When it contains 11 perches in length, then in breadth 14 perches, half a perch and $\frac{1}{4}$ of a foot.

When in Length.	Then in Breadth.					
Perches.	Perches.	Parts of Perches.	Feet.	Parts of Feet.	Inches.	Parts of Inches.
12	13	—	5	$\frac{1}{2}$	—	—
13	[13 ^a]	—	5	—	1 ^b	—
14	11	—	7	—	1 ^c	—
15	10	$\frac{1}{2}$	2	$\frac{1}{4}$	—	—
16	10	—	—	—	—	—
17	9	—	6	$\frac{1}{4}$	—	$\frac{1}{2}$ ^d
18	8	—	14	—	8	—
19	8	—	6	—	11	$\frac{1}{2}$
20	8	—	—	—	—	—
21	7	—	10	—	2	$\frac{1}{4}$
22	7	—	4	$\frac{1}{2}$	—	—
23	6	$\frac{3}{4}$	[2	—	11	$\frac{1}{2}$ ^e]
24	6	$\frac{1}{2}$	2	—	6 ^f	—
25	6	—	6	—	2 ^g	—
26	6	—	2	$\frac{1}{2}$ ^h	—	—
27	5	$\frac{3}{4}$	[—	—	5	$\frac{1}{2}$ ⁱ]
28	5	—	11	—	[10	$\frac{3}{4}$ ^k]
29	5	—	8	—	[5	$\frac{1}{2}$ ^l]
30	5	—	5	$\frac{1}{2}$	—	—
31	5	—	2	—	8	—
32	5	—	—	—	—	—
33	4	—	14	—	[4 ^m]	—
34	4	$\frac{1}{2}$	3	—	4	[ⁿ]
35	4	$\frac{1}{2}$	1	—	[3	$\frac{1}{2}$ ^o]
36	4	—	7	—	4	[^p]
37	4	—	5	—	4	[^q]
38	4	—	3	$\frac{1}{2}$ ^r	—	—
39	4	—	1	—	[9 ^s]	—
40	4	—	—	—	—	—
41	3	$\frac{1}{2}$	[1	—	10	^t]
42	3	$\frac{1}{2}$	—	—	[7	^u]
43	3	$\frac{1}{2}$	3	—	[1	$\frac{1}{2}$ ^v]
44	3	$\frac{1}{2}$	2	—	3	—
45	3	$\frac{1}{2}$	—	$\frac{1}{2}$	[3 ^v]	—

- ^a read 12 perches.
^b — a little less than 1 inch, orig.
^c — almost an inch, orig.
^d — almost half an inch, orig.
^e — 3 feet 4 inches, and almost half an inch.
^f — 9 inches.
^g — almost 2 inches, orig.
^h — almost half a foot, orig.—
Query, half a foot and almost half an inch.
ⁱ — 2 feet 10 inches and $\frac{1}{2}$.
^k read 9 inches and $\frac{1}{2}$.
^l — 6 inches and $\frac{1}{2}$.
^m omit these inches.
ⁿ add $\frac{1}{4}$.
^o read 2 inches and $\frac{1}{2}$.
^p add $\frac{1}{4}$. ^q add $\frac{1}{4}$.
^r almost half a foot, orig.
^s almost 9 inches, orig.
^t read 2 feet 6 inches and $\frac{1}{2}$.
^u — 11 inches $\frac{1}{2}$.
^v — 7 inches $\frac{1}{2}$.
^w — 5 inches.

No. II.—23 H. 8. c. 3. s. 9. ATTAINT. pl. 24.

PER statutum continuatum usque annum vicesimum tertium domini Henr' Octavi Dei Gratia Angliæ et Franciæ Regis Fidei Defens' et Domini Hiberniæ.

No. III.—22 & 23 C. 2. c. 10. s. 2. EXECUTORS AND ADMINISTRATORS. pl. 28.

II. THE condition of this obligation is such, That if the within-bounden *A. B.* administrator of all and singular the goods, chattels, and credits of *C. D.* deceased, do make or cause to be made a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession, or knowledge of him the said *A. B.* or into the

hands and possession of any other person or persons for him, and the same so made do exhibit or cause to be exhibited into the registry of court, at or before the day of next ensuing; and the same goods, chattels, and credits, and all other the goods, chattels, and credits of the said deceased at the time of his death, which at any time after shall come to the hands or possession of the said *A. B.* or into the hands and possession of any other person or persons for him, do well and truly administer according to law; and further do make or cause to be made a true and just account of his said administration, at or before the day of : And all the rest and residue of the said goods, chattels, and credits which shall be found remaining upon the said administrator's account, the same being first examined and allowed of by the judge or judges for the time being of the said court, shall deliver and pay unto such person or persons respectively, as the said judge or judges by his or their decree or sentence, pursuant to the true intent and meaning of this act, shall limit and appoint. And if it shall hereafter appear, that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same into the said court, making request to have it allowed and approved accordingly, if the said *A. B.* within-bounden, being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court; then this obligation to be void and of none effect, or else to remain in full force and virtue.

No. IV.—HIGHWAY.

THE schedule annexed to 13 G. 3. c. 78. and c. 84., as well as to 34 G. 3. c. 64., stating the forms to which these acts refer, will be found in 2d vol. *Burn's Justice by Chetwynd*, pages 752—782.; and as that valuable work is in the hands of every individual conversant with this branch of law, the forms, which are long, are not here repeated.

No. V.—TURNPIKE.

THE schedule annexed to 13 G. 3. c. 84. (See note to No. IV.)

No. VI.—Schedule of 17 G. 3. c. 53. BENEFICE, pl. 34.

FORM of the CONSENT of the Ordinary and Patron (to be written on parchment. See s. 1. pl. 35.)

A. B. rector, vicar, &c. (as the case shall be) of the parish, chapelry, or perpetual curacy (as the case shall be) of in the county of under the jurisdiction of the ordinary, having produced to us the said ordinary, and patron of the said church and living, a certificate under the hand of a skilful and experienced workman, or surveyor, of the state and condition of the buildings upon the glebe belonging to the said church, chapelry, or perpetual curacy (as the case shall be), and of the value of the timber and other materials thereupon, fit to be sold, or employed about such buildings; and also a plan, made by the said of the work proposed to be done by new buildings and repairs upon the said glebe, and an estimate of the expence attending the same, after applying the said materials, or the money to arise from the sale thereof, in such buildings and repairs; and also a particular account in writing, signed by the said *A. B.*, of the annual profits of such living, and of the rents, stipends, taxes, and other outgoings annually issuing thereout, verified upon oath, pursuant to the directions of an act passed in the seventeenth year of the reign of his majesty king George the third, to promote the resolute of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices; and having considered such certificate, plan, and account: Now, we do approve thereof; and do consent, that such buildings and repairs shall be made as therein specified; and that the said *A. B.* do borrow and take up at interest the sum of being the estimate of the expences, after deducting the value of the timber and other materials thought proper to be sold, and which appears to us, from the said account, a sum not exceeding two years neat income and produce of the said living; which money is to be paid to (a person nominated by us and the said *A. B.*) and applied according to the direction of the said act.

FORM of the MORTGAGE. (See s. 1. pl. 35.)

THIS indenture, made the day of in the year of the reign of his majesty between the reverend and in the year of our Lord of the parish church, curacy or chapelry of rector, or vicar, &c. in the county of and the diocese of the bishop of of the one part; and

of the other part. Whereas the said pursuant to the directions of an act passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*, hath obtained the consent of the ordinary of the said diocese, and the patron of the said church and living, to borrow and take up at interest the sum of to be laid out and expended in building, rebuilding or repairing (as the case shall be) the parsonage house, and other necessary offices, upon the glebe belonging to the said church, chapel, or curacy, as appears by an instrument, signed by the said ordinary and patron, hereunto annexed: And whereas the said hath agreed to lend and advance the sum of upon a mortgage of the glebe, tythes, rents and other profits and emoluments of the said living, pursuant to the direction and the true intent and meaning of the said act: Now this indenture witnesseth, that the said in consideration of the sum of five shillings to him in hand paid, and of the sum of paid at or before the sealing and delivery hereof, into the hands of (a person or persons (as the case shall be) nominated by the said ordinary, patron and incumbent to receive the same, pursuant to the direction of the said act (which nomination is also hereunto annexed), and which receipt of the said sum of

the said have or hath acknowledged by an indorsement on the back of this deed), hath granted, bargained, sold, and demised, and by these presents doth grant, bargain, sell, and demise unto the said his executors, administrators, and assigns, all the glebe lands, tythes, rents, moduses, compositions for tythe, salaries, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising, coming, growing, renewing, or payable to the rector, vicar, or incumbent (as the case shall be) of the said living in respect thereof, with all and every their rights, privileges, and appurtenances thereunto belonging, to have, hold, receive, take, and enjoy the said premises, with their and every of their appurtenances, unto the said his executors, administrators, and assigns, from henceforth, for and during the term of years, fully to be complete and ended, in as full, ample, and beneficial manner, and with such remedies and powers for obtaining and recovering the same, and every part thereof, to all intents and purposes, as the said his successors, rectors, vicars, &c. (as the case shall be) of the said church, could or might, or ought to have held, enjoyed, received, taken, or recovered the same, if these presents had not been made:

In cases where the mortgage by this act directed is to be made by the ordinary and patron alone, without the incumbent, this covenant and proviso are to be omitted, and the form is to be varied in such other respects as shall be necessary.

[And the said A. B. for himself, his heirs, executors, and administrators, doth hereby covenant, promise, and agree, to and with the said his executors, administrators, and assigns, That he the said A. B. during the time he shall continue rector, vicar, &c. of the said parish and parish church, shall and will well and truly pay, or cause to be paid, unto the said

his executors, administrators, or assigns, interest for the said sum of or so much thereof as shall remain due at the end of every year, to be computed from the day of the date of these presents, after the rate of per centum per annum, by yearly payments, the first of the said payments to begin and be made on the day of next; and also, at the several times before mentioned for payment of the interest as aforesaid, shall and will well and truly pay, or cause to be paid, the sum of five pounds per centum per annum of the principal which remained due at the beginning of the year in which every such payment is to be paid, in case the said A. B. shall be resident upon the said living for the time mentioned in, and according to the true intent and meaning of the said act; and in case the said A. B. shall not reside upon the said living during the time mentioned in, and according to the true intent and meaning of the said act, he shall pay, or cause to be paid, the sum of ten pounds per centum per annum of the said principal money, by such yearly payments as aforesaid, instead of the said sum of five pounds per centum per annum, and shall and will continue such respective payments of the said interest, and on account of the said principal money, so long as he shall continue rector, vicar, &c. (as the case shall be) of the said parish and parish church, unless all the said principal money and interest for the same shall be sooner paid and discharged. Provided always, and these presents are upon this condition, That if the said A. B. and his successors shall well and truly pay, or cause to be paid, the said principal money and interest for the same, in manner and at the times aforesaid, according to the true intent and meaning of the said act, and of these presents, and also all costs and charges which shall have been occasioned by the nonpayment thereof, these presents, and every thing herein contained, shall cease and be void. Provided also, that it shall and may be lawful for the said A. B. and his successors, peaceably and quietly to hold, occupy, possess, and enjoy all and singular the said glebe lands, tythes, rents, moduses, composition for tythes, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising or to arise from or in respect of the said living, until default shall be made by him or them respectively in the payment of the interest and principal, or some part thereof, at the times and in the manner aforesaid. In witness, &c.

NOMINATION of a Clergyman by the Bishop, to settle any Dispute about the Proportion of the Payments within the Year in which any Avoidance shall happen. (See s. 7. pl. 42.)

I THE right reverend bishop of pursuant to the authority of an act passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act to promote the residence of the parochial*

clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices, do hereby nominate the reverend being a clergyman within my said diocese, to adjust and determine the matter in dispute between the reverend clerk, the present incumbent of the rectory, vicarage, &c. of within my diocese, and the representatives of the last incumbent (in case of his death) or the said (in case of his resignation or promotion) concerning the due proportion to be paid by each of the said parties of the principal and interest which accrued due within the year in which such death or other avoidance happened, according to the direction, true intent, and meaning of the said act. Given under my hand, this day of

AWARD and DETERMINATION of the Clergyman nominated by the Bishop. (See s. 7. pl. 42.)

I THE reverend A. B. of in the county of and diocese of the bishop of clerk, having been nominated by the said bishop, pursuant to the power given by an act passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*, to adjust and determine the matter in dispute between the reverend clerk, the present incumbent of the rectory, vicarage, &c. of within the said diocese, and the representatives of the last incumbent (in case of his death), or the said (in case of his resignation or promotion) concerning the due proportion to be paid by each of the said parties, of the principal and interest which accrued due within the year in which such death or avoidance happened, according to the direction and true intent and meaning of the said act; and having heard and duly considered the said matters so referred to me as aforesaid, do award, adjudge, and determine, That the said shall pay, in respect of the interest and principal which became due within the year aforesaid, the sum of and that the said shall pay, in respect of the same, the sum of being the remainder thereof, according to the provision and direction of the said act. Given under my hand, this day of

APPOINTMENT of the NOMINEE (written on Parchment. See s. 7. pl. 42.)

WE, whose names are subscribed, being the ordinary, patron, and incumbent of the rectory, vicarage, &c. of within the county of and diocese of the bishop of do hereby nominate and appoint to receive the money authorized to be raised by an act passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*, for the purpose of building, rebuilding, repairing, or purchasing the parsonage house, &c. (as the case shall be) to the said rectory, vicarage, &c. belonging, and to pay and apply the same, and to enter into contracts with proper persons for such buildings or repairs, and to inspect and take care of the execution of such contracts, and to take such receipts and vouchers, keep such accounts, and do and perform all such other matters and things, which nominees are authorized and required to do and perform in and by the said act, the said having given security for the due application thereof, according to the direction of the said act. Given under our hands, this day of

FORM of ORDER of the Ordinary, Patron, and Incumbent, for laying out or applying the Surplus Money. (See s. 4. pl. 38.)

WE, whose names are subscribed, being the ordinary, patron, and incumbent of the rectory, vicarage, &c. of in the county of and diocese of the bishop of do hereby order, that the sum of now remaining in the hands of the person nominated and appointed to receive and apply the money raised for building, repairing, &c. the parsonage house, &c. belonging to the said rectory, vicarage, &c. under the act of parliament passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*, shall be [paid to being the person entitled to receive the money now remaining due on the mortgage made of the glebe lands, tythes, and other profits and emoluments of the said living, and applied in part of payment thereof, pursuant to the direction of the said act] or [applied in building or repairing, &c. (describing the same) upon the glebe belonging to the said living]. Given under our hands, this day of

FORM of CERTIFICATE from the two Clergymen. (See s. 5. pl. 39.)

WE, the reverend A. B. of in the county of clerk, and C. D. of clerk, being two clergymen within the diocese of the bishop of do hereby certify to the said bishop, pursuant to the directions and instructions sent by him to us, that we have made enquiry into the state and condition of the buildings upon the glebe belonging to the rectory, vicarage, &c. of within the said diocese, at the time the reverend clerk, the present incumbent thereof, entered upon the said living, which was in or about the year of our Lord and do find [that the same have been kept in due and common repair, without any wilful neglect (if the case is so)] or [that the same have, by wilful negligence, been suffered to go to decay, and that they have sustained damage, from a want of common and ordinary repair, to the amount

of pounds] and we have also enquired into the money received by the said for dilapidations, from the representatives of the former incumbent, and do find, that he hath received the sum of for such dilapidations; and [that he hath expended the whole, or thereof (as the case may be) in the necessary repairs of the buildings] or [that the same hath not been laid out or expended in repairing the buildings] upon the glebe belonging to the said living. Given under our hands, this day of

FORM of the DEED of Sale, or Exchange of Lands or Tythes belonging to the Living or Benefice. (See s. 11. pl. 46.)

THIS indenture made the day of in the year of the reign of his majesty king George the and in the year of our Lord between A. B. ordinary of the rectory (vicarage, chapelry, or perpetual cure, as the case shall be) of in the county of C. D. of patron of the said rectory, &c. and the reverend E. F. clerk, incumbent of the said rectory, &c. of the one part, and G. H. of the other part. Whereas, in the execution of an act passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act, &c. (here set forth the title of the act)* it hath been found convenient to purchase (or exchange, as the case shall be) certain lands, &c. (describe particularly the lands purchased) lying near and convenient to the parsonage house belonging to the said rectory, &c. (or if the house be lately purchased) [lying near a certain messuage, house or tenement, and buildings, lately purchased for the habitation of the minister of the said rectory, &c. under the powers of the said act] and it hath been found most convenient, and agreed by the said ordinary, patron and incumbent, that the glebe lands (or tythes, as the case shall be) herein-after described, belonging to the said rectory, &c. shall be sold, to raise the sum of being the purchase money for the said lands herein-before described (or exchanged, if the same is to be done by exchange, in order to make an equivalent for such lands), and a contract hath been made with the said G. H. for the absolute sale, at the price or sum of (or exchange, as the case shall be) of part of the glebe land (or

of the tythes, as the case shall be) belonging to the said rectory, &c. herein-after mentioned; that is to say, (here describe the particulars of the land or tythes proposed to be sold or exchanged) which contract is hereby ratified and confirmed by the said ordinary, patron and incumbent: Now this indenture witnesseth, that the said A. B. C. D. and E. F. in order to carry the said contract into execution, and to fulfil the purposes of the said recited act, in pursuance of the powers thereby to them given, and in consideration of the sum of the receipt whereof is acknowledged on the back of this deed; which sum hath been paid and applied in the purchase of the lands herein-before described; have, and each of them hath granted, bargained, and sold (and exchanged, if the same be by exchange), and by these presents do, and each of them doth grant, bargain, sell (and exchange, if by exchange) unto the said G. H. and his heirs and assigns, all, &c. (here describe the lands or tythes, as the case shall be), with their and every of their rights, privileges, and appurtenances, to hold to and to the use of the said G. H. his heirs and assigns for ever. (If done by exchange, add the following words) [in exchange for certain lands which belonged to the said G. H. and are, by indentures of equal date herewith, exchanged and conveyed to the said C. D. in trust, for the sole use and benefit of the said E. F. and his successors, rector, vicars, &c. (as the case shall be) of the said living or benefice for the time being, for ever.] And the said A. B. C. D. and E. F. do hereby severally covenant for themselves, their several executors and administrators, to and with the said G. H. his heirs and assigns, that they, nor any of them, have or hath done any act whereby the said lands (or tythes, as the case shall be) can or may be incumbered; and that the said G. H. his heirs and assigns, shall and may, from time to time, for ever hereafter, peaceably and quietly hold and enjoy the said glebe lands or tythes (as the case shall be) according to the true intent and meaning of the said act, without any lett, hindrance or interruption of or from them or any of them. In witness, &c.

FORM of the DEED of Purchase or Exchange of Buildings or Lands to be annexed to the Living or Benefice. (See s. 10. pl. 45.)

THIS indenture, made the day of in the year of the reign of his majesty king and in the year of our Lord between A. B. of the one part, C. D. ordinary of the rectory, vicarage, chapelry, or perpetual cure (as the case shall be) of in the county of of E. F. of patron of the said rectory, &c. and the reverend G. H. clerk, incumbent of the said rectory, &c. of the other part. Whereas there is no parsonage house belonging to the said rectory, &c. [or, the parsonage house belonging to the said rectory, &c. is become so ruinous and decayed (or so mean) that it is not fit for the habitation of the minister of the said rectory, &c.] and one year's neat income or produce of the said living or benefice will not be sufficient to rebuild or repair the said house, with the necessary offices belonging thereto: And whereas a certain messuage, house, or tenement, with the buildings thereunto belonging, situate in the property of the said A. B. and lying within the distance of yards from the church (or chapel, as the case shall be) of the said rectory, &c. appears to the said ordinary, patron and incumbent, proper and convenient for the habitation and use of the minister of the said rectory, &c. [and more commodious than the present house and buildings upon the glebe of the said rectory, &c. in cases where there are any]; and a contract hath been made, by the direction and with the approbation and consent of the said ordinary, patron and incumbent, with the said A. B. which is hereby ratified and confirmed by the said ordinary, patron and incumbent, for the absolute purchase of the said messuage, house or tenement, and buildings, for the price or sum of pursuant to the directions of an act, passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act, &c. (set forth the title of the act)*:

This to be inserted when the lands are purchased from the same person who sells the house and buildings.

[And whereas a contract has likewise been made with the said A. B. by the like direction, approbation, and consent, which is hereby likewise ratified and confirmed by the said ordinary, patron and incumbent, for the absolute purchase of the inheritance of a certain yard, garden, orchard, and piece or parcel of land (describing them particularly, as the case shall be) lying near or convenient to the said messuage, house, tenement and buildings, containing, by admeasurement, for the price or sum of which have been agreed by the said ordinary, patron and incumbent, to be raised by the sale (or exchange) of certain lands (or tythes, as the case shall be) belonging to the said rectory, &c. herein-after described, pursuant to the powers given by the said act; viz. (here give a full description of the lands so agreed to be sold); (if the equivalent is to be by exchange, then after the word incumbent, last-mentioned, insert [and the said A. B. to be exchanged for [certain lands or tythes, &c. as above.]])

Now this indenture witnesseth, that the said A. B. for and in consideration of the said several sums of and to him in hand paid for the purchases aforesaid (if both the buildings and lands are purchased for money), (but if the equivalent for the land is to be by exchange, then) [in consideration of the said sum of for the purchase of the said messuage, house or tenement, and buildings, and in consideration of the land (or tythes, as the case shall be) so agreed to be exchanged as aforesaid, and intended to be conveyed to him the said A. B. by the said ordinary, patron and incumbent, by indenture of equal date herewith] the receipt of which said sum (or sums of money, as the case shall be) [and acknowledgment of the said exchange] (if the equivalent for the land is to be by exchange) the said A. B. hath admitted by an indorsement on the back of this deed, hath granted, bargained and sold, and by these presents doth grant, bargain and sell (if by exchange) [hath granted, bargained, sold and exchanged with and] unto the said E. F. and his heirs, all, &c. (here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges and appurtenances) to hold to the said E. F. and his heirs, in trust, for the sole use and benefit of the said G. H. and his successors, rectors, vicars, &c. (as the case shall be) of the said living or benefice for the time being for ever: And the said A. B. for himself, his heirs, executors and administrators, doth covenant and agree to and with the said E. F. and his heirs, that he hath good right to convey the said messuage, house or tenement, and buildings, lands, &c. (as the case shall be), and that he will warrant the same, for the uses and purposes aforesaid, for ever, free from all claims, charges and incumbrances whatsoever, by, from, or under him, or any of his ancestors. In witness, &c.

FORM of CERTIFICATE of RESIDENCE. (See s. 6. pl. 40.)

WE, A. B. rector, vicar or officiating minister (as the case shall be) of the parish of in the diocese of clerk, and C. D. rector, vicar or officiating minister (as the case shall be) of the parish of within the said diocese, clerk, which said parishes of and are near adjoining to the parish of within the said diocese, do hereby certify, that E. F. rector, vicar or incumbent (as the case shall be) of the said parish and parish church of aforesaid, hath resided upon his living or benefice, within that parish, for the space of twenty weeks, between the day of and the day of last. Given under our hands, this day of

FORM of CONSENT where the Living or Benefice shall be in the Patronage of the Crown, or within the Duchy of Lancaster. (See s. 20. pl. 55.)

WHEREAS the living or benefice of within the diocese of is in the patronage of the crown, and rated above or under (as the case shall be) twenty pounds per annum in the King's books, or of the Chancellor of the Duchy of Lancaster (as the case shall be): and application hath been made for building, (rebuilding, repairing or purchasing, or exchanging, as the case shall be) the parsonage house or other buildings or land (as the case shall be) for the use of the said living or benefice, in pursuance of the powers given for that purpose by an act passed in the seventeenth year of the reign of his majesty king George the third, intituled *An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*; now I, the right honourable first lord commissioner of the treasury, lord high chancellor of Great Britain, or chancellor of the duchy of Lancaster (as the case shall be), being satisfied that such building, rebuilding, repairing, purchasing or exchanging, &c. (as the case shall be) will be an improvement and advantage to the said living or benefice, do hereby consent, that such buildings, repairs, purchases or exchanges (as the case shall be) shall be made according to the directions and the true intent and meaning of the said act. Given under my hand, this day of

NOTE.—These forms cannot now be applied to the purposes of 55 G. 3. c. 147. tit. BENEFICE, pl. 57. as by s. 20 of that act directed: see its repeal 1 G. 4. c. 6. s. 2.; and see 21 G. 3. c. 66. APPENDIX, No. VIII.

No. VII.—Schedule of 18 G. 3. c. 19. JUSTICE OF PEACE.

1. FORM of awarding Costs. (See s. 3. pl. 114.)
County or Borough, &c. to } I one (or, we and being two) of his majesty's justices of the peace
wit, } in and for the aforesaid, in pursuance of an [A] 2

APPENDIX.

act made in the eighteenth year of his majesty king George the third, intituled *An act for the payment of costs to parties on complaints determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny or other felony*, on the complaint of [here state the names of the parties, and the offence generally, and the date] against [here state] which said complaint was heard and determined by [here state] on the day of [here state] do award the following costs to be paid by [here state the costs.]
Given under hand and seal (or hands and seals) this day of [here state] in the year of our Lord

2. FORM of Warrant of Distress and Sale.

To the constable of [here state] and to all other his majesty's constables in and for [here state] in [here state] aforesaid.
WHEREAS of his majesty's justices of the peace in and for the aforesaid, in pursuance of an act made in the eighteenth year of his majesty king George the third, intituled *An act for the payment of costs to parties on complaints determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny or other felony*, have awarded, on the [here state] of [here state] now last past, on the complaint of [here state] against [here state] for [here state] the following costs to be paid by [here state] videlicet; [here state the sum:] And whereas the said [here state] being ordered by [here state] the said justice (or justices) to pay such sum (or sums) as aforesaid, hath not paid down or given security for the same to the satisfaction of [here state] the said justice (or justices); these are therefore to command you, and each and every of you, to levy the said sum of [here state] by distress and sale of the goods and chattels of the said [here state] and do hereby order and direct the goods and chattels so to be distrained to be sold and disposed of within [here state] days, unless the said sum of [here state] for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, shall be sooner paid; and you are hereby also commanded to certify unto what you shall have done by virtue of this warrant.
Given under hand and seal (or hands and seals) at [here state] the day of [here state] in the year of our Lord

3. CONSTABLE'S RETURN thereon for Want of Distress.

I [here state] constable of [here state] do hereby certify to [here state] justice (or justices) of the peace of [here state] that I have made a diligent search for, but do not know, nor can find any goods and chattels of [here state] by distress and sale whereof I may levy the sum of [here state] pursuant to warrant for that purpose, dated the day of [here state] in the year of our Lord
Given under my hand, this day of [here state] in the year of our Lord

4. COMMITMENT thereupon to the House of Correction.

To the constable of [here state] and also to the keeper of the house of correction at [here state]
WHEREAS, in pursuance of an act made in the eighteenth year of his majesty king George the third, intituled *An act for the payment of costs to parties on complaints determined before justices of the peace out of sessions; for the payment of the charges of constables in certain cases; and for the more effectual payment of charges to witnesses and prosecutors of any larceny or other felony*; of his majesty's justices of the peace in and for the said [here state] did issue warrant of distress and sale, directed to [here state] of [here state] constable of the said [here state] of [here state] ordering the said constable to levy the said sum of [here state] of the goods and chattels of the said [here state] in manner and form as therein is mentioned: And whereas it appears to [here state] by the return of [here state] constable of [here state] dated the day of [here state] that he hath made diligent search, but doth not know of, nor can find any goods and chattels of the said [here state] by distress and sale whereof the said sum of [here state] may be levied pursuant to the said warrant: These are therefore to command you, the said constable of [here state] to apprehend the said [here state] and convey the said [here state] to the said house of correction at [here state] and to deliver the said [here state] there to the said keeper of the said house of correction: And these are also to command you, the said keeper of the said house of correction, to receive the said [here state] into the said house of correction, and there keep to hard labour for the space of [here state] from the date hereof, or until such sum of [here state] together with the expences attending the commitment of the said [here state] to the said house of correction, be first paid, or until the said [here state] be discharged by due course of law.
Given under hand and seal (or hands and seals) at [here state] the day of [here state] in the year of our Lord

No. VIII.—21 G. 3. c. 66. BENEFICE, pl. 34.

STATE of Account of the Money advanced and paid by A. B. (Rector or Vicar, etcetera, as the case shall be) of the Living of [here state] in the County of [here state] for the building (rebuilding, or repairing) the Parsonage House

and Buildings belonging to the said Living, according to the Direction of a Statute made in the Seventeenth Year of the Reign of His Majesty King George the Third.

C. D. Ordinary.
E. F. Patron.
G. H. Incumbent.

FORM of Allowance of the Nominee's Account of the Money received and expended by him pursuant to the Directions of the said Statute of the Seventeenth of George the Third, to be written at the Foot of such Account.

We have examined, and do hereby approve and allow the above account. Given under our hands, this day of [here state]

A. B. Ordinary.
C. D. Patron.
E. F. Incumbent.

RECEIPT to be signed by the Nominee for the Money which shall be borrowed and paid into his Hands, pursuant to the Direction of the said Act.

I A. B. being the person nominated by the ordinary, patron, and incumbent of the rectory (vicarage, etcetera, as the case shall be) of [here state] in the county of [here state] and diocese of the bishop of [here state] to receive and apply the money authorized to be borrowed by mortgage of the glebe, tithes, rents, and other profits and emoluments of the said [here state] for the purpose of building (rebuilding, or repairing, as the case shall be) the parsonage house (or out-buildings, etcetera, as the case shall be) belonging to such living or benefice, do hereby acknowledge to have received from the hands of C. D. being the person to whom such mortgage is intended to be made, the sum of [here state] being the sum for which such mortgage or security is to be made: And I do hereby promise to apply the same in such manner and for such purposes as are directed by the said act.

FORM of Bond to be given by the Nominee and his Surety, pursuant to the 17 G. 3. c. 53. s. 4. pl. 38.

OBLIGATION of the bond (in the common form of obligations) from A. B. (describing him as in the last form of receipt) and C. D. of etcetera (describing the surety), to [here state] (describing the ordinary) in the penal sum of [here state] (to be double the sum for which the security is to be given, etcetera, etcetera.)

FORM of the Condition of the said Bond.

THE condition of the above obligation is such, That if the said A. B. (naming the nominee as before mentioned) shall and do justly and truly pay and account for the sum of [here state] received by him this day from C. D. being the person to whom a mortgage hath been this day made and executed of the glebe, tithes, rents, and other profits and emoluments of the rectory, (vicarage, etcetera, as the case shall be) of [here state] for the purpose of building (rebuilding, or repairing) of the said rectory, etcetera, (as the case shall be) according to the true intent and meaning of two several acts of parliament, passed in the seventeenth and twenty-first years of the reign of his majesty king George the third, for those purposes; then this obligation to be void, or otherwise to remain in force.

A. B.
C. D.

See Note to No. VI.

No. IX.—22 G. 3. c. 83. POOR, pl. 32.

No. 1. (See s. 3. pl. 35.)

FORM of AGREEMENT at a Public Meeting, for a single Parish or Township to adopt the Provisions, Rules, and Regulations of an Act made in the Twenty-second Year of George the Third, for the better Relief and Employment of the Poor.

It is agreed, at a public meeting duly holden this day of [here state] at [here state] in the county of [here state] pursuant to the directions of an act made in the twenty-second year of king George the third, for the better relief and employment of the poor, That the parish [or township] of [here state] (as the case shall be) shall from henceforth adopt, in all respects, the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act; and that our workhouse [if there is one] shall be immediately fitted up and accommodated for the purposes mentioned in the said act. [If there is none] We will forthwith provide a proper workhouse, either by erecting a new one, or hiring, altering, and fitting up buildings suitable to the purpose, at some convenient place within our parish, et cetera. And we recommend to the consideration of the justices [here state] and [here state] as fit and proper persons for guardians of the poor, and [here state] and [here state] as fit and proper persons for governors of the poor house, for the said parish, township, et cetera [as the case shall be.]

Given under our hands, et cetera.

No. 2. (See s. 3. pl. 35.; s. 4. pl. 38.)

FORM of CONSENT and APPROBATION of the Justices.

We A. B. and C. D. esquires, two of his majesty's justices of the peace for the county, et cetera, of [here state] (as the case shall be) considering the parish or township, et cetera, of [here state] within the said county, et cetera, to be of magnitude sufficient to have a workhouse provided within it for the reception and employment of the poor, and to adopt the provisions of the act, for the better relief and employment of the poor, passed in the twenty-second year of the reign

APPENDIX.

of king George the third, do hereby give our approbation and consent thereto, pursuant to the directions of the said act; and we do also agree to the salaries fixed by the said agreement to be paid to the guardian and governor.

Given under our hands this day of

No. 3. (See s. 4. pl. 38.)

FORM of AGREEMENT, at the Public Meeting, for two or more Parishes, Townships, or Places, to unite in adopting the Provisions of the Act, made in the Twenty-second Year of King George the Third, for the better Relief and Employment of the Poor.

It is agreed at a public meeting duly held this day of at in the county of pursuant to the directions of the said act, That the parish [or township] of [as the case shall be] shall, from henceforth, in conjunction with the parishes or townships of and [as the case shall be] adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act for parishes uniting for those purposes; and that a convenient workhouse, and other buildings and necessary conveniences, shall be immediately provided at or near and properly fitted up and accommodated for the purposes mentioned in the said act: And we recommend to the consideration of the justices of the limit wherein such workhouse will be situate, *A. B.*, *C. D.*, and *E. F.*, as fit and proper persons qualified for guardians of the poor; and *G. H.*, *I. K.*, and *L. M.*, as fit persons to be governors of the poor house for the said parish [or township, as the case shall be]; and do agree to allow the person who shall be appointed guardian a salary of per annum for his trouble in executing that office; and to the person who shall be appointed governor of the poor house a salary of for his trouble in executing that office.

No. 4. (See s. 4. pl. 38.; s. 19. pl. 57.)

FORM of AGREEMENT for uniting the Parishes [or Townships, as the case shall be] of *A.*, *B.*, *C.*, and *D.*, for the Purpose of providing a House or Houses, and the better maintaining and employing their Poor, pursuant to the Statute of the Twenty-second Year of King George the Third.

It is agreed, this day of by and between the guardians of the poor of the parishes of and in the county of and of the townships of (which maintain their own poor separate and distinct from the other parts of their respective parishes) whose names are hereunto subscribed, pursuant to the opinion of two third parts in number and value as aforesaid, of the owners or occupiers of lands, tenements, and hereditaments, assessed to the poor's rates within such respective parishes and townships, at meetings duly held for that purpose, qualified according to the directions of the act passed in the twenty-second year of the reign of his majesty king George the third, and with the approbation of *A. B.* and *C. D.* two justices of the peace, according to the directions of the said act, That the said respective parishes and townships shall be united, for the better maintaining and employing their poor; and that a convenient house or houses, with proper buildings and accommodations thereto, and with land fit for gardens, orchards, and the keeping of a cow or cows, shall be built [purchased or hired, as shall be found most suitable], at or near for the reception and accommodation of the poor, as soon as conveniently may be, and if hired, the same shall be rented upon such terms as shall be agreed upon between the guardians of the poor of the said several parishes and townships, or the major part of them, and the person or persons owning or being authorized to let such buildings, lands, and premises; but no such agreement shall be made for a longer term than twenty-one years, unless the guardian or guardians shall have an option to vacate it at the end of that term, on giving twelve months notice in writing of his or their intentions so to do, nor for a shorter term than three years: and such houses shall be fitted up and made convenient for the purposes aforesaid, at the expence of the landlords [or tenants, as shall be agreed between them]: That the rents of the said houses, the expences of fitting up, making additions or alterations [where they shall be agreed to be paid by the tenants], and of the furniture thereof, and also the utensils and materials to be used for the purpose of employing the poor, and the wages and allowances to be paid to the governor of the house, shall be paid by the said several guardians in their due proportions, according to the amount of the money raised by the poor's rates for their several parishes and townships, in respect of their poor, on a medium of three years preceding such agreement; and that such proportion shall be ascertained by and whom we have nominated for that purpose, and shall be paid by the guardians of the poor of the said respective parishes and townships, to the person who shall be authorized to receive the same, within seven days after the same shall be so ascertained; and that the money earned by the labour of such poor shall be brought to the credit of that account at the end of every year: That the expences of victuals, beer, and firing for the poor and the governor [and for the assistants, when any shall be found necessary] in every such house or houses, with all other small incidental expences, shall be proportioned, at the end of every month, according to the number of poor which shall be sent from each of the said respective parishes, townships, and places, and for the time they shall have resided there within such month: That the guardians of the poor of any of the said parishes, townships, or places, shall be at liberty to withdraw from this agreement at the end of the first three years, or any succeeding three years, on giving twelve months notice of such their intention, if it shall be so determined by three fourth parts of the owners or occupiers of lands, tenements, or hereditaments, assessed to the poor's rates, and qualified as aforesaid, at a public meeting, summoned by due notice as aforesaid, specifying the occasion of such meeting; and in such case they shall receive one half of their due proportion, to be ascertained by the persons above named, or such other persons as the parties shall agree upon for that purpose, of the value of the furniture, stock,

utensils, and implements, then remaining at such poor house, after paying their proportion of the rent, and of the salaries to the governor and other officers, to the end of the then growing year: And that the guardians of the poor of each parish, township, and place shall provide suitable and convenient clothing for the poor, to be sent to the said house or houses from their respective parishes, townships, or places, and charge the expences thereof in their accounts. And we recommend to the justices of the limit where such house is to be situated, *A. B.*, *C. D.*, and *E. F.*, as persons duly qualified for the office of visitor of the said poor house, and *I. K.*, *L. M.*, and *N. O.*, as persons duly qualified for the office of governor of the said poor house.

We *A. B.* and *C. D.*, the justices of peace mentioned in the within written agreement, do hereby give our approbation to the parishes and places herein named being united for the purposes of the act within mentioned.

Witness our hands, this day of

No. 5. (See s. 4. pl. 38.)

FORM of ENTRY to be made by the Clerk of the Peace or Town Clerk.

Be it remembered, That on the day of *A. B.* deposited in my hands a copy of the agreement made between the churchwardens and overseers of the poor of the parishes or townships of and [as the case shall be] in the county, *et cetera*, [as the case shall be] of for uniting in hiring, purchasing, or building houses, at or near in the said county, *et cetera*, and providing for the maintenance and employment of a certain description of poor persons belonging to the said parishes, townships, and places, pursuant to the statute made in the twenty-second year of the reign of his majesty king George the third.

No. 6. (See s. 6. pl. 40.)

FORM of a NOTICE for the Meeting.

NOTICE is hereby given, That a public meeting, to consult the owners or occupiers of lands, tenements, or hereditaments, assessed after the rate of five pounds per annum, about hiring, purchasing, or building [as the case shall be] a house or houses, and providing for the maintenance and employment of the poor, pursuant to the statute of the twenty-second year of George the third, will be held at the day of at in the forenoon.

No. 7. (See s. 7. pl. 41.; ss. 9, 10. pl. 46, 47.; s. 12. pl. 50.)

FORM of APPOINTMENT of a Guardian.

We *A. B.* and *C. D.*, two of his majesty's justices of the peace for the county of acting for the hundred, *et cetera*, of in the said county, do hereby appoint *E. F.* of to execute the office of guardian of the poor for the parish, *et cetera*, of within the said hundred, *et cetera*, for one year, to be computed from to which he has been recommended at a public meeting holden the day of pursuant to the directions of the act passed in the twenty-second year of the reign of his majesty king George the third, for the better relief and employment of the poor.

Given under our hands, this day of

[The like form for visitor, only varying the description of the office, and when appointed for united parishes, *et cetera*, name them.]

[The like form for appointing a governor and treasurer, only varying that of a treasurer, by adding, to which he has been recommended by the guardians.]

No. 8. (See s. 8. pl. 43.)

FORM of a DRAFT by the Guardian or the Churchwarden or Overseer appointed to collect the Poor's Rates.

To *A. B.* collector of the poor's rates of the parish [or township] of [as the case shall be.]

You are hereby authorised and directed to pay to *C. D.* the sum of for [here describe the occasion of the payment, whether for house rent, clothing, or for weekly relief of poor persons, *et cetera*, *et cetera*, as the case shall be], and take his receipt for the same, which will be your discharge for such payment.

Dated this day of

E. F.

Guardian of the poor for the parish [or township] aforesaid.

No. 9. (See s. 10. pl. 47.)

FORM of APPOINTMENT of a Deputy Visitor.

I *A. B.* visitor of the poor and poor house for the parish, township, *et cetera* of [or for the united parishes, townships, *et cetera*, of] in the county of do hereby nominate and appoint *C. D.* to be my deputy visitor and assistant, during my will and pleasure, pursuant to the power given to me by an act, passed in the twenty-second year of the reign of his majesty king George the third, intituled *An act for the better relief and employment of the poor*, and authorise him to discharge the duty required of him by the said act.

Witness my hand, this day of

No. 10. (See s. 10. pl. 47.)

FORM of CERTIFICATE of serving the Office of Visitor.

I *A. B.* one of his majesty's justices of the peace for the county, *et cetera* [as the case shall be] of do hereby certify, That *C. D.* of

in the said county, hath been appointed to, and is now serving the office of visitor of the poor for the parish or township of [or for the parishes and townships of] in the said county [as the case shall be] pursuant to the direction of the act passed in the twenty-second year of the reign of his majesty king George the third.

Dated this day of

No. 11. (See s. 20. pl. 58.)

FORM of SECURITY for Money borrowed.

By virtue of an act made in the twenty second year of the reign of his majesty king George the third, intituled *An act for the better relief and employment of the poor*, we *A. B.*, visitor, and *C. D.*, guardian of the poor, for the parish [or township, as the case shall be] of *E.* in the county, city, *et cetera*, of in consideration of the sum of to us in hand paid by for the purpose of purchasing, building, erecting, repairing, fitting up or furnishing, *et cetera*, [as the case shall be], a convenient house, buildings and offices, for the reception, accommodation and employment of the poor of the said parish or township, and for providing suitable stock and utensils for that purpose, do hereby charge the poor's rates to be hereafter made, and the several sums of money to be raised thereupon within the said parish [or township, as the case shall be] with the payment of the said principal sum, and interest after the rate of per centum per annum, half yearly, as the same shall become due.

No. 12. (See s. 28. pl. 68.)

FORM of ORDER for Admission of Paupers.

To the governor of the poor house at *E.*

You are hereby ordered and required to receive *A. B.* [describe his or her age, and whether married or single] a poor person belonging to the parish [or township, as the case shall be] of in the county of *D.*, into the poor house at *E.*, and to accommodate and provide for such person in a proper manner, according to the rules and establishment of the said house.

Given under my hand, this day of
H. G.
Visitor [or guardian, as the case shall be.]

No. 13. (See s. 35. pl. 75.)

FORM of the JUSTICE'S DIRECTION to excuse the Badge.

I *A. B.* a justice of peace for the county, [riding, division, *et cetera*, as the case shall be] of having received proof upon oath before me, that *C. D.*, a poor person receiving weekly relief from the parish, [township, *et cetera*, as the case shall be] of in the county, *et cetera*, of is a person of very decent and orderly behaviour, do hereby direct the guardian [or overseer, if no guardian] of the poor for the said parish, *et cetera*, to omit putting the badge upon the coat, [or gown, if a female] of the said *C. D.*, and to excuse his [or her] wearing the same, as long as he [or she] shall continue to behave orderly and decently.

Dated this day of

No. 14. (See s. 20. pl. 58.)

FORM of the Transfer of the Security for the Money advanced.

I do transfer this security, with all my right and title to the principal money hereby secured, and to all the interest now due, or hereafter to be due, unto *C. D.* his executors, administrators and assigns.

Dated this day of
Witness, *E. F.* *A. B.*

No. 15. (See s. 24. pl. 64.)

MODE of adjusting the First Account mentioned in the Act respecting Utensils, Materials, Furniture, Rent, *et cetera*.

Let it be supposed that the parishes or townships of *A.*, *B.*, *C.*, and *D.*, have agreed to be united under the authority of the act; and that *E.* and *F.* are the persons named in the agreement as arbitrators, or referees, to settle and adjust the proportions which each parish or place is to pay.

It will be necessary for *E.* and *F.* at their first meeting, to call upon the officers of every such parish, township or place, for their assessments and accounts, in order to see what they have paid to their poor on a medium of three years preceding the agreement: who are required by the act to produce them, under a penalty for refusal.

When the arbitrators have got these materials, it will be necessary to separate and deduct every matter which does not relate to the poor; for instance, money paid to the county rates, or for the expences of the constable, headborough or militia, which are all now included in the poor's rates; and, as some of these parishes may have had expences occasioned by litigations about settlements and removals, and others may not, they should exclude all such expences in the account.

When the accounts have been so inspected and examined, and the proper deductions made, they may be supposed to appear:

That <i>A.</i> has paid for the first of the three years	-	-	65	7	6
for the second year	-	-	87	2	0
for the third year	-	-	105	0	0
Making together	-	-	257	9	6

A third part of which sum (being <i>A.</i> 's medium) will be	-	-	85	16	6
Let <i>B.</i> 's payments be calculated in the same manner, which may be supposed to amount, on the medium of three years, to	-	-	110	0	0
<i>C.</i> 's do. to	-	-	97	0	0
<i>D.</i> 's do. to	-	-	140	0	0

The total amount of the annual payments will be 452 16 6

Suppose the month's expences paid by the several parishes under the above heads, according to the directions of the act, should amount to 300*l.* the question will be, If 452*l.* 16*s.* 6*d.* (the total medium of all the parishes) required 300*l.*, what will 85*l.* 16*s.* 6*d.* require? When that shall be worked by the rule of three, multiplying the third number by the second, and dividing it, when so multiplied, by the first, the answer will be,

That <i>A.</i> 's proportion amounts to	-	-	59	9	5
<i>B.</i> 's proportion, when worked in the same manner, will be	-	-	76	5	0
<i>C.</i> 's do.	-	-	67	4	7
<i>D.</i> 's do.	-	-	97	1	0

Making together the whole sum expended 300 0 0

When those medium sums shall be settled and proportioned at their first meeting, there will be no occasion to repeat that trouble afterwards, as the first sum will be the same on all future calculations; and to prevent trouble in adjusting the proportions at every monthly meeting, at every poorhouse, soon after the first medium proportion shall be so ascertained, there shall be a table fixed, calculating the proportions of each parish, township or place, to any given sum, from the smallest to the greatest, that is likely to be expended in that district within the month; which will make every account clear and easy to the meanest understanding, and will be liquidated in an instant.

No. 16. (See s. 24. pl. 64.)

MODE of adjusting the Second Account mentioned in the Act, respecting the Victuals, Beer, Firing, and other Necessaries.

As soon as the agreement is made for uniting several parishes, &c. the guardians shall meet and consider what will be a proper weekly sum to be paid into the hands of the treasurer for every person admitted into the poor house, estimating it as near as they can to the probable expence of maintaining them; the guardians should pay to the treasurer, at every monthly meeting, what shall be due for every such person, upon that calculation, for the time he has been kept there in the month preceding; and, in order to avoid fractions, if any person shall have been there four days, or more, in any of the weeks, it should be considered as a full week, and if less than four days, no charge shall be made for it: That, in order to avoid difficulties in adjusting the account, a table should be provided, in like manner as before, and fixed up in the house, with proper columns for the number of persons, the number of weeks, and the total amount, according to the weekly sum so agreed upon; by which that account will likewise be settled without the least trouble or difficulty.

RULES, ORDERS, BYE-LAWS and REGULATIONS, to be observed and enforced at every POOR HOUSE to be provided and established under the Authority of the Act of the Twenty-second Year of King George the Third. (EXTENDED to all Poor Houses, 49 G. 3. c. 124. s. 5. pl. 90.)

First. THAT the several persons who shall be sent to any such poor house, who are capable of doing any work, shall be employed by the governor in some labour which may be best suited to their strength and capacity.

Second. That the governor shall take particular care to keep the said house, and the several apartments therein, and also the several persons who shall inhabit the same, clean and wholesome; and for that purpose he shall employ such of the said poor persons who shall be sent thither, whom he shall think most able and best qualified for the offices, to assist him therein, and also in the providing and dressing victuals for the use of such poor persons; and if any such poor person shall refuse or neglect to perform the work or labour in which he or she shall be so employed, or shall be directed to do by the governor, every such person shall be punished by confinement or alteration of diet, in such manner as the governor shall direct; and for a second offence of the like sort, complaint thereof shall be made to some justice of the peace for the limit, who, on conviction, shall commit such person to the house of correction for any time not exceeding two calendar months nor less than one calendar month.

Third. That the apartments in the house or houses to be provided as aforesaid, shall be adapted so as to accommodate the poor who shall be sent thither in the best manner they are capable.—That the governor shall place in the best apartments such poor persons who, having been creditable housekeepers, are reduced by misfortune, in preference to those who are become poor by vice and idleness; and that separate apartments shall be provided for the reception of the sick and distempered poor, and an apothecary or surgeon to be sent for to attend them when there shall appear necessity for it, at the expence of the parish or place to which such poor persons belong.

Fourth. That such poor persons who are able to work, shall be called up by ring of bell, and set to work, by six in the morning from *Lady Day* to *Michaelmas*, and by eight from *Michaelmas* to *Lady Day*: and continue until four in the afternoon from *Michaelmas* to *Lady Day*, and from *Lady Day* to *Michaelmas* till six in the afternoon (meal times and times for reasonable recreation excepted); and if any such poor person shall refuse or neglect to do such work as shall be allotted him or her, or wilfully spoil the same, or depart from such house without

leave from the governor, or shall be guilty of any disorder or disobedience to these rules and orders, the governor shall reprove such person for the same, and punish him or her by confinement or alteration of diet, as the said governor shall think fit; and if such person shall be guilty of the like offence a second time, the governor shall complain thereof to the visitor of such house, who is hereby authorized to order the punishment of confinement to be increased to such degree as he shall think fit.

Fifth. That the governor shall enter in a book to be kept by him, an account of the household goods, linen, furniture and utensils, provided for the said house; and also an account of the materials bought for manufacture, and of the goods manufactured there; which shall be laid before the guardians at their monthly meeting, and before the visitor whenever he comes to such house.

Sixth. That the governor shall visit the several persons maintained in such house or houses, and their apartments, once at least in every day; and shall take care that there is no waste of fire, candles, or provisions; and shall see that the fires and candles are put out at the hours fixed for such persons going to bed, which shall be at eight of the clock between *Michaelmas* and *Lady Day*, and nine between *Lady Day* and *Michaelmas*.

Seventh. That when any person shall die in the house, the governor shall take care that the body of such person be immediately removed into some separate apartment, and be decently buried as soon as conveniently may be; and also take care of the cloaths and goods of such person, and deliver them to the guardian of the poor of the parish or place to which such person did belong, who is to pay the charges of the funeral of such poor person.

Eighth. That no poor person be permitted to go out of the poor house, nor any person permitted to come into such house or houses, except the persons maintained and employed there, without the permission of the governor; and that no spirituous liquors be permitted to be drank in such house or houses; and that no other liquor shall be brought thither, without the permission of the said governor.

Ninth. That the rules, orders and bye-laws shall be publicly read by the governor to all the poor persons kept in such house or houses, once at least in every month.

Tenth. That all the poor persons able to go to church, shall attend divine service every Sunday.

Eleventh. That the governor shall dismiss from the poor house or workhouse, every person who shall, in the opinion of the guardian or guardians, be thought improper to continue longer there, and upon an order from him or them for that purpose.

No. X. — Schedule of 25 G. 3. c. 80. STAMPS. (*Attorneys', &c. Certificates.*)

No. 1. (*See s. 4. pl. 267.*)

FORM of the Certificates to be granted to Solicitors, Attornies, Notaries, Proctors, Agents and Procurators, practising in the several Courts of Law and Equity, and Ecclesiastical and other Courts in Great Britain, by the respective Officers appointed for that Purpose (*mutatis mutandis*).

IN the court of [insert the name of the court in which the certificate is obtained] in England (or Scotland, or Wales, etcetera, as the case may be).

I *A. B.* chief clerk [or deputy to the chief clerk, as the case may be] of the Court of King's Bench, [or clerk of the warrants in the Court of Common Pleas, or as the case may otherwise be], do hereby certify that the above written *C. D.* who hath this day entered at my office his name and place of residence as an attorney, [or solicitor, notary, proctor, agent or procurator, as the case may be], practising in town, [or in the country, as the case may require], in pursuance of an act of parliament, passed in the twenty-fifth year of the reign of his majesty king George the third, for granting certain duties on certificates to be taken out by solicitors, attornies, notaries, proctors, agents, or procurators, is duly enrolled (or admitted or registered, as the case may require) an attorney [or solicitor, notary, proctor, agent or procurator, as the case may be] in this court. In witness whereof, I have this day of [] in the year of the reign of [] set my hand hereunto (the same being first duly stamped according to the place of residence of the said *C. D.* herein above written.)

A. B.

No. 2. (*See s. 13. pl. 278.*)

FORM of the Memorandum or Minute to sue or defend, to be entered in the respective Courts, or filed of Record.

IN the court of [insert the name of the court in which the proceedings are to be carried on] in England (or Scotland, or Wales, etcetera, as the case may be).

Middlesex, to wit. — *A. B.* is retained to prosecute by *C. D.* as his attorney, [or solicitor, notary, proctor, agent or procurator, as the case may be] against *E. F.* [or otherwise as the case may be.]

A. B. plaintiff's attorney; [if by an agent to the solicitor, etcetera, immediately retained, add] by *G. H.* his agent.

Entered or filed of record (as the case may require), this day of [] in the year of the reign of []

[Officer's Name.]

No. 3. (*See s. 18. pl. 278.*)

The like Form for the Defendant's Attorney, *mutatis mutandis*.

IN the court of [insert the name of the court as before.]

Middlesex, to wit. } *I. K.* is retained to defend by *E. F.* as his attorney, at the suit of *A. B.*

I. K. defendant's attorney [if an agent, add] by *L. M.* his agent.

Entered, or filed of record, this day of [] year of the reign of [] [Officer's Name.]

No. 4. (*See s. 19. pl. 284.*)

FORM of the Memorandum or Minute of a *Cognovit Actionem*, or Warrant of Attorney to enter up or acknowledge Judgment, in the respective Courts referred to by this Act.

IN the court of [insert the name of the court as before.]

Middlesex, to wit. } *A. B.* is retained to enter up judgment on a *Cognovit Actionem*, (or warrant of attorney to acknowledge judgment, as the case may require), dated on the day of [] at the suit of *C. D.* against *E. F.*

A. B. attorney; [if by an agent, add] by *G. H.* his agent.

Entered (or filed of record, as the case may require), this day of [] in the year of the reign of []

[Officer's name.]

No. XI. — Schedule of 28 G. 3. c. 48. s. 3. CHIMNEY SWEEPERS. pl. 5.

THIS indenture, made the day of [] in the year of the reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of our Lord [] between *A. B.* and *C. D.* churchwardens and overseers of the poor of the parish of [] in the county of [] [or *E. F.* the father or next friend of the boy to be placed out, as the case may be] of the one part; and [] of the parish of [] in the county of [] chimney-sweeper, of the other part:

Witnesseth, that the said churchwardens and overseers of the poor [or the said *E. F.* as the case may be], by and with the consent and approbation of *G. H.* and *I. K.* two of his majesty's justices of the peace acting in and for the county, riding, city, town, borough, or division [as the case may be], signified as hereunder written, put, bound, and by these presents

put and bind a poor boy of the said parish, township, or place, being of the age of [] years [as the case may be], to be apprentice to the said [] he being his first, second, third, fourth, fifth, or sixth

apprentice [as the case may be], to learn the trade, business, art, and mystery of a chimney sweeper, and with him (or her) to dwell, remain, and serve from the day of the date of these presents, for and during the term of [] years from hence next ensuing, fully to be complete and ended; during all which time he

the said apprentice, his said master (or mistress) faithfully shall serve and obey, his (or her) secrets keep, and his (or her) lawful commands every where gladly do and perform; he shall not haunt alehouses or gaming houses, nor absent himself from the service of his said master (or mistress) day or night, without his (or her) leave, but in all things as a faithful apprentice shall behave himself towards his said master (or mistress) and all his (or her) during the said term: And the said [] in consideration of the good will which

he (or she) hath and beareth towards the said apprentice, and of the faithful service so to be performed by him, doth hereby covenant, promise, and agree with the said churchwardens and overseers of the poor [or the said *E. F.* as the case may be], that he (or she) the said [] his (or her) said apprentice, in the art and mystery of a chimney-sweeper, which he (or she) now useth, shall

and will teach and instruct, or cause to be taught and instructed, in the best manner that he (or she) can, and shall and will provide and allow unto the said apprentice, during all the said term, competent and sufficient meat, drink, washing, lodging, apparel, and all other things necessary for the said apprentice: And that the said

executors, administrators, or assigns, shall not nor will assign over this present indenture, or the apprentice to be bound thereby, without the consent and approbation, in writing, of two or more such justices of the peace, to be signified according to the form of the approbation hereunder written: And whereas, from the nature of the business or employment of a chimney sweeper, it is necessary for the boys employed in climbing to have a dress particularly suited to that purpose, which dress is only fit for that part of the occupation; the said

doth hereby also covenant, promise, and agree to and with the said churchwardens and overseers of the poor [or the said *E. F.* as the case may be] to find and allow such suitable dress for the said apprentice, as often as need or occasion shall be and require, and provide for and deliver to the said apprentice, once in every year at least, during the term aforesaid, over and above the said dress proper for climbing, one whole and complete suit of clothing, with suitable linen, stockings, hats, and shoes: And further, that the said

shall and will, at least once in every week, cause the said apprentice to be thoroughly washed and cleansed from soot and dirt, and shall and will require the said apprentice to attend the public worship of God on the Sabbath day, and permit and allow him to receive the benefit of any other religious instruction; and that the said apprentice shall not wear his sweeping dress on that day: And that the said [] shall not nor will compel or oblige the said

apprentice to call the streets or any other places, before seven of the clock in the morning, nor after twelve of the clock at noon, between Michaelmas and Lady Day, nor before five of the clock in the morning, nor after twelve of the clock at noon, between Lady Day and Michaelmas: And that the said shall not, nor will at any time during the said term, let out his (or her) said apprentice for hire by the day, night, or otherwise, to any other person or persons exercising or using the said trade, nor shall the said or any person or persons whomsoever by his (or her) directions, require or force him the said apprentice to climb or go up any chimney which shall be actually on fire, nor make use of any violent or improper means to force him to climb or go up any such chimney; but shall in all things treat his (or her) said apprentice with as much humanity and care as the nature of the employment of a chimney sweeper will admit of. In witness, &c.

Form of Approbation by Justices. (See s. 1. pl. 2.)

WE, the above named G. H. and J. K. two of his majesty's justices of the peace acting in and for the county, riding, city, town, borough, or division [as the case may be], having inspected and examined the above-named [the boy to be placed out or assigned over], do hereby consent to and approve of his being bound [or assigned over] as an apprentice to the above-named [the master or mistress] according to the terms and stipulations expressed in the above written indenture.

No. XII. — Schedule of 32 G. 3. c. 57. APPRENTICE.

A. (See s. 1. pl. 36.)

FORM of Proviso to be added to the Covenant for Maintenance.

PROVIDED always, that the said last mentioned covenant on the part of the said F. M. [the master] his executors and administrators, to be done and performed, shall continue and be in force for no longer time than for three calendar months next after the death of the said F. M. in case he the said F. M. shall happen to die during the continuance of such apprenticeship, according to the provisions of an act passed in the thirty-second year of the reign of king George the third, intituled [here set forth the title of the act.]

B. (See s. 2. pl. 37.)

FORM of the Order of two Justices, directing a Parish Apprentice to continue with the Widow (or as the case may be) of his deceased Master, by Indorsement on the Indenture or Counterpart thereof; on which binding no more was paid than the sum for that purpose mentioned in this act.

County of } WHEREAS F. M. [the master] within named, late of the parish of , being within three calendar months now last past; we, two of his majesty's justices of the peace for the county aforesaid, whose names are hereunto subscribed, on the application and at the request of A. M. widow [or as the case may be] of the said F. M. living with and being part of the family of the said F. M. at the time of his death, do hereby order and direct, that A. P. the apprentice within named, who was in the service and actual employment of the said F. M. at the time of his death, shall serve the said A. M. as such apprentice, for the residue of the term of such apprenticeship within mentioned, according to the provisions of an act passed in the thirty-second year of the reign of king George the third, intituled *An act for the further regulation of parish apprentices.*

Witness our hands, this day of I, the above named A. M. do hereby declare, that the above order is made at my request, and that I do accept the said A. P. as my apprentice, according to the terms and covenants contained in the said indenture, and according to the provisions of the said act. Witness my hand, the day and year above written.

C. (See s. 2. pl. 37.)

FORM of the like Order by a separate Instrument.

County of } WHEREAS it appears unto us, two of his majesty's justices of the peace for the said county, that A. P. [the apprentice] was bound an apprentice by the churchwardens and overseers of the poor of the parish of , to F. M. [the master] late of the said parish , and that the said F. M. died on day of , being within three calendar months now last past: now we, the said two justices, on the application and at the request, &c. [then to the end as before, mutatis mutandis.]

D. (See s. 7. pl. 42.)

FORM of the Assignment of such a Parish Apprentice with the Consent of Two Justices, by Indorsement on the Indenture or Counterpart.

County of } BE it remembered, that the within named F. M. [the master] by and with the consent and approbation of I. P. and K. P. two of his majesty's justices of the peace for the said county, whose names are subscribed to the consent hereunder written, doth hereby assign A. P. the apprentice within named, unto N. M. [the new master] to serve him during the residue of the term within mentioned; and that he the said N. M. doth hereby agree to accept and take the said A. P. as an apprentice for the residue of the said term, and doth hereby acknowledge himself, his executors and administrators, to be bound by the agreements and covenants within mentioned on the part of the said F. M. to be done and performed, according to the true intent and meaning thereof, and pursuant to the provisions of an act passed in the thirty-second year of the reign of king George the third, intituled *An act for the further regulation of parish appren-*

tices. In witness whereof we, the said F. M. and N. M. have hereunto set our hands, this day of

We, two of his majesty's justices of the peace above mentioned, do consent thereto.

Witness our hands, this day of I. P. K. P.

E. (See s. 7. pl. 42.)

FORM of the like Assignment by a separate Instrument.

County of } WHEREAS it appears unto us, I. P. and K. P. two of his majesty's justices of the peace for the said county, whose names are subscribed to the consent hereunder written, that A. P. was bound an apprentice by the churchwardens and overseers of the poor of the parish of to F. M. of the same parish, by indenture bearing date on or about the day of until the said A. P. should attain his age of twenty-one years: Now be it remembered, that the said F. M. by and with the consent, &c. [and so to the end as before, mutatis mutandis.]

No. XIII. — 34 G. 3. c. 64. (See ante, No. IV.)

No. XIV. — 34 G. 3. c. 75. s. 8. CROWN PROPERTY. pl. 48. and s. 12. pl. 52.

I A. B. do swear, [or, being a Quaker, do solemnly affirm], that the survey or account hereto annexed was faithfully and impartially made by me; that the value of the property of the crown therein contained is justly estimated therein, according to the best of my skill and judgment; and that all the particulars stated in the said survey or account are true, to the best of my knowledge and belief. So help me GOD.

By the Surveyor General of His Majesty's Land Revenue.

THESE are to certify, that the said surveyor general hath contracted and agreed with A. B. for the sale to him [her or them, as the case may be] of all that rent of issuing and payable out of [briefly describing the lands or hereditaments chargeable] now or late payable by at or for the price or sum of of lawful money of Great Britain, to be paid by the said A. B. into the bank of England, and carried to the account of the sale of fee farm rents [and, in the case of a subsisting lease, then the following words are to be added, subject nevertheless to a lease thereof granted under the great seal of Great Britain, or, the seal of his majesty's exchequer, as the case may be] bearing date the day of one thousand seven hundred and unto for a term of years, which will expire on or about the day of and from and immediately after the payment of the said sum in manner aforesaid, and the inrolment of this certificate, and the receipt for the said purchase money in the office of the commissioners for auditing the public accounts of the kingdom, and thenceforth for ever, the purchaser [or purchasers, as the case may be] of the said rent [or rents] and his or their heirs, successors or assigns, shall be adjudged, deemed and taken to be in the actual seisin and possession of the said rent [or rents] so by him purchased, by force and virtue of an act of parliament, passed in the thirty-fourth year of the reign of his majesty king George the third, intituled *An act [inserting the title of this act].*

Given under the hand of the said surveyor general, the day of RECEIVED the day of one thousand seven hundred and of and from A. B. the sum of of lawful money of Great Britain, being the consideration money expressed in the above [or within] written certificate. Witness my hand, For the governor and company of the bank of England, (Signed) cashier.

No. XV. — 35 G. 3. c. 63. STAMPS (Insurances, Sea), s. 18. pl. 478.

£500 —S. } IN the name of God, Amen. as well in own name, as for and in the name and names of all and every other persons to whom the same doth, may, or shall appertain, in part or in all, doth make assurance, and cause and them, and every of them, to be insured, lost or not lost, at and from upon the body, tackle, apparel, ordnance, munition, artillery, boat or other furniture, of and in the good ship or vessel called *The* whereof is master, under God, for this present voyage, or whosoever else shall go for master in the said ship, or by whatsoever other name or names the same ship, or the master thereof, is or shall be named or called: beginning the adventure upon the said ship, &c. from and immediately following and so shall continue and endure until the said ship, with her said tackle, apparel, &c. shall be arrived at and there hath moored at anchor twenty-four hours in good safety: And it shall be lawful for the said ship in this voyage to proceed and sail to and touch and stay at any ports or places whatsoever without prejudice to this insurance; the said ship, &c. for so much as concerns the assureds, is and shall be valued at touching the adventures and perils which we the assurers are contented to bear and do take upon us in this voyage; they are, of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettions, letters of mart and countermart, surprizals, takings

at sea, arrests, restraints, and detentions of all kings, princes, and people, of what nation, condition or quality soever, barrety of the master and mariners, and of all other perils, losses and misfortunes, that have or shall come to the hurt, detriment or damage of the said ship, &c. or any part thereof: And in case of any loss or misfortune, it shall be lawful to the assureds, their factors, servants and assigns, to sue, labour and travel, for, in and about the defence, safeguard and recovery of the said ship, &c. or any part thereof, without prejudice to this insurance, to the charges whereof we the assurers will contribute each one according to the rate and quantity of his sum herein assured: And it is further agreed by us the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in *Lombard Street*, or in the royal exchange, or elsewhere in *London*: And so we the assurers are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors and goods, to the assureds, their executors, administrators and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured at and after the rate of . . . In witness whereof we the assurers have subscribed our names and sums assured in *London*.

N.B. The ship and freight warranted free from average under three pounds *per cent.* unless general, or the ship be stranded.

£1,000. }
G. } In the name of God, *Amen.* as well in
Delivered the } own name, as for and in the name and names of all and every other
day of } person or persons to whom the same doth, may, or shall appertain,
and them, and every of them, to be insured, lost or not lost, at and from
upon any kind of goods and merchandizes whatsoever, laden or to be laden
aboard the good ship or vessel called *The* whereof is master, under
God, for this present voyage or whosoever else shall go for master
in the said ship, or by whatsoever other name or names the said ship, or the
master thereof is or shall be named or called: beginning the adventure upon the
said goods and merchandizes from and immediately following the loading thereof
aboard the said ship and so shall continue and endure until the said
ship, with the said goods and merchandizes whatsoever, shall be arrived at
and the same safely landed: And it shall be lawful for the said ship, in this
voyage, to stop and stay at any ports or places whatsoever without
prejudice to this insurance; the said goods and merchandizes, by agreement, are
and shall be valued at . . . Touching the adventures and perils which
we the assurers are contented to bear, and do take upon us in this voyage; they
are, of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettisons, let-
ters of mart and countermart, surprizals, takings at sea, arrests, restraints and
detentions of all kings, princes and people, of what nation, condition or quality
soever, barrety of the master and mariners, and of all other perils, losses and
misfortunes, that have or shall come to the hurt, detriment or damage of the
said goods and merchandizes, or any part thereof: And in case of any loss or
misfortune, it shall be lawful to the assureds, their factors, servants and assigns, to
sue, labour and travel, for, in and about the defence, safeguard and recovery of the
said goods and merchandizes, or any part thereof, without prejudice to this in-
surance, to the charges whereof we the assurers will contribute each one accord-
ing to the rate and quantity of his sum herein assured: And it is agreed by us the
insurers, that this writing or policy of assurance shall be of as much force and
effect as the surest writing or policy of assurance heretofore made in *Lombard
Street*, or in the Royal Exchange, or elsewhere in *London*: And so we the as-
surers are contented, and do hereby promise and bind ourselves, each one for his
own part, our heirs, executors and goods, to the assureds, their executors, admini-
strators and assigns, for the true performance of the premises, confessing ourselves
paid the consideration due unto us for this assurance by the assured
at and after the rate of . . . In witness whereof we the assurers have
subscribed our names and sums assured in *London*.

N.B. Corn, fish, salt, fruit, flour and seed, are warranted free from
average, unless general, or the ship be stranded; sugar, tobacco, hemp,
flax, hides and skins, are warranted free from average under five pounds
per cent.; and all other goods free from average under three pounds
per cent. unless general, or the ship be stranded.

£10,000. }
S. G. } In the name of God, *Amen.* as well in
Delivered the } own name, as for and in the name and names of all and every other
day of } person or persons to whom the same doth, may or shall appertain,
and them and every of them to be insured, lost or not lost, at and from
upon any kind of goods and merchandizes, and also upon the body, tackle, apparel,
ordnance, munition, artillery, boat, and other furniture of and in the good ship
or vessel called *The* whereof is master, under God, for this present
voyage or whosoever else shall go for master in the said ship, or by
whosoever other name or names the said ship, or the master thereof, is or shall be
named or called: beginning the adventure upon the said goods and merchandizes
from the loading thereof aboard the said ship upon the said ship, &c.
and so shall continue and endure during her abode there, upon the
said ship, &c.; and further, until the said ship, with all her ordnance, tackle, ap-
parel, &c. and goods and merchandizes whatsoever, shall be arrived at
upon the said ship, &c. until she hath moored at anchor twenty-four hours in good
safety, and upon the goods and merchandizes until the same be there discharged
and safely landed: And it shall be lawful for the said ship, etc. in this voyage, to

proceed and sail to and touch and stay at any ports or places whatsoever
without prejudice to this insurance; the said ship, etc. goods and merchandizes,
etc. for so much as concerns the assureds, by agreement between the assureds and
assurers, in this policy, are and shall be valued at . . . Touching the
adventures and perils which we the assurers are contented to be and do take upon
us in this voyage, they are, of the seas, men of war, fire, enemies, pirates, rovers,
thieves, jettisons, letters of mart and countermart, surprizals, takings at sea, ar-
rests, restraints and detentions of all kings, princes and people, of what nation,
condition or quality soever, barrety of the master and mariners, and of all other
perils, losses and misfortunes, that have or shall come to the hurt, detriment or
damage of the said goods and merchandizes, and ship, etc. or any part thereof;
and in case of any loss or misfortune it shall be lawful to the assureds, their fac-
tors, servants and assigns, to sue, labour and travel, for, in and about the defence,
safeguard, and recovery of the said goods and merchandizes, and ship, etc. or any
part thereof, without prejudice to this insurance, to the charges whereof we the
assurers will contribute each one according to the rate and quantity of his sum
herein assured: And it is agreed by us the insurers that this writing or policy of
assurance shall be of as much force and effect as the surest writing or policy of
assurance heretofore made in *Lombard Street*, or in the royal exchange, or else-
where in *London*: And so we the assurers are contented, and do hereby promise
and bind ourselves, each one for his own part, our heirs, executors and goods, to
the assureds, their executors, administrators and assigns, for the true performance
of the premises, confessing ourselves paid the consideration due unto us for this
insurance by the assured at and after the rate of . . .
In witness whereof we the assurers have subscribed our names and sums assured
in *London*.

N.B. Corn, fish, salt, fruit, flour and seed, are warranted free from
average, unless general, or the ship be stranded; sugar, tobacco, hemp,
flax, hides and skins, are warranted free from average under five pounds
per cent.; and all other goods, also the ship and freight, are warranted
free of average under three pounds *per cent.* unless general, or the ship
be stranded.

SHIP AND GOODS.

London Assurance House.

No. No. in *London*.

By the Governor and Company of the *London Assurance*.

In the name of God, *Amen.* as well in own
name as for and in the name and names of all and every other person or persons
to whom the same doth, may or shall appertain, in part or in all, doth make
assurance, and causeth and them and every of them to be assured,
lost or not lost, at and from upon any kind of goods and mer-
chandizes whatsoever; and also upon the body, tackle, apparel, ordnance, munition,
artillery, boat and other furniture, of and in the good ship or vessel called *The*
whereof is master (under God) for this present voyage
or whosoever else shall go for master in the said ship or vessel, or by whatsoever other
name or names the said ship or vessel, or the master thereof, is or shall be named
or called: Beginning the adventure upon the said goods and merchandizes from and
immediately following the loading thereof aboard the said ship or vessel at
and upon the said ship or vessel, etc. and so shall
continue and endure during her abode there, upon the said ship or vessel, etc.; and
farther, until the said ship or vessel, with all her ordnance, tackle, apparel, etc. and
goods and merchandizes whatsoever, shall be arrived at and upon
the said ship or vessel, etc. until she hath moored at anchor twenty-four hours in
good safety, and upon the goods and merchandizes until the same be there safely
discharged and landed: And it shall be lawful for the said ship or vessel, etc. in this
voyage, to proceed and sail to, and touch and stay at, any ports or places whatsoever
without prejudice to this assurance, the said ship or vessel, etc.
goods and merchandizes, etc. for so much as concerns the assureds, (by agreement
between the assureds and the *London Assurance*) are and shall be rated and valued
at without farther or other account to be given by the assureds for
the same. Touching the adventures and perils which the said *London Assurance*
are contented to bear and do take upon them in this voyage; they are, of the seas,
men of war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and
countermart, surprizals, takings at sea, arrests, restraints and detentions of all
kings, princes and people, of what nation, condition or quality soever, barrety of
the master and mariners, and of all other perils, losses and misfortunes, that have
or shall come to the hurt, detriment or damage of the said goods and merchandizes,
and ship or vessel, etc. or any part thereof: And in case of any loss or misfortune
it shall be lawful to the assureds, their factors, servants, and assigns, to sue, labour
and travel, for, in and about the defence, safeguard and recovery of the said
goods, merchandizes, and ship or vessel, etc. or any part thereof, without prejudice
to this assurance, to the charges whereof the said *London Assurance* will con-
tribute according to the rate and quantity of the sum herein assured: And it is
agreed that this writing or policy of assurance shall be of as much force and effect
as the surest writing or policy of assurance heretofore made in *Lombard Street*, or
in the Royal Exchange, or elsewhere in *London*: And so the said *London As-
surance* are contented, and do hereby promise and bind themselves and their
successors to the assureds, their executors, administrators and assigns, for the true
performance of the premises, confessing themselves paid the consideration due
unto them for this assurance by the assured, at and after the rate of
per cent. In witness whereof the said *London Assurance* have caused
their common seal to be hereunto affixed, and the sum or sums by them assured
to be hereunder written, at their office in *London*, this day
[B]

No. XVII.—37 G. 3. c. 98. BREAD.

Corn meter's office *London*, one thousand seven hundred and ninety-seven.
ENTRY of the several quantities of **WHEAT** worked by the sworn corn meters
of the city of *London* in six days; that is to say, from *Monday*
to *Saturday* both inclusive.

Day of the Month.	From where worked.	Seller's Name.	Buyer's Name.	Quantities of Wheat.	Meter's Name.	Lightermen, or to whom delivered.
	Whether out of vessel, craft, granary, warehouse, or wharf, mentioning their respective names, (if any) and the names of the masters, owners, or occupiers thereof respectively.			Quarter. Bushel.		

A correct **RETURN** from the corn meter's office, of the quantity of **WHEAT** worked by the sworn corn meters of the city of *London*, from *Monday* to *Saturday* following, both inclusive.

Day of the Month.	Seller's Name.	Buyer's Name.	Quantities of Wheat.	Lighterman's Name, or to whom delivered.

An **ACCOUNT** of all the **MEAL** and **FLOUR** (made of **WHEAT**) bought by *A. B.* of in the parish of from *Monday* to *Saturday*, both inclusive, for the purpose of making wheaten bread, or fit for the same.

Day of the Month.	Seller's Name.	Number of Sacks.	Sorts of Meal and Flour.	To what Purpose applicable.	Prices per Sack.	TOTAL.

No. XVIII.—38 G. 3. c. 87. (See s. 3. pl. 46. EXECUTORS AND ADMINISTRATORS.)

by divine providence, archbishop of *Canterbury*, primate of all *England* and metropolitan, to our well beloved in *Christ* greeting: Whereas it hath been alleged before the worshipful doctor of laws, surrogate of doctor of laws, master, keeper, or commissary of our prerogative court of *Canterbury*, lawfully constituted by you the said that did, whilst living, and of sound mind, memory, and understanding, make and duly execute his last will and testament in writing, and did therefore nominate, constitute, and appoint, his executors, (or sole executor) who in the month of proved the said will by the authority of our said court, and now reside (or resides) out of this kingdom, and out of the jurisdiction of his majesty's courts of law and equity (as in and by an affidavit duly made and sworn to by and brought into and left in the registry of our said court, reference being thereunto had, will more fully and at large appear): And whereas the surrogate aforesaid, having duly considered the premises, did, at the petition of the said decree letters of administration of all and singular the goods, chattels and credits of the said deceased, to be committed and granted to you the said named by or on the behalf of the said a creditor, (legatee) or (one of the next kin) of the said deceased, [as the case may be,] limited for the purpose, to become and be made a party to a bill or hills to be exhibited against you in any of his majesty's courts of equity, and to carry the decree or decrees of any of the said court or courts into effect, but no further or otherwise (justice so requiring): And we being desirous that the said goods, chattels, and credits may be well and faithfully administered, applied, and disposed of according to law, do therefore, by these presents, grant full power and authority to you, in whose fidelity we confide, to administer, and faithfully dispose of the said goods, chattels, and credits, according to the tenor and effect of the said will limited as aforesaid, so far as such goods, chattels, and credits of the deceased will thereto extend, and the law requires, you having been already sworn well and faithfully to administer the same, and make a true and perfect inventory of all and singular the said goods, chattels, and credits, so far as the same may come to your hands, and to exhibit the same into the registry of our said prerogative court of *Canterbury*, on or before the next ensuing, and also to render a just and true account thereof: And we do by these presents ordain and constitute you administrator of all and singular the goods, chattels, and credits of the said deceased, limited as aforesaid, but no further, or otherwise.

Given at *London*, the day of in the year of our Lord and in the year of our translation.

No. XIX. 39 G. 3. c. 79. ASSEMBLIES. PRINTING.

1. FORM of Conviction of an unlawful Combination and Confederacy. (See PRINTING, pl. 20.)

M } Be it remembered, that on this day of in the to wit. } year of the reign of *A. B.* of is duly convicted before me, [or us] of his majesty's justices of the peace for in pursuance of an act of the thirty-ninth year of the reign of king *George* the third, [set forth the title of the act], for that the said *A. B.* after the passing of the said act, to wit, on the day of at did, contrary to the said act, become a member of [or, as the case may be, act as a member of, or maintain correspondence or intercourse with, or by contribution of money or otherwise, abet or support] a society [describing the society], which society is an unlawful combination and confederacy within the intent and meaning of the said act; wherefore I [or we] the said do adjudge, that he the said *A. B.* do pay [or be imprisoned] as a penalty for his offence, in pursuance of the said act.

Given under my hand and seal, [or our hands and seals], this day of in the year of our Lord and in the year of the reign of his majesty king

2. FORM of Adjudication of Forfeiture of Licence to sell Ale, &c. (See PRINTING, pl. 20.)

M } Be it remembered, that on this day of in the to wit. } year of the reign of his present majesty, *A. B.* of being a person licensed to sell [as the case may be] is duly convicted before us, two of his majesty's justices of the peace for the county of in pursuance of an act of the thirty-ninth year of the reign of [set forth the title of the act], for that he the said *A. B.* on at did permit a meeting of a society [describing the society], which is an unlawful combination and confederacy within the intent and meaning of the said act, to be held at being the house [as the case may be] of the said *A. B.* wherein he the said *A. B.* is licensed to sell [as the case may be]: Wherefore we the said do adjudge and declare that the licence [or licences, as the case may be] is [or are] for such offence forfeited.

Given under our hands and seals, this day of in the year of our Lord and in the year of the reign of his majesty king

3. FORM of Conviction of having or using a Printing Press, or Types for Printing, without Notice, or using the same in a Place not specified in such Notice, or not keeping Accounts as required by the Act, or any other Offence against the Act. (See PRINTING, pl. 20.)

M } Be it remembered, that on this day of in the to wit. } year of the reign of *A. B.* of is duly convicted before me [or us] of his majesty's justices of the peace

APPENDIX.

in pursuance of an act of the thirty-ninth year of the reign of king George the third, [set forth the title of the act] for that the said A. B. on the day of [] did contrary to the said act keep [or use, as the case may be] a printing press [or, types for printing; or carrying on the business of a letter founder, or, maker or seller of types, or printing presses], not having given such notice, and obtained such certificate, as by the said act is required, or, in [] being a place not specified in any notice given by the said A. B. in pursuance of the said act, whereupon he had obtained such certificate, as by the said act is required; or, not keeping an account of a person to whom the said A. B. sold printing types, or, a printing press, as the case may be; or, not printing his name, &c. as the case may require; or, not keeping a copy of a paper printed by him for hire, reward, gain, or profit, to wit, a paper [describing it] which the said A. B. printed, &c. or, not producing a copy of a paper printed, &c. or specifying any other offence against the act, and the time and place when and where the same was committed: Wherefore I [or we] the said [] do adjudge that he the said A. B. do pay the sum of [] as a penalty for his offence, in pursuance of the said act.

Given under our hands and seals, this [] day of [] in the year of our Lord [] and in the [] year of the reign of his majesty king []

4. FORM of Notice to the Clerk of the Peace, that any Person keeps any Printing Press, or Types for Printing. (See PRINTING, pl. 2.)

To the clerk of the peace for [] [here insert the county, stewardry, riding, division, city, borough, town, or place], or his deputy.

I A. B. of [] do hereby declare, that I have a printing press and types for printing, which I propose to use for printing, within [] [as the case may require], and which I require to be entered for that purpose, in pursuance of an act, passed in the thirty-ninth year of the reign of his majesty king George the third, [set forth the title of the act].

Witness my hand, this [] day of []
Signed in the presence of []

5. FORM of Certificate that Notice has been given of a Printing Press, or Types for Printing. (See PRINTING, pl. 2.)

I [] clerk [or, deputy clerk] of the peace for [] do hereby certify, that A. B. of [] hath delivered to me a notice in writing, appearing to be signed by him, and attested by C. D. as a witness to his signing the same, that he the said A. B. hath a printing press and types for printing, which he proposes to use for printing within [] and which he has required to be entered, pursuant to an act, passed in the thirty-ninth year of his majesty's reign, [set forth the title of the act].

Witness my hand, this [] day of []

6. FORM of Notice to the Clerk of the Peace, that any Person carries on the Business of a Letter Founder, or Maker or Seller of Types for Printing, or of Printing Presses. (See PRINTING, pl. 4.)

To the clerk of the peace for [] [as the case may be], or his deputy.

I A. B. of [] do hereby declare, that I intend to carry on the business of a letter founder, or maker or seller of types for printing, or of printing presses, [as the case may be], at [] and I hereby require this notice to be entered in pursuance of an act passed in the thirty-ninth year of the reign of his majesty king George the third, [set forth the title of the act].
Signed in the presence of []

7. FORM of Certificate that the above Notice has been given. (See PRINTING, pl. 4.)

I G. H. clerk [or deputy clerk] of the peace for [] [as the case may be], do hereby certify, that A. B. of [] hath delivered to me a notice in writing, appearing to be signed by him, and attested by E. F. as a witness to his signing the same, that he intends to carry on the business of a letter founder, or maker or seller of types for printing, or of printing presses, at [] and which notice he has required to be entered in pursuance of an act of the thirty-ninth year of his majesty king George the third, [set forth the title of the act].

Witness my hand, this [] day of []

No. XX. 39 & 40 G. 3. c. 106. CONSPIRACY. FIRST SCHEDULE.

(As to the first two forms, see 41 G. 3. (U. K.) c. 38., which enacts other forms and repeals the above. See s. 12. pl. 22.)

FORM of COMMITMENT of a Person summoned as a WITNESS.

WHEREAS C. D. hath been duly summoned to appear and give evidence before us [naming the justices who issued the summons], two of his majesty's justices of the peace for the county [or riding, division, city, liberty, town or place] of [] on this [] day of [] at [] being the time and place appointed for hearing and determining the complaint made on the oath of [the informer or prosecutor] before us, against A. B. of [] [stating the offence as laid in the information] contrary to the statute made in the thirty-ninth year of the reign of his present majesty, intituled An act [here insert the title of the act]: And whereas the said C. D. hath not appeared before us at the time and place aforesaid specified for that purpose, or offered any reasonable excuse for his [or her] default, [or, And whereas the said C. D. having appeared before us at the

time and place aforesaid specified for that purpose, hath not submitted to be examined as a witness, and give his [or her] evidence before us, touching the matter of the said complaint, but hath refused so to do]: Therefore we the said justices do hereby, in pursuance of the said statute, commit the said C. D. to the [describing the prison], there to remain, without bail or mainprize, for his [or her] contempt aforesaid, until he [or she] shall submit himself [or herself] to be examined and give his [or her] evidence before us, touching the matter of the said complaint, or shall otherwise be discharged by due course of law; and you the [constable or other peace officer or officers to whom the warrant is directed] are hereby authorized and required to take into your custody the body of the said C. D., and him [or her] safely to convey to the said prison, and him [or her] there to deliver to the gaoler or keeper thereof, who is hereby authorized and required to receive into his custody the body of the said C. D. and him [or her] safely to detain and keep, pursuant to this commitment. Given under our hands this [] day of [] in the year of our Lord []

[This commitment to be directed to the proper peace officer, and the gaoler or keeper of the prison.]

SECOND SCHEDULE.

FORM of the OATH to be administered by the Arbitrators to the Parties and Witnesses under this Act. (See s. 18. pl. 38.)

THE evidence that you shall give before us the arbitrators appointed by A. B. and C. D. [the parties to the submission] to determine the matters in difference between them, under and by virtue of an act passed in the fortieth year of the reign of king George the third, intituled An act [state the title of the act], shall be the truth, the whole truth, and nothing but the truth. So help you God.

FORM of the SUBMISSION to ARBITRATION, and of the Award to be made in pursuance of this Act. (See s. 20. pl. 30.)

I A. B. of, &c. [set forth the name, residence and description of the party] do hereby nominate and appoint C. D. of, &c. and arbitrator under and by virtue of an act, passed in the fortieth year of the reign of king George the third, intituled An act [set forth the title of the act], to hear and determine the matters in difference between me and E. F. of, &c.

I E. F. of, &c. do appoint G. H. of, &c. to be an arbitrator under the said act for the purposes aforesaid.

FORM of the AWARD or UMPIRAGE to be made by the Arbitrators or Umpire, and to be written at the Foot of the Submission. (See s. 20. pl. 30.)

WE I. K. and L. M. of, &c. the arbitrators above named [or I N. O. the justice as the case may be], do hereby adjudge and determine that, &c. [here set forth the determination; to which the arbitrators or justices, as the case may be, shall subscribe their names.]

Witness,

P. Q.

FORM of CONVICTION in a PECUNIARY PENALTY. (See s. 12. pl. 22.)

BE it remembered, that on the [] day of [] in the year of the reign of [] and in the year of our Lord [] A. B. is convicted before us [naming the justices], two of his majesty's justices of the peace for the county [or riding, city, liberty, division or place] of [] for that the said A. B. [state the offence, as for neglecting to sign the submission, or refusing to submit to the award within the time limited, as the case may be] contrary to the statute made in the fortieth year of the reign of king George the third, intituled An act [here set forth the title of the act] and we the said justices do hereby adjudge and determine the said A. B. for the said offence to forfeit and lose the sum of [] of lawful money of Great Britain, and do order the same to be forthwith paid by him, [her, or them, as the case may be] C. D.

FORM of COMMITMENT of a Person summoned as a Witness before the Arbitrators. (See s. 18. pl. 28.)

WHEREAS proof on oath hath been made before us [naming the justices signing the commitment] two of his majesty's justices of the peace for the county [or riding, city, liberty, division or place] of [] on this [] day of [] that A. B. hath been duly summoned, and hath neglected to appear and give evidence before C. D. and E. F. the arbitrators appointed by and between G. H. and I. K. to determine the matters in dispute between them, at [] in the county [or riding, city, liberty, division or place] of [] on the [] day of [] under and by virtue of an act made in the fortieth year of the reign of king George the third, intituled An act [here set forth the title of the act]; and the said A. B. being required by us, the said justices, to give evidence before the said arbitrators, and still refusing so to do, therefore we the said justices do hereby, in pursuance of the said act, commit the said A. B. to the [describing the prison, or the house of correction] there to remain without bail or mainprize for his [or her] offence aforesaid, until he [or she] shall submit himself [or herself] to be examined, and give his [or her] evidence before the said arbitrators, touching the matters referred to them as aforesaid, or shall otherwise be discharged by due course of law. And you the [constable or other peace officer or officers to whom the warrant is directed] are hereby authorized and required to take into your custody the body of the said A. B. and him [or her] safely to convey to the said prison [or house of correction] and him [or her] there to deliver to the gaoler [or keeper] thereof, who is hereby authorized and required to receive into his custody the body of the said A. B. and him [or her] safely to detain and keep pursuant to this commitment.

Given under our hands this [] day of [] in the year of our Lord []

This commitment to be directed to the proper peace officer and the gaoler [or keeper] of the prison [or house of correction.]

APPENDIX.

No. XXI.—41 G. 3. (U. K.) c. 38. CONSPIRACY, pl. 22.

FORM of Conviction and Commitment.

Be it remembered, That on the _____ day of _____ in the year of his majesty's reign, and in the year of our Lord A. B. is convicted before us [naming the justices], two of his majesty's justices of the peace for the county, [or riding, division, city, liberty, town, or place,] of _____ of having [stating the offence,] contrary to the statute made in the thirty-ninth and fortieth years of the reign of his present majesty, intituled *An act to repeal an act passed in the last session of parliament, intituled 'An act to prevent unlawful combinations of workmen,' and to substitute other provisions in lieu thereof;* and we the said justices do hereby order and adjudge the said A. B. for the said offence to be committed to and confined in the common gaol for the said county, [or riding, division, city, liberty, town, or place,] for the space of _____ [or to be committed to the house of correction at _____ within the said county, [or riding, division, city, liberty, town, or place,] there to be kept to hard labour for the space of _____

Given under our hands, the day and year above written.

FORM of Conviction in a pecuniary Penalty.

BE it remembered, That on [pursuing the same form, as far as the title of the said recited act]; and we the said justices do hereby adjudge and determine the said A. B. for the said offence to forfeit and lose the sum of _____ of lawful money of Great Britain, to be distributed as the said act directs.

Given under [as before].

No. XXII.—41 G. 3. (U. K.) c. 109. INCLOSURE, pl. 45.

(A.)

FORM of Affidavit of Notices.

A. B. of _____ maketh oath and saith, [or, being one of the people called Quakers, upon his solemn affirmation, saith] That he did see a copy of the notice hereto annexed affixed on the church door of the parish of _____ [or, on the several church doors of the respective parishes of _____ in the county of _____ or, in the several counties of _____ and _____] on the several Sundays herein after mentioned; *videlicet* [specifying the days on which the notices were affixed.]

Signed A. B.

Sworn [or, solemnly affirmed] before us, two of his majesty's justices of the peace acting in and for the _____ and subscribed in our presence by the above named A. B. this _____ day of _____ in the year _____ As witness our hands and seals.

(B.)

FORM of Affidavit of Consent.

A. B. of _____ maketh oath and saith, [or, being one of the people called Quakers, upon his or her solemn affirmation, saith] That he [or she] believes himself [or herself] to be interested in the proposed inclosure of the _____ in the _____ [here describe the place, whether parish, hamlet, or place] by virtue of [here set forth the interest of the deponent]; [or] that he [or she] believes that C. D. of _____ for whom he [or she] is guardian [et cetera, as the case may be] is interested, et cetera; and that he [or she] hath seen a copy of an act [here set forth the title of this act] and also a copy of the bill intended to be presented to parliament, and hath subscribed his [or her] name, or hath set his [or her] mark to the same respectively, and doth consent to the said bill being passed into a law.

Signed or marked A. B.

Sworn [or, solemnly affirmed] before us, two of his majesty's justices of the peace, acting in and for the _____ and subscribed in our presence, by the above mentioned A. B. this _____ day of _____ in the year _____ As witness our hands and seals.

The same form may be applied, *mutatis mutandis*, to the case of several persons whose interests are joint, or whose interests, though distinct, are of a similar nature.

(C.)

FORM of Affidavit of ALLEGATIONS of the BILL.

A. B. of _____ maketh oath and saith [or, being one of the people called Quakers, upon his or her solemn affirmation, saith] That [here set forth such of the several facts alleged in the preamble of the bill as are within the knowledge of the witness], or, that he [or she] is informed and verily believes that [here set forth such of the said facts as are within the belief of the witness]

Signed A. B.

Sworn [or, solemnly affirmed] before us, two of his majesty's justices of the peace, acting in and for the _____ and subscribed in our presence, by the above named A. B. this _____ day of _____ in the year _____ As witness our hands and seals.

(D.)

FORM of Affidavit of ADMEASUREMENT.

A. B. of _____ maketh oath and saith, [or, being one of the people called Quakers, upon his solemn affirmation, saith] That he has surveyed and admeasured the several _____ lands in the parish or hamlet of _____ in the county of _____ [or, counties of _____] described in the bill intended to be presented to parliament; and signed by the deponent, by the name [or names] of _____ and that the quantity of such lands amounts to _____ and no more, according to such admeasurement, and the best of this deponent's judgment.

A. B.

Sworn [or, solemnly affirmed] before us, two of his majesty's justices of the peace acting in and for the _____ and subscribed in our presence by the above named A. B. this _____ day of _____ in the year _____ As witness our hands and seals.

No. XXIII.—42 G. 3. c. 116. LAND TAX REDEMPTION.

Schedule (A.) (See ss. 30, 154. pl. 40, 191.)

FORM of the CERTIFICATE of the Amount of the Land Tax, and the Lands upon which it is assessed.

A. B. _____ and C. D. _____ two of the commissioners of land tax, acting for the division of _____ in the county of _____ do hereby certify, that the lands [briefly describing the lands and hereditaments chargeable] are charged with land tax to the amount of _____ [and if more parcels of land tax than one, repeat the description] and that the messuage and lands [briefly describing the same] are charged in like manner to the amount of _____ making in the whole the amount of _____

(B.) (See s. 31. pl. 41. and the note there.)

FORM of the CERTIFICATE of the Contract for the Redemption of Land Tax, in Cases where the Consideration is proposed to be transferred in Stock.

Know all men, that we _____ two of the commissioners appointed for the purposes of an act, intituled *An act [here insert the title of the act]* for the _____ do hereby certify, that we have contracted and agreed with _____ for the redemption by him [her, or them, as the case may require] of _____ land tax, being the land tax charged upon [here describe the premises as from the certificate of the commissioners of land tax, or from the schedule delivered by the party] and which premises are assessed in the assessment made for the _____ of _____ in the _____ of _____ for the year _____ as follows; *videlicet*, [here insert an exact copy of such parts of the assessment as relate to the premises before described]. The consideration is declared to be capital stock in the three pounds per centum consolidated or reduced bank annuities, or one of them, to be transferred to the commissioners for the reduction of the national debt, at the bank of England, in the following proportions, and at the following times; *videlicet*, _____ stock on or before the _____ day of _____ of _____ stock on or before the _____ day of _____ stock on or before the _____ day of _____ etc. etc. with interest to be paid at the time of the second and each subsequent instalment, to the cashier or cashiers of the governor and company of the bank of England, equal to the amount of the land tax redeemed, deducting therefrom a sum bearing the same proportion to such land tax, as the amount of stock transferred before the time of each payment, bears to the whole amount of stock agreed to be transferred on such contract.

(C.) (See s. 31. pl. 41. and the note there.)

FORM of the CERTIFICATE of the Contract for the Redemption of Land Tax, in Cases where the Consideration is proposed to be paid in Money to the Receiver General.

Know all men, that we _____ two of the commissioners appointed for the purposes of an act, intituled *An act [here insert the title of the act]* for the _____ do hereby certify, that we have contracted and agreed with _____ for the redemption by him [her, or them, as the case may require] of _____ land tax, being the land tax charged upon [here describe the premises as from the certificate of the commissioners of land tax, or from the schedule delivered by the party] and which premises are assessed in the assessment made for the _____ of _____ in the _____ of _____ for the year _____ as follows; *videlicet*, [here insert an exact copy of such parts of the assessment as relate to the premises before described]. The consideration is declared to be so much of lawful money of Great Britain, to be paid to the receiver general or his deputy [or collector, as the case may require] for the said [county, riding, shire, etc.] of _____ as will be sufficient for the redemption of the said land tax, on the _____ day of _____ according to the price of stock, to be transmitted to the said receiver general [or collector] in the second week subsequent to the date hereof, and conformably to the table in the schedule to the said act, and the rules and directions therein contained.

[If the consideration is proposed to be paid by instalments, the land tax to be redeemed must be divided into as many equal parts as there are instalments, the fractions of farthings to be added to the last part, and in such case]

The consideration is declared to be so much of lawful money of Great Britain, to be paid to the receiver general, or his deputy, [or collector] for the said [county, riding, shire, etc.] as will be sufficient for the redemption of £

part of the said land tax, on the day of £
 further part of the said land tax, on the day of £
 further part of the said land tax, on the day of £
 further part of the said land tax, on the day of etc. etc. etc.
 according to the price of stock; to be transmitted to the said receiver general [or collector] in the second week subsequent to the date hereof, with respect to the payment of the first instalment, and with respect to the payment of the second and every subsequent instalment, according to the price of stock, to be transmitted to such receiver general [or collector] in the week preceding the said days of payment of such second and subsequent instalments, and conformably to the table in the schedule to the said act annexed, and the rules and directions therein contained, together with interest to be paid at the time of the second and each subsequent instalment, to the said receiver general [or collector] equal to the amount of the land tax redeemed, deducting therefrom a sum bearing the same proportion to such land tax, as the number of instalments then before paid bears to the number of instalments agreed to be paid on such contract.

(D.) (See s. 156. pl. 193.)

FORM of the CERTIFICATE of the Contract for the Purchase of Land Tax as a Fee Farm Rent.

Know all men, that we two of the commissioners appointed for the purposes of an act, intituled *An act [here insert the title of the act]* for the do hereby certify, that we have contracted and agreed with for the sale to him [her, or them, as the case may require] of land tax as a fee farm rent, being the land tax charged upon [here describe the premises as from the certificate of the commissioners of land tax] and which premises are assessed in the assessment made for the of in the of for the year as follows; *videlicet*, [here insert an exact copy of such parts of the assessment as relate to the premises before described]; the consideration is declared to be, etc. [pursue the same forms as in the contracts for the redemption of land tax (varying only the number of instalments); and in cases where the land tax shall be sold for a money consideration, in one sum, at a higher price than the price first offered, then add] and also such further sum of money, in addition to the said consideration, as shall be equivalent to pound [or pounds, as the case may require] per centum upon the amount thereof; [and where the consideration shall be by instalments, then add after the direction for payment of the consideration, and before the directions respecting the interest] and also such further sum in addition to each instalment as shall be equivalent to pound [or pounds, as the case may require] per centum upon the amount thereof; [and where the land tax purchased shall be proposed to be paid out of any particular part or parts only of the estate, add] and we do order and direct that the whole of the said sum of £ shall in future be paid and borne as a fee farm rent, out of such parts only of the said before-mentioned premises as are herein-after described; *videlicet*, [here describe the premises out of which the fee farm rent is to be paid].

(E.) (See s. 38. pl. 48.)

FORM of the CERTIFICATE or RECEIPT to be indorsed on the Contract, in Cases where the Consideration is transferred in Stock.

Bank of England.	Days when Stock was transferred.	Amount of the Stock transferred.	Name of the Receiver or Acceptor.
1st instalment.			
2d instalment.			
3d instalment.			
4th instalment.			
&c. &c.			

(F.) (See s. 38. pl. 48.)

FORM of the CERTIFICATE or RECEIPT to be indorsed on the Contract, in Cases where the Consideration is paid to the Receiver General in Money.

Day of the actual Payment of the Consideration.	Price of £s per Cents. at which the Consideration is calculated.	Amount of Money received.	Name of the Receiver.

(G.) (See s. 138. pl. 175.)
FORM of CONTRACT for Sale of Crown Lands belonging to the Duchy of Lancaster.

GEORGE the third, by the grace of God of the united Kingdom of Great Britain and Ireland king, defender of the faith, and so forth, to all to whom these presents shall come, greeting; know ye that we, in consideration of the sum of paid into the hands of our receiver general of the revenues of our Duchy of Lancaster, as appears by the receipt of the receiver general indorsed on these presents, by and with the advice and consent of our chancellor and council of our said duchy, do by these presents grant, bargain, and sell unto A. B. his heirs and assigns, all [describe the manors, &c. sold] to have and to hold the said [manors, &c.] hereby bargained and sold, and all benefits and advantages thereto belonging, unto and to the use of the said A. B., his heirs and assigns, for ever: [In case there be any subsisting lease of the manors, &c. words to the following effect are to be added: subject nevertheless to the term and interest in the said manors, &c. by virtue of a lease granted under the seal of bearing date on or about unto for a term of which will expire on or about]
 In witness whereof

(H.) (See s. 138. pl. 175.)

FORM of CERTIFICATES of Contracts made by the Surveyor General of the Land Revenue.

By the Surveyor General of his Majesty's Land Revenue.

THESE are to certify, that in pursuance of a warrant from the right honourable the lords commissioners of his majesty's treasury, bearing date the day of the said surveyor general hath contracted and agreed with A. B. of for the sale to the said A. B. of all [here describe the premises to be sold] at or for the price or sum of of lawful money of Great Britain, to be paid by the said A. B. into the bank of England, and carried to the account of the commissioners of his majesty's treasury [and in case of any subsisting lease, then the following words to be added: Subject nevertheless to, [here describing when and to whom such lease was granted, for what term of years or lives, and when the term will expire, or which of the lives are in being] and from and immediately after the payment of the said sum in manner aforesaid, and the inrolment of this certificate, and the receipt for the said purchase money in the office of the auditor of the land revenue for the county aforesaid [or of the clerk of the pipe, as the case may be] and thenceforth for ever, the said A. B. and his [her or their] heirs, successors, or assigns, shall be adjudged, deemed, and taken to be in the actual seisin and possession of the said premises so by him [her or them] purchased, and shall hold and enjoy the same peaceably and quietly, and in as full and ample a manner, to all intents and purposes, as his majesty, his heirs or successors, might or could have held or enjoyed the same, by force and virtue of an act of parliament, passed in the forty-second year of the reign of his majesty king George the third, intituled *An act [inserting the title of this act]*.

Given under the hand of the said surveyor general, the day of

Witness to the signing by the said surveyor general.

[The witness to be one of the clerks or other officers in his office.]

(I.) (See s. 138. pl. 175.)

FORM of CERTIFICATES of Contracts to be made by the Surveyor General of the Duchy of Cornwall.

By the Surveyor General of the Duchy of Cornwall.

THESE are to certify, that by virtue of a warrant from the council of his royal highness the prince of Wales and duke of Cornwall, the said surveyor general hath contracted and agreed with A. B. for the sale to the said A. B. of all [here describe the premises or the rent to be sold] at or for the price or sum of of lawful money of Great Britain, to be paid by the said A. B. into the bank of England, and carried to the account of the duchy of Cornwall [and in case of any subsisting lease, or any grant by copy of court roll, then the following words to be added: Subject nevertheless to, here describing when and to whom such lease or copy was granted, for what term or lives, and when the term will expire, or which of the lives are in being] and from and immediately after the payment of the said sum in manner aforesaid, and the inrolment of this certificate and the receipt for the said purchase money in the office of the auditor of the duchy of Cornwall, and thenceforth for ever, the said A. B. and his [her or their] heirs, successors, or assigns, shall be adjudged, deemed, and taken to be in the actual seisin and possession of the said premises [or rent, as the case may be] so by him [her or them] purchased; [and where the purchase shall be other than for a rent, the following words to be added:] And shall hold and enjoy the same peaceably and quietly, and in as full and ample manner, to all intents and purposes, as his royal highness the prince of Wales, his heirs or successors, dukes of Cornwall, might or could have held or enjoyed the same, by force and virtue of an act of parliament, passed in the forty-second year of the reign of his majesty king George the third, intituled *An act [inserting the title of this act]*.

Given under the hand of the said surveyor general of the duchy of Cornwall, the day of

Witness to the signing by the said surveyor general.

[The witness to be one of the clerks or other officers in his office.]

(K.) (See s. 138. pl. 175.)

FORM of Cashier's RECEIPT.

RECEIVED the day of of and from the above [or within] named A. B. the sum of of lawful money of Great Britain, being the consideration money expressed in the above [or within] written certificate.

Witness my hand,

For the governor and company of the bank of England,

£

Cashier.

SCHEDULE (L.) of 42 G. 3. c. 116. (See s. 23. pl. 26. s. 28. pl. 33. s. 153. pl. 190. See also another TABLE, when Price is between 50 and 60, 43 G. 3. c. 51.)
 TABLE, shewing the several Sums payable for the Redemption or Purchase of LAND TAX, of the yearly Amounts denoted in the first Column, when the Three
 Pounds per Cent. Bank Annuities are at any Prices between 60 and Par, as denoted in the second and subsequent Columns.

Land Tax to be redeemed or purchased.	60 and under 61.	61 and under 62.	62 and under 63.	63 and under 64.	64 and under 65.	65 and under 66.	66 and under 67.	67 and under 68.	68 and under 69.	69 and under 70.	70 and under 71.	71 and under 72.	72 and under 73.	73 and under 74.
D. 1	0 0 5½	0 0 5½	0 0 5½	0 0 5½	0 0 5½	0 0 6	0 0 6	0 0 6½	0 0 6½	0 0 6½	0 0 6½	0 0 6½	0 0 6½	0 0 6½
2	0 0 11	0 0 11½	0 0 11½	0 0 11½	0 0 11½	0 0 10	0 0 10	0 0 10½	0 0 10½	0 0 10½	0 0 10½	0 0 10½	0 0 10½	0 0 10½
3	0 0 14½	0 0 14½	0 0 14½	0 0 14½	0 0 14½	0 0 13	0 0 13	0 0 13½	0 0 13½	0 0 13½	0 0 13½	0 0 13½	0 0 13½	0 0 13½
4	0 0 18	0 0 18½	0 0 18½	0 0 18½	0 0 18½	0 0 16	0 0 16	0 0 16½	0 0 16½	0 0 16½	0 0 16½	0 0 16½	0 0 16½	0 0 16½
5	0 0 21½	0 0 21½	0 0 21½	0 0 21½	0 0 21½	0 0 19	0 0 19	0 0 19½	0 0 19½	0 0 19½	0 0 19½	0 0 19½	0 0 19½	0 0 19½
6	0 0 25	0 0 25½	0 0 25½	0 0 25½	0 0 25½	0 0 22	0 0 22	0 0 22½	0 0 22½	0 0 22½	0 0 22½	0 0 22½	0 0 22½	0 0 22½
7	0 0 28½	0 0 28½	0 0 28½	0 0 28½	0 0 28½	0 0 25	0 0 25	0 0 25½	0 0 25½	0 0 25½	0 0 25½	0 0 25½	0 0 25½	0 0 25½
8	0 0 32	0 0 32½	0 0 32½	0 0 32½	0 0 32½	0 0 28	0 0 28	0 0 28½	0 0 28½	0 0 28½	0 0 28½	0 0 28½	0 0 28½	0 0 28½
9	0 0 35½	0 0 35½	0 0 35½	0 0 35½	0 0 35½	0 0 31	0 0 31	0 0 31½	0 0 31½	0 0 31½	0 0 31½	0 0 31½	0 0 31½	0 0 31½
10	0 0 39	0 0 39½	0 0 39½	0 0 39½	0 0 39½	0 0 34	0 0 34	0 0 34½	0 0 34½	0 0 34½	0 0 34½	0 0 34½	0 0 34½	0 0 34½
11	0 0 42½	0 0 42½	0 0 42½	0 0 42½	0 0 42½	0 0 37	0 0 37	0 0 37½	0 0 37½	0 0 37½	0 0 37½	0 0 37½	0 0 37½	0 0 37½
S. 1	1 2 2½	1 2 2½	1 2 2½	1 2 2½	1 2 2½	1 4 0½	1 4 0½	1 4 1	1 4 1	1 4 1	1 4 1	1 4 1	1 4 1	1 4 1
2	2 4 5½	2 4 5½	2 4 5½	2 4 5½	2 4 5½	2 8 1½	2 8 1½	2 8 2	2 8 2	2 8 2	2 8 2	2 8 2	2 8 2	2 8 2
3	3 6 8½	3 6 8½	3 6 8½	3 6 8½	3 6 8½	3 12 2½	3 12 2½	3 12 3	3 12 3	3 12 3	3 12 3	3 12 3	3 12 3	3 12 3
4	4 8 11	4 8 11	4 8 11	4 8 11	4 8 11	4 16 3½	4 16 3½	4 16 4	4 16 4	4 16 4	4 16 4	4 16 4	4 16 4	4 16 4
5	5 11 1½	5 11 1½	5 11 1½	5 11 1½	5 11 1½	5 20 4½	5 20 4½	5 20 5	5 20 5	5 20 5	5 20 5	5 20 5	5 20 5	5 20 5
6	6 13 4½	6 13 4½	6 13 4½	6 13 4½	6 13 4½	6 24 5½	6 24 5½	6 24 6	6 24 6	6 24 6	6 24 6	6 24 6	6 24 6	6 24 6
7	7 15 7½	7 15 7½	7 15 7½	7 15 7½	7 15 7½	7 28 6½	7 28 6½	7 28 7	7 28 7	7 28 7	7 28 7	7 28 7	7 28 7	7 28 7
8	8 17 10½	8 17 10½	8 17 10½	8 17 10½	8 17 10½	8 32 7½	8 32 7½	8 32 8	8 32 8	8 32 8	8 32 8	8 32 8	8 32 8	8 32 8
9	9 19 13½	9 19 13½	9 19 13½	9 19 13½	9 19 13½	9 36 8½	9 36 8½	9 36 9	9 36 9	9 36 9	9 36 9	9 36 9	9 36 9	9 36 9
10	10 21 16½	10 21 16½	10 21 16½	10 21 16½	10 21 16½	10 40 9½	10 40 9½	10 40 10	10 40 10	10 40 10	10 40 10	10 40 10	10 40 10	10 40 10
11	11 23 19½	11 23 19½	11 23 19½	11 23 19½	11 23 19½	11 44 10½	11 44 10½	11 44 11	11 44 11	11 44 11	11 44 11	11 44 11	11 44 11	11 44 11
12	12 25 22½	12 25 22½	12 25 22½	12 25 22½	12 25 22½	12 48 11½	12 48 11½	12 48 12	12 48 12	12 48 12	12 48 12	12 48 12	12 48 12	12 48 12
13	13 27 25½	13 27 25½	13 27 25½	13 27 25½	13 27 25½	13 52 12½	13 52 12½	13 52 13	13 52 13	13 52 13	13 52 13	13 52 13	13 52 13	13 52 13
14	14 29 28½	14 29 28½	14 29 28½	14 29 28½	14 29 28½	14 56 13½	14 56 13½	14 56 14	14 56 14	14 56 14	14 56 14	14 56 14	14 56 14	14 56 14
15	15 31 31½	15 31 31½	15 31 31½	15 31 31½	15 31 31½	15 60 14½	15 60 14½	15 60 15	15 60 15	15 60 15	15 60 15	15 60 15	15 60 15	15 60 15
16	16 33 34½	16 33 34½	16 33 34½	16 33 34½	16 33 34½	16 64 15½	16 64 15½	16 64 16	16 64 16	16 64 16	16 64 16	16 64 16	16 64 16	16 64 16
17	17 35 37½	17 35 37½	17 35 37½	17 35 37½	17 35 37½	17 68 16½	17 68 16½	17 68 17	17 68 17	17 68 17	17 68 17	17 68 17	17 68 17	17 68 17
18	18 37 40½	18 37 40½	18 37 40½	18 37 40½	18 37 40½	18 72 17½	18 72 17½	18 72 18	18 72 18	18 72 18	18 72 18	18 72 18	18 72 18	18 72 18
19	19 39 43½	19 39 43½	19 39 43½	19 39 43½	19 39 43½	19 76 18½	19 76 18½	19 76 19	19 76 19	19 76 19	19 76 19	19 76 19	19 76 19	19 76 19
20	20 41 46½	20 41 46½	20 41 46½	20 41 46½	20 41 46½	20 80 19½	20 80 19½	20 80 20	20 80 20	20 80 20	20 80 20	20 80 20	20 80 20	20 80 20
21	21 43 49½	21 43 49½	21 43 49½	21 43 49½	21 43 49½	21 84 20½	21 84 20½	21 84 21	21 84 21	21 84 21	21 84 21	21 84 21	21 84 21	21 84 21
22	22 45 52½	22 45 52½	22 45 52½	22 45 52½	22 45 52½	22 88 21½	22 88 21½	22 88 22	22 88 22	22 88 22	22 88 22	22 88 22	22 88 22	22 88 22
23	23 47 55½	23 47 55½	23 47 55½	23 47 55½	23 47 55½	23 92 22½	23 92 22½	23 92 23	23 92 23	23 92 23	23 92 23	23 92 23	23 92 23	23 92 23
24	24 49 58½	24 49 58½	24 49 58½	24 49 58½	24 49 58½	24 96 23½	24 96 23½	24 96 24	24 96 24	24 96 24	24 96 24	24 96 24	24 96 24	24 96 24
25	25 51 61½	25 51 61½	25 51 61½	25 51 61½	25 51 61½	25 100 24½	25 100 24½	25 100 25	25 100 25	25 100 25	25 100 25	25 100 25	25 100 25	25 100 25
26	26 53 64½	26 53 64½	26 53 64½	26 53 64½	26 53 64½	26 104 25½	26 104 25½	26 104 26	26 104 26	26 104 26	26 104 26	26 104 26	26 104 26	26 104 26
27	27 55 67½	27 55 67½	27 55 67½	27 55 67½	27 55 67½	27 108 26½	27 108 26½	27 108 27	27 108 27	27 108 27	27 108 27	27 108 27	27 108 27	27 108 27
28	28 57 70½	28 57 70½	28 57 70½	28 57 70½	28 57 70½	28 112 27½	28 112 27½	28 112 28	28 112 28	28 112 28	28 112 28	28 112 28	28 112 28	28 112 28
29	29 59 73½	29 59 73½	29 59 73½	29 59 73½	29 59 73½	29 116 28½	29 116 28½	29 116 29	29 116 29	29 116 29	29 116 29	29 116 29	29 116 29	29 116 29
30	30 61 76½	30 61 76½	30 61 76½	30 61 76½	30 61 76½	30 120 29½	30 120 29½	30 120 30	30 120 30	30 120 30	30 120 30	30 120 30	30 120 30	30 120 30
31	31 63 79½	31 63 79½	31 63 79½	31 63 79½	31 63 79½	31 124 30½	31 124 30½	31 124 31	31 124 31	31 124 31	31 124 31	31 124 31	31 124 31	31 124 31
32	32 65 82½	32 65 82½	32 65 82½	32 65 82½	32 65 82½	32 128 31½	32 128 31½	32 128 32	32 128 32	32 128 32	32 128 32	32 128 32	32 128 32	32 128 32
33	33 67 85½	33 67 85½	33 67 85½	33 67 85½	33 67 85½	33 132 32½	33 132 32½	33 132 33	33 132 33	33 132 33	33 132 33	33 132 33	33 132 33	33 132 33
34	34 69 88½	34 69 88½	34 69 88½	34 69 88½	34 69 88½	34 136 33½	34 136 33½	34 136 34	34 136 34	34 136 34	34 136 34	34 136 34	34 136 34	34 136 34
35	35 71 91½	35 71 91½	35 71 91½	35 71 91½	35 71 91½	35 140 34½	35 140 34½	35 140 35	35 140 35	35 140 35	35 140 35	35 140 35	35 140 35	35 140 35
36	36 73 94½	36 73 94½	36 73 94½	36 73 94½	36 73 94½	36 144 35½	36 144 35½	36 144 36	36 144 36	36 144 36	36 144 36	36 144 36	36 144 36	36 144 36
37	37 75 97½	37 75 97½	37 75 97½	37 75 97½	37 75 97½	37 148 36½	37 148 36½	37 148 37	37 148 37	37 148 37	37 148 37	37 148 37	37 148 37	37 148 37
38	38 77 100½	38 77 100½	38 77 100½	38 77 100½	38 77 100½	38 152 37½	38 152 37½	38 152 38	38 152 38	38 152 38	38 152 38	38 152 38	38 152 38	38 152 38
39	39 79 103½	39 79 103½	39 79 103½	39 79 103½	39 79 103½	39 156 38½	39 156 38½	39 156 39	39 156 39	39 156 39	39 156 39	39 156 39	39 156 39	39 156 39
40	40 81 106½	40 81 106½	40 81 106½	40 81 106½	40 81 106½	40 160 39½	40 160 39½	40 160 40	40 160 40	40 160 40	40 160 40	40 160 40	40 160 40	40 160 40
41	41 83 109½	41 83 109½	41 83 109½	41 83 109½	41 83 109½	41 164 40½	41 164 40½	41 164 41	41 164 41	41 164 41	41 164 41	41 164 41	41 164 41	41 164 41
42	42 85 112½	42 85 112½	42 85 112½	42 85 112½	42 85 112½	42 168 41½	42 168 41½	42 168 42	42 168 42	42 168 42	42 168 42	42 168 42	42 168 42	42 168 42
43	43 87 115½	43 87 115½	43 87 115½	43 87 115½	43 87 115½	43 172 42½	43 172 42½	43 172 43	43 172 43	43 172 43	43 172 43	43 172 43	43 172 43	43 172 43
44	44 89 118½	44 89 118½	44 89 118½	44 89 118½	44 89 118½	44 176 43½	44 176 43½	44 176 44	44 176 44	44 176 44	44 176 44	44 176 44	44 176 44	44 176 44
45	45 91 121½	45 91 121½	45 91 121½	45 91 121½	45 91 121½	45 180 44½	45 180 44½	45 180 45	45 180 45	45 180 45	45 180 45	45 180 45	45 180 45	45 180 45
46	46 93 124½	46 93 124½	46 93 124½	46 93 124½	46 93 124½	46 184 45½	46 184 45½	46 184 46	46 184 46	46 184 46	46 184 46	46 184 46	46 184 46	46 184 46
47	47 95 127½	47 95 127½	47 95 127½	47 95 127½	47 95 127½	47 188 46½	47 188 46½	47 188 47	47 188 47	47 188 47	47 188 47	47 188 47	47 188 47	47 188 47
48	48 97 130½	48 97 130½	48 97 130½	48 97 130½	48 97 130½	48 192 47½	48 192 47½	48 192 48	48 192 48	48 192 48	48 192 48	48 192 48	48 192 48	48 192 48
49	49 99 133½	49 99 133½	49 99 133½	49 99 133½	49 99 133½	49 196 48½	49 196 48½	49 196 49	49 196 49	49 196 49	49 196 49	49 196 49	49 196 49	49 196 49
50	50 101 136½	50 101 136½	50 101 136½	50 101 136½	50 101 136½	50 200 49½	50 200 49½	50 200 50						

SCHEDULE (L.) of 42 G. 9. c. 116.—continued.

74 and under 75.	75 and under 76.	76 and under 77.	77 and under 78.	78 and under 79.	79 and under 80.	80 and under 81.	81 and under 82.	82 and under 83.	83 and under 84.	84 and under 85.	85 and under 86.	86 and under 87.	87 and under 88.
0 0 6 1/2	0 0 7	0 0 7	0 0 7	0 0 7 1/2	0 0 7 1/2	0 0 7 1/2	0 0 7 1/2	0 0 7 1/2	0 0 7 1/2	0 0 7 1/2	0 0 7 1/2	0 0 8	0 0 8
0 0 1 1 1/2	0 0 1 1 1/2	0 0 1 2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 2 1/2	0 0 1 4	0 0 1 4
0 0 1 8 1/2	0 0 1 8 1/2	0 0 1 9	0 0 1 9 1/2	0 0 1 9 1/2	0 0 1 10	0 0 1 10 1/2	0 0 1 10 1/2	0 0 1 10 1/2	0 0 1 11	0 0 1 11 1/2	0 0 1 11 1/2	0 0 1 11 1/2	0 0 2 0
0 2 3 1/2	0 2 4	0 2 4 1/2	0 2 4 1/2	0 2 4 1/2	0 2 5 1/2	0 2 5 1/2	0 2 5 1/2	0 2 5 1/2	0 2 6 1/2	0 2 7	0 2 7 1/2	0 2 7 1/2	0 2 8 1/2
0 4 6 1/2	0 4 7 1/2	0 4 8 1/2	0 4 9 1/2	0 4 9 1/2	0 4 10 1/2	0 4 11 1/2	0 4 11 1/2	0 4 11 1/2	0 4 11 1/2	0 4 12 1/2	0 4 12 1/2	0 4 12 1/2	0 4 13 1/2
0 6 10	0 6 11 1/2	0 6 11 1/2	0 6 11 1/2	0 6 11 1/2	0 6 12 1/2	0 6 12 1/2	0 6 12 1/2	0 6 12 1/2	0 6 12 1/2	0 6 12 1/2	0 6 12 1/2	0 6 12 1/2	0 6 13 1/2
0 9 1 1/2	0 9 3	0 9 4 1/2	0 9 5 1/2	0 9 6 1/2	0 9 7 1/2	0 9 8 1/2	0 9 9 1/2	0 9 10 1/2	0 9 11 1/2	0 9 12 1/2	0 9 13 1/2	0 9 14 1/2	0 9 15 1/2
0 11 4 1/2	0 11 6 1/2	0 11 8 1/2	0 11 10 1/2	0 12 0 1/2	0 12 1 1/2	0 12 2 1/2	0 12 3 1/2	0 12 4 1/2	0 12 5 1/2	0 12 6 1/2	0 12 7 1/2	0 12 8 1/2	0 12 9 1/2
0 13 8 1/2	0 13 10 1/2	0 14 0 1/2	0 14 2 1/2	0 14 4 1/2	0 14 6 1/2	0 14 8 1/2	0 14 10 1/2	0 15 0 1/2	0 15 2 1/2	0 15 4 1/2	0 15 6 1/2	0 15 8 1/2	0 15 10 1/2
0 15 11 1/2	0 16 2	0 16 4 1/2	0 16 6 1/2	0 16 8 1/2	0 17 0 1/2	0 17 2 1/2	0 17 4 1/2	0 17 6 1/2	0 17 8 1/2	0 18 0 1/2	0 18 2 1/2	0 18 4 1/2	0 18 6 1/2
0 18 3	0 18 5 1/2	0 18 8 1/2	0 18 11 1/2	0 19 0 1/2	0 19 2 1/2	0 19 4 1/2	0 19 6 1/2	0 19 8 1/2	0 19 10 1/2	0 20 0 1/2	0 20 2 1/2	0 20 4 1/2	0 20 6 1/2
1 0 6 1/2	1 0 9 1/2	1 1 0 1/2	1 1 3 1/2	1 1 6 1/2	1 1 9 1/2	1 1 12 1/2	1 1 15 1/2	1 1 18 1/2	1 1 21 1/2	1 1 24 1/2	1 1 27 1/2	1 1 30 1/2	1 1 33 1/2
1 2 9 1/2	1 3 1 1/2	1 3 3 1/2	1 3 5 1/2	1 3 7 1/2	1 3 9 1/2	1 3 11 1/2	1 3 13 1/2	1 3 15 1/2	1 3 17 1/2	1 3 19 1/2	1 3 21 1/2	1 3 23 1/2	1 3 25 1/2
1 5 1	1 5 5	1 5 9	1 5 13	1 5 17	1 5 21	1 5 25	1 5 29	1 5 33	1 5 37	1 5 41	1 5 45	1 5 49	1 5 53
1 7 4 1/2	1 7 8 1/2	1 8 1 1/2	1 8 5 1/2	1 8 9 1/2	1 8 13 1/2	1 8 17 1/2	1 8 21 1/2	1 8 25 1/2	1 8 29 1/2	1 8 33 1/2	1 8 37 1/2	1 8 41 1/2	1 8 45 1/2
2 14 8 1/2	2 15 5 1/2	2 16 2 1/2	2 16 11 1/2	2 17 8 1/2	2 18 4 1/2	2 19 0 1/2	2 19 6 1/2	2 19 12 1/2	2 19 18 1/2	2 19 24 1/2	2 19 30 1/2	2 19 36 1/2	2 19 42 1/2
4 2 1	4 3 2 1/2	4 4 3 1/2	4 5 4 1/2	4 6 5 1/2	4 7 6 1/2	4 8 7 1/2	4 9 8 1/2	4 10 9 1/2	4 11 10 1/2	4 12 11 1/2	4 13 12 1/2	4 14 13 1/2	4 15 14 1/2
5 9 5 1/2	5 10 1 1/2	5 12 4 1/2	5 13 10 1/2	5 15 3 1/2	5 16 9 1/2	5 18 3 1/2	5 19 9 1/2	5 21 3 1/2	5 22 9 1/2	5 24 3 1/2	5 25 9 1/2	5 27 3 1/2	5 28 9 1/2
6 16 9 1/2	6 18 7 1/2	6 20 5 1/2	6 22 3 1/2	6 24 1 1/2	6 26 1 1/2	6 2							

SCHEDULE (L.) of 42 G. S. c. 116.—continued.

	88 and under 89.	89 and under 90.	90 and under 91.	91 and under 92.	92 and under 93.	93 and under 94.	94 and under 95.	95 and under 96.	96 and under 97.	97 and under 98.	98 and under 99.	99 and under 100.	100 and under 101.
D. 1	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2	0 0 8 1/2
2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2	0 1 4 1/2
3	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2	0 2 0 1/2
4	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2	0 2 8 1/2
5	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2	0 5 5 1/2
6	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2	0 8 11 1/2
7	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2	0 10 10 1/2
8	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2	0 13 6 1/2
9	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2	0 16 3 1/2
10	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2	0 18 11 1/2
11	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2	1 1 8 1/2
S. 1	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6	1 12 6
2	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0	3 5 0
3	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2	4 17 5 1/2
4	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2	6 9 11 1/2
5	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2	8 2 5 1/2
6	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2	9 14 11 1/2
7	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2	11 7 5 1/2
8	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2	12 19 11 1/2
9	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2	14 12 5 1/2
10	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2	16 4 11 1/2
11	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2	17 17 5 1/2
12	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2	19 9 11 1/2
13	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2	21 2 5 1/2
14	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2	22 14 11 1/2
15	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2	24 7 5 1/2
16	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2	25 19 11 1/2
17	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2	27 12 5 1/2
18	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2	29 4 11 1/2
19	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5	30 17 5
£ 1	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2	32 9 11 1/2
2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2	64 19 10 1/2
3	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2	97 9 9 1/2
4	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2	129 19 8 1/2
5	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2	162 9 7 1/2
6	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2	194 19 6 1/2
7	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2	227 9 5 1/2
8	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2	259 19 4 1/2
9	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2	292 9 3 1/2
10	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2	324 19 2 1/2
20	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2	649 18 4 1/2

RULE FOR THE USE
OF THE FOREGOING
TABLE.

Let it be proposed to as-
certain, from this Table,
what sum of money is to
be paid for redeeming or
purchasing a Land Tax of
17 16s. 11 1/2d. when the
price of £3 per Cent. Bank
Annuitant is estimated on
the Receipts General Fund
be 70 and under 71.

In the Column deno-
tated
70
and under
71.

£10 0 0 — 928 28 2
7 0 0 — 181 15 5
0 15 0 — 20 14 5
0 0 11 — 1 3 5
0 0 0 — 0 1 7
£17 16 11 1/2 — 462 6 3

Amount of money to be
paid for the Redemption or
Purchase of £402 6 3

No. XXIV.—44 G. 3. c. 87. COTTON MANUFACTURES.
(See s. 19. pl. 28.)

FORM of the AWARD, to be written at the Foot or upon the Back of the Order of the Justices appointing the Arbitrators. (See s. 9. pl. 18.)

We *J. K.* and *L. M.* [name and describe the referees], the referees appointed to settle the matters in dispute between the parties within named [or, *J. K.* the referee on the part of the within *A. B.*, *L. M.* the referee appointed on the part of the within named *C. D.*], having, notwithstanding the notice, failed to attend on *N. O.* the justice [as the case may be], do hereby adjudge and determine, that [here set forth the determination to which the referees or referee, or justice, as the case may be, shall subscribe their names.]

FORM of INDORSEMENT, extending the Time limited for making the Award, to be written on the Foot or on the Back of the Order of the Justice appointing the Arbitrators.

We, *A. B.* and *C. D.* parties to the within arbitration, do hereby agree to extend the same to the day of inclusive. Witness our hands this day of

Witness *A. B.*
C. D.

FORM of ACKNOWLEDGEMENT of Fulfilment of the Award, to be written on the Foot or on the Back thereof.

I *A. B.* do hereby acknowledge, that the above award hath been fulfilled by *C. D.* who is hereby discharged of the same.

Witness my hand, this day of

Witness *A. B.*

FORM of CONVICTION for refusing or delaying to fulfil the Award.

Be it remembered, that on the day of in the year of his majesty's reign, and in the year of our Lord *A. B.* is convicted before me [or, name the justices of the peace for the county, riding, division, city, or place of], that the said *A. B.* has refused or delayed to fulfil the award within the time limited, contrary to the statute made in the forty-fourth year of his present majesty, intituled *An act* [here set forth the title of the act], and I [or, we] the said justice [or, justices] do hereby adjudge and determine the said *A. B.* for the said offence, to forfeit and lose the sum of of lawful money of Great Britain, and do order the same to be forthwith paid by him [her, or them, as the case may be].

No. XXV.—45 G. 3. c. 59. IRELAND (Parliament). pl. 67.

I *A. B.* of in the county of [or, of the county of the city, or, town of as the case may be], do swear [or, if a Quaker, affirm], that I am a freeholder of the county of and that I have a freehold therein, arising from [an house or houses, land, or both, or other hereditaments, as the case may be], of the clear yearly value of forty shillings at the least above all charges payable out of the same, lying and being at [naming the townland or townlands, or other denomination by which the place is generally known, and barony or half barony, or baronies or half baronies wherein it is situate], in this county [and if in a city or town, or county of a city or town, naming the same, and the street and square, row, alley, lane, or place]; and that the said freehold does not arise from a rent charge; and that the same arises by virtue of the deed, lease, or instrument which I now produce, bearing date the day of in the year for the life or lives of *A. B.* and *C. D.* [or in case the said freehold be not for life or lives, then stating the nature of his tenure, as the case may be], at the yearly rent of ; and that I am in the actual occupation thereof, by residing thereon, or by tilling, or by grazing, or by both tilling and grazing [as the case may be], to the amount of at least forty shillings yearly value thereof; and that the said freehold is not set or agreed to be set to the person or persons who executed the said deed, lease, or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to set the same to such person or persons, or any of them; and that I have not agreed to set it for the term for which I hold it; nor have I procured it fraudulently, or in exchange for a freehold in any other county. So help me GOD.

I *A. B.* of in the county of [or, of the town or city of], do swear [or, if a Quaker, do affirm], that I am a freeholder of this county; and that I have a freehold therein arising from a house or houses, land, or both, or other hereditaments [as the case may be], of the yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at in the barony or baronies, half barony or half baronies of in this county [and if in a city or town, or county of a city or town, naming the same, and the street, square, row, alley, lane or place]; and that the said freehold does not arise from a rent charge. So help me GOD.

If any candidate or elector shall desire the words following to be added: "And that the same arises by virtue of a deed, lease, or instrument [or otherwise, as the case may be], bearing date the day of in the year for the life or lives of ; and that the said one of the aforesaid lives, is still alive, to the best of my knowledge and belief [unless he is himself one of the lives, in which case he shall shew, that I am one of the lives therein, instead of the words, that the said one of the aforesaid lives, is still alive, to the best of my knowledge and belief;] [or in case the said freehold be not for life or lives, then stating the nature of his tenure], or

the words following: And that I have been in the actual occupation thereof for twelve successive calendar months, between [naming the day he registered the same], and [naming the date of the writ for holding this election], by residing thereon, or by tilling, and by grazing, or by both tilling and grazing [as the case may be], to the amount of at least forty shillings yearly value thereof [as the case may be]; or the words following: And that the said freehold is not set, or agreed to be set, to the person or persons who executed the said deed, lease, or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him or them; nor do I intend to set the same to such person or persons, or any of them; and that I have not set it, or agreed to set it, for the term for which I hold it; and that I have not been polled before at this election; and that I am, to the best of my belief, of the age of twenty-one years; the same shall, or so much thereof as shall be so desired, shall be added to the said oath or affirmation, before the person offering to vote shall be admitted to poll.

I *A. B.* clerk or deputy clerk of the peace for the county of [as the case may be], do swear, that I will faithfully and honestly, and without favour or affection, perform and discharge the several duties directed to be performed by the clerks and deputy clerks of the peace, by an act passed in the parliament of Ireland, in the thirty-fifth year of the reign of his present majesty, intituled *An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned*; and by an act passed in the forty-fifth year of his present majesty's reign, intituled [here set forth the title of this act]; and that I will not demand or receive any fee or fees, for discharging any of the said duties, which I am not entitled to by law. So help me GOD.

Name of Freeholder and Residence.	Name of Landlord and Residence.	Value of Freehold.	Description.	Situation.	Barony or Half Barony.	Names of Life or Lives or other Tenure.	Rent.	Date of Registry.

No. XXVI.—47 G. 3. sess. 1. c. 13. s. 5. BARRACKS. pl. 3.

I *A. B.* do swear, that according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by his majesty's warrant, dated the eighteenth day of September one thousand eight hundred and six, and by an act, intituled *An act* [here insert the title of this act], according to the tenor and purport of the said warrant and the said act.

No. XXVII.—48 G. 3. c. 73. CROWN PROPERTY.

By the Surveyor General of His Majesty's Land Revenue: (See s. 16. pl. 80.)

THESE are to certify, that the said surveyor general hath contracted and agreed on behalf of the king's most excellent majesty, with of for the [enfranchisement of] or [sale of the manorial rights belonging to the crown, in and upon] the copyhold or customary tenements herein-after mentioned, holden by the said by copy of court roll of his majesty's manor of in the county of (that is to say) all that [here insert the description of the premises] at or for the price or sum of to be paid by the said into the bank of England, and carried to the account of the lord high treasurer of England for enfranchisement of copyholds of crown manors [where there is a subsisting lease of the manor to insert] subject nevertheless [reverting the lease] and from and immediately after payment of the said sum in manner aforesaid, and the enrolment of this certificate and the receipt for the said sum in the office of the auditor of his majesty's land revenue for the county aforesaid, and in the court rolls of the said manor, and thenceforth for ever, the said and his heirs and assigns, shall hold and enjoy the said [premises as freehold in fee and common socage, freed and discharged of and from all fines, heriots, reliefs, quit-rents, and other customary dues and payments, suits and services whatsoever] or [manorial rights, in as full and ample a manner to all intents and purposes as his majesty, his heirs and successors, could or might have held and enjoyed the same] by virtue of an act of parliament, passed in the forty-eighth year of the reign of his majesty king George the third, intituled *An act* [here insert the title of this act]. Given under the hand of the said surveyor general, this day of

Witness to the signing by the said surveyor general,

APPENDIX.

RECEIVED the _____ day of _____ of and from the above-named _____ the sum of _____ of lawful money of Great Britain, being the consideration money expressed in the above written certificate. Witness my hand _____

For the governor and company of the bank of England,

Cashier,

(See s. 30. pl. 90.)

THESE are to witness, that in consideration of the conveyance of certain lands [describing them] to his said majesty, in right of his crown, from C. D. [and also in consideration of the sum of _____ paid by the said C. D. for equality of exchange to the surveyor general of the land revenue of the crown] the said surveyor general for and on behalf of his majesty, doth by these presents grant, bargain and sell unto the said C. D., his heirs and assigns, all [describe the parcels of land, &c. sold]. To have and to hold the said [parcels, &c.] hereby bargained and sold, and all benefits and advantage thereto belonging, unto and to the use of the said C. D., his heirs and assigns, for ever. In witness whereof the same surveyor general hath hereunto set his hand and seal, this _____ day of _____ in the year of our Lord

Witness to the execution by the said surveyor general

Conveyance by the Person with whom the Exchange is proposed to be made :
(See s. 30. pl. 90.)

THESE are to witness, that C. D. of _____ in the county of _____ in consideration of the conveyance to him the said C. D. from the surveyor general of the land revenue of the crown, for and on behalf of his majesty, of a certain parcel of land [describing it] and also of the sum of _____ paid to him by the said surveyor general on behalf of his said majesty, for equality of exchange [if the case be so] doth by these presents grant, bargain, and sell unto his majesty, his heirs and successors, all that parcel of land [describing it]; to have and to hold the same to his said majesty, his heirs and successors, in right of his crown. In witness whereof the said C. D. hath hereunto set his hand and seal, this _____ day of _____ in the year of our Lord

Witness to the execution of the said C. D.

No. XXVIII.—48 G. 3. c. 96. IDIOT and LUNATIC.

No. 1. (See s. 4. pl. 65.)

FORM of AGREEMENT for uniting the Counties or Ridings, &c. [as the case may be] of A., B. and C.; for the Purpose of providing a Lunatic Asylum, or House for the Reception of Lunatics and Insane Persons, pursuant to the Statute of the Forty-eighth Year of King George the Third.

It is agreed this _____ day of _____ by and between the committees of justices of the peace severally appointed for the counties [or ridings, cities, &c. as the case may be] of A., B., C. to treat for the uniting of the said counties for the purposes of an act (for the better care and maintenance of paupers and criminal lunatics) passed in the forty-eighth year of his majesty king George the third, that the said counties [&c. as the case may be] shall from henceforth be united for the purposes of the said act, and adopt in all respects the provisions, rules, orders, and regulations, and comply with all the requisites prescribed by the said act for counties uniting for those purposes; and that a lunatic asylum or house for the reception of lunatics and other insane persons, with all necessary buildings, courts, yards, and outlets, shall be immediately provided at or near _____ and properly fitted up and accommodated for the purposes mentioned in the said act; and that the necessary expences attending upon the providing, building, fitting up, repairs and maintenance of the said lunatic asylum, shall be defrayed by the said counties so united, in the following proportions; that is to say,

The county of A. four-ninths of the said expences.

The county of B. three-ninths of the same.

The county of C. two-ninths of the same [or as the case may be.]

And we do further agree, that the committee of visiting justices to superintend the building, erection, and management of the said lunatic asylum, shall consist of eighteen [or, as the case may be]; whereof the justices of the peace for the said county of A. shall appoint eight, the justices of the peace for the county of B. shall appoint six, and the justices of the peace for the county of C. shall appoint four: And hereunto we, the undersigned justices of the peace, being the major part of each of the said committees of justices for the said several counties, do, on the part and behalf of the said counties, set our hands and seals, this _____ day of _____ in the year

No. 2. (See s. 8. pl. 71.)

FORM of Mortgage and Charge upon the County Rates for securing the Money borrowed.

WE A. B. one of his majesty's justices of the peace and chairman of the court of quarter sessions of the peace for the county, &c. of _____ [as the case shall be] holden at _____ the _____ day of _____ C. D. and E. F. esquires, two other of his majesty's justices of the peace acting for the said county, &c. and assembled in the said court, in pursuance of the powers to us given by an act passed in the forty-eighth year of the reign of his majesty king George the third, intituled [&c. here insert the title of the act] Do hereby in open court mortgage and charge all the rates to be raised within the said county [&c. as the case shall be] under the description of county rates by the laws now in being, with the payment of the sum of _____ which G. H. of _____ hath proposed and agreed to lend, and hath now actually advanced and paid towards defraying the expences of purchasing lands for building, repairing, [&c. as the case shall be] the lunatic asylum for the said county, [&c. or the united counties of, &c. as the case may be]. And we do hereby confirm and establish the same unto the said G. H. his executors, administrators, and assigns, for securing the repayment of the said sum of _____ and interest for the same, after the rate of _____ per centum per annum, and do order the treasurer for such county, &c. or other person [as the case shall be] to pay the interest of the said sum of _____ half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the directions of the said act.

No. XXIX. — 50 G. 3. c. 87. East India Company.

SCHEDULE (A.) (See s. 1. pl. 636.)

I A. B. being enlisted to serve in the [infantry or artillery, as the case may be] of the East India company, do swear, that I will bear true allegiance to our sovereign lord king George, and that I will, as in duty bound, defend him in his person, crown and dignity, against all his enemies; and I swear, that I will also be true to the said united company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

SCHEDULE (B.) (See s. 1. pl. 636.)

I A. B. do make oath, that I am [or, have been, as the case may be] [state occupation, if any, or state if none] and to the best of my knowledge and belief was born in [state county, parish, or place, &c.], and that I am of the age of _____ years; that I do not belong to the militia or to any regiment in his majesty's service, or to his majesty's navy or marines; and that I will serve the united company of merchants of England trading to the East Indies until I shall be duly and legally discharged, [or, if the recruit enlists for limited service, then leave out the words scored under, and insert] for the period of twelve years, [if the person enlisting is of the age of eighteen years or upwards, but if under eighteen years, then the difference between his age and eighteen to be applied to such twelve years, as the case may be, and such period to be inserted instead of twelve years] provided the said united company should for so long require my service.

SCHEDULE (C.) See s. 1. pl. 636.)

I _____ one of his majesty's justices of the peace of _____ [or chief magistrate of _____] do hereby certify, that _____ appeared to be _____ years old, _____ feet _____ inches high _____ complexion, _____ eyes, _____ hair, came before me at _____ on the _____ day of _____ and stated himself to be of the age of _____ years, and that he had no rupture, and was not troubled with fits, and was no ways disabled by lameness, deafness, or otherwise, but had the perfect use of his limbs and hearing, and was not an apprentice; and acknowledged that he had voluntarily enlisted himself for the bounty of _____ to serve the united company of merchants of England trading to the East Indies, and did engage to serve for the period of _____ [this blank to be filled up by the magistrate, either until discharged, or for years, as in the preceding form of enlisting]; and I do hereby certify, that in my presence the third and fourth articles of the second section, and first article of the sixth section of the articles of war against mutiny and desertion were read over to him, and he took the oath of fidelity mentioned in the act of the fiftieth year of his present majesty, and also the oath above set forth, and that he received the sum of _____ on being attested; and that I have given to the said _____ a duplicate of this certificate signed with my name.

SCHEDULE

TABLE of the RATES of PILOTAGE for piloting Ships from the River to the Downs and Thames to London, and

FROM	TO	7 Feet and under.	8 Feet.	9 Feet.	10 Feet.	11 Feet.	12 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Sea, Orfordness, the Downs, Hosely Bay, and <i>vice versa</i>	Nore or Warps - - -	4 0 0	4 10 0	5 0 0	5 10 0	5 15 0	6 16 0
	Gravesend, Chatham, Standgate Creek or Blackstakes } - -	5 0 0	5 17 0	6 14 0	7 10 0	8 5 0	9 0 0
	Longreach - - -	5 5 0	6 2 0	6 19 0	7 15 0	8 12 0	9 10 0
	Woolwich or Blackwall - -	5 15 0	6 12 0	7 9 0	8 5 0	9 5 0	10 0 0
	Moorings or London Docks	6 6 0	7 1 0	7 16 0	8 11 0	9 15 0	10 10 0
The Nore or Warp, or thereabouts, and <i>vice versa</i> - - -	Gravesend, Standgate Creek or Blackstakes - - } - -	2 2 0	2 7 0	2 11 0	2 15 0	3 5 0	3 12 0
	Longreach or Chatham - -	2 10 0	2 15 0	3 0 0	3 5 0	3 15 0	4 5 0
	Woolwich or Blackwall - -	3 0 0	3 7 0	3 14 0	4 0 0	4 10 0	4 18 0
	Moorings or London Docks	3 10 0	3 17 0	4 4 0	4 10 0	5 5 0	5 15 0
Gravesend Reach, and <i>vice versa</i> - - -	Longreach - - -	0 10 0	0 16 0	1 2 0	1 7 6	1 12 6	1 17 6
	Woolwich or Blackwall - -	1 5 0	1 10 0	1 15 0	2 0 0	2 8 0	2 18 0
	Moorings or London Docks	1 10 0	1 17 0	2 4 0	2 10 0	3 0 0	3 10 0
	Sheerness or Blackstakes - -	3 0 0	3 4 0	3 7 0	3 10 0	4 0 0	4 10 0
	Chatham - - -	3 10 0	3 14 0	3 17 0	4 0 0	4 10 0	5 0 0
Longreach, and <i>vice versa</i> - - -	Woolwich or Blackwall - -	1 0 0	1 4 0	1 7 0	1 10 0	2 0 0	2 10 0
	Moorings or London Docks	1 10 0	1 14 0	1 17 0	2 0 0	2 10 0	3 0 0
	Sheerness or Blackstakes - -	3 10 0	3 14 0	3 17 0	4 0 0	4 10 0	5 0 0
	Chatham - - -	4 0 0	4 4 0	4 7 0	4 10 0	5 0 0	5 10 0
Woolwich or Blackwall, and <i>vice versa</i>	Moorings or London Docks	1 0 0	1 4 0	1 7 0	1 10 0	1 12 6	1 15 0
	Sheerness or Blackstakes - -	4 0 0	4 4 0	4 7 0	4 10 0	5 0 0	5 10 0
	Chatham - - -	4 10 0	4 14 0	4 17 0	5 0 0	5 10 0	6 0 0

Ships not having British Registers are to pay One-fourth more of the Rates of Pilotage than stated in the above

For Half a Foot exceeding the above Draughts of Water
For intermediate Distances a proportionate Rate.

For removing a Ship or Vessel from Moorings

For a Ship under 300 Tons -

300 to 600 - -

600 to 1,000 - -

above 1,000 - -

In the River Thames above Gravesend { For a Boat of a Class carrying an Anchor of above 4 cwt.
- - Do. - with an Anchor above 2 cwt. and
- - Do. - with an Anchor under 2 cwt. &c.
And for each Man's Service in those

PILOTAGE.

(A.) (See s. 3. pl. 4.)

up and down the North Channel, from and to Hosely Bay; or from or off the Entrance of the to Sea from the River.

13 Feet.	14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
7 5 0	8 0 0	8 10 0	9 10 0	10 5 0	11 16 0	12 10 0	14 0 0	15 10 0	18 0 0	20 0 0
9 15 0	10 10 0	11 5 0	12 0 0	12 15 0	15 6 0	18 2 0	21 0 0	23 2 0	25 4 0	27 6 0
10 5 0	10 17 6	11 15 0	12 10 0	14 6 6	16 16 0	20 4 0	23 2 0	25 0 0	27 0 0	29 0 0
11 0 0	12 0 0	12 15 0	13 10 0	15 8 0	17 14 0	21 5 0	24 0 0	27 0 0	30 0 0	—
11 10 0	12 10 0	13 10 0	14 5 0	16 0 0	18 10 0	22 6 0	25 5 0	—	—	—
3 18 0	4 2 0	4 10 0	4 18 0	5 10 0	6 6 0	7 0 0	8 8 0	9 9 0	10 10 0	11 11 0
4 10 0	4 14 6	5 2 0	5 14 0	6 6 0	7 7 0	9 0 0	10 10 0	11 11 0	12 12 0	13 13 0
5 7 6	5 18 0	6 6 0	6 15 0	7 15 0	8 18 0	10 0 0	12 12 0	13 13 0	15 0 0	—
6 5 0	6 15 0	7 5 0	7 15 0	8 15 0	10 0 0	12 0 0	14 0 0	15 0 0	—	—
2 2 6	2 7 6	2 12 6	2 17 6	3 2 6	3 7 6	3 12 6	3 17 6	5 0 0	6 0 0	—
3 8 0	3 18 0	4 5 0	4 13 0	5 2 0	5 10 0	6 15 0	8 5 0	9 15 0	10 10 0	—
4 0 0	4 10 0	5 0 0	5 10 0	6 0 0	6 10 0	8 0 0	9 10 0	—	—	—
5 0 0	5 10 0	6 0 0	6 10 0	7 0 0	7 10 0	8 0 0	8 10 0	—	—	—
5 10 0	6 0 0	6 10 0	7 0 0	7 10 0	8 0 0	8 10 0	9 0 0	—	—	—
3 0 0	3 10 0	4 0 0	4 10 0	5 0 0	5 12 6	6 6 0	7 0 0	9 0 0	10 0 0	—
3 10 0	4 0 0	4 10 0	5 0 0	5 12 6	6 6 0	7 0 0	8 0 0	10 0 0	—	—
5 10 0	6 0 0	6 10 0	7 0 0	7 10 0	8 0 0	8 10 0	9 0 0	9 10 0	—	—
6 0 0	6 10 0	7 0 0	7 10 0	8 0 0	8 10 0	9 0 0	9 10 0	10 0 0	—	—
2 0 0	2 5 0	2 10 0	2 15 0	3 0 0	3 5 0	3 10 0	3 15 0	—	—	—
6 0 0	6 10 0	7 0 0	7 10 0	8 0 0	8 10 0	9 0 0	9 10 0	—	—	—
6 10 0	7 0 0	7 10 0	8 0 0	8 10 0	9 0 0	9 10 0	10 0 0	—	—	—

Table, (except chiefly laden with Corn or other Provisions) and which is to be paid at the Custom House.
the Medium Price between the Two Limits.

into a Dry or Wet Dock :

- £0 15 0
- 1 1 0
- 1 11 6
- 2 2 0

with a corresponding Tow Line, the Rate £2 2 0 } Per Trip for the whole Distance from Gravesend
corresponding Tow Line - - - 1 11 6 } to London; and in proportion for any Part of
- - - 1 1 0 } that Distance.

Boats, 10s. 6d. per Tide.

No. XXX.—SCHEDULE of
SCHEDULE

A TABLE of the respective Rates to be received by the Pilots of the Cinque

FROM	TO	Under 7 Feet.	From 7 Feet to 10 Feet.	11 Feet.	12 Feet.	13 Feet.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
The Downs -	Nore, Sheerness, Standgate Creek, Gravesend -	5 5 0	7 17 6	8 13 3	9 9 0	10 4 9
	Longreach - - -	5 16 0	8 8 6	9 9 0	10 4 9	11 3 0
	Blackwall or London - -	6 12 3	8 19 6	10 4 9	11 0 6	12 1 6
Standgate Creek - -	Gravesend - - -	3 6 2	3 17 0	4 8 2	4 19 0	5 10 3

For every Half Foot exceeding 10 Feet of the above Draughts of Water, an

For intermediate Distances a proportionate Rate equal to Half the Difference

Ships and Vessels which shall be boarded by Pilots Westward

- For putting a Pilot on board, and for Pilotage to the Anchorage in the Downs.
1. From off Dungeness to the Downs - - -
 2. From the Westward of Folkstone to the Downs -
 3. From the Westward of Dover to the Downs, a Ship the South Pier Head on with the Citadel on the
 4. From off Dover, and Westward of the South Foreland
 5. From off the South Foreland, and to the Northward or for coming on board when at anchor there -

Ships not having British Registers, to pay One fourth more of the Rates of Pilotage than is stated in this Table, added £10 *per Cent.* when the Number of Cinque Port Pilots shall be increased to 160, and £20 *per Cent.* when the Cinque Ports or by his Authority, in the London Gazette, and in one or more Newspapers circulating in

- In the River above Gravesend.
- For a Boat of a Class carrying an Anchor of above 4 cwt. with a
 - Ditto - - - with an Anchor above 2 cwt. and
 - Ditto - - - with an Anchor under 2 cwt. &c.
 - And for each Man's Service in those Boats, 10s. 6d. *per Tide.*

SCHEDULE (C.) (See s. 8. *pl.* 9.)

OATH to be taken by the Master and Wardens of the Society of The Cinque Port Pilots.

I *A. B.* do swear, That I will diligently and impartially examine and inquire into the Capacity and Skill of in the Art of piloting Ships and Vessels over the Flats, and round the Long Sand Head, and up the Rivers of *Thames* and *Medway*, and into *Ramsgate*, *Dover*, *Sandwich*, and *Margate* Harbours; and also upon the Coasts of *Flanders* and *Holland*; and will make true and speedy Return thereof to the Lord Warden of the Cinque Ports for the Time being, or his Deputy, without Favour, Affection, Fee, or Reward.
So help me GOD.

APPENDIX.

xxiii

52 G. 3. c. 39. continued.—PILOTAGE.

(B.) (See s. 9. pl. 10.)

Port Establishment, according to the Regulations established by this Act.

14 Feet.	15 Feet.	16 Feet.	17 Feet.	18 Feet.	19 Feet.	20 Feet.	21 Feet.	22 Feet.	23 Feet and upwards.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
11 0 6	11 16 3	12 12 0	13 7 9	16 1 3	19 0 0	22 1 0	24 5 0	26 9 2	28 13 3
11 18 10	12 18 3	13 14 0	15 0 9	17 14 4	21 4 2	24 5 1	26 9 2	28 13 3	30 17 4
12 17 3	14 0 4	14 16 0	16 13 9	19 7 5	23 8 3	26 9 2	28 13 3	—	—
6 1 3	6 12 3	7 3 3	7 14 4	8 5 4	8 16 4	9 7 4	—	—	—

increased Rate, equal to the Medium between the Two Limits, is to be paid.

between the Two Limits.

of the Downs are to pay the several Rates following :

	£	s.	d.
- - - - -	-	5	5 0
- - - - -	-	4	4 0
to be deemed West of Dover until she shall have passed the Flag Staffs on } Eastern Redoubt on the Heights	-	3	3 0
to the Downs	-	2	2 0
of that Promontory to the Anchorage in the Downs, }	-	1	1 0

except such as are chiefly laden with Corn or other Provisions. To all the several Rates above mentioned shall be they shall be increased to 180 ; of which increased Numbers respectively Notice shall be given by the Lord Warden of the Counties of Middlesex and Kent.

	£	s.	d.	
corresponding Tow Line, the Rate	-	2	2 0	} Per Trip for the whole Distance from Gravesend to London, and in proportion for any Part of this Distance.
corresponding Tow Line	-	1	11 6	
- - - - -	-	1	1 0	

SCHEDULE (D.) (See s. 20. pl. 22.)

OATH to be taken by Sub-Commissioners for Pilotage.

I A.B. do swear, That I will diligently and impartially examine into the Capacity and Skill of in the Art of piloting Ships and Vessels into the Roadstead, Port, or Harbour, and upon the Coast following, *videlicet*, [here describe the Limits within which the Person examined is intended to act as a Pilot] and will make true and speedy Return thereof to the Corporation of Trinity House of Deptford Strond, without Favour, Affection, Fee, or Reward, other than such Fee or Reward as is allowed by the Bye-Laws or Regulations duly established in that Behalf. So help me GOD.

making wheaten bread, standard wheaten bread, and household bread, taken separately, which shall, by means of the returns made to me as receiver of assize returns, under the directions and regulations of an act passed in the fifty-third year of the reign of king George the third, intituled *[here insert the title of this act]*, appear to have been bought within the times specified in the said returns; and also that I will at all times as aforesaid make a true and correct average of the prices of the whole quantity of wheat, and a true and correct average of the prices of the whole quantity of wheaten flour fit for making wheaten bread, standard wheaten bread, and household bread, taken separately, which, by means of the said returns made to me, shall appear to have been so bought, according to the directions and regulations of the said act; and that I will in all things, to the best of my skill and judgment, conform myself, as receiver of assize returns, to the directions of the said act.

Schedule, No. 1. (See s. 3. pl. 80.)

FORM OF RETURN OF WHEAT.

An ACCOUNT of all the Wheat fit for the Purpose of making Wheaten Bread, bought or sold *[as the Case may be]* by *[insert Name]* of *[insert Residence]* in the Parish of *[insert Dates]* both inclusive.

Date when bought or sold.	Seller's or Buyer's Name and Residence.	Quantities of Wheat.		Price per Quarter.	Total Price.
		Quarters.	Bushels.		

Schedule, No. 2. (See s. 3. pl. 80.)

FORM OF RETURN OF WHEATEN FLOUR.

An ACCOUNT of all the Flour fit for making Wheaten Bread, bought or sold, *[as the Case may be]* by *[Name]* of *[Residence]* in the Parish of *[insert Dates]* both inclusive.

Date when bought or sold.	Seller's or Buyer's Name and Residence.	Number of Sacks.	Price per Sack.

Schedule, No. 3. (See s. 3. pl. 80.)

FORM OF RETURN OF STANDARD WHEATEN FLOUR.

An ACCOUNT of all the Flour fit for making Standard Wheaten Bread, bought or sold, *[as the case may be]* by *[Name]* of *[Residence]* in the Parish of *[insert Dates]* both inclusive.

Date when bought or sold.	Seller's or Buyer's Name and Residence.	Number of Sacks.	Price per Sack.

N. B. The Flour included in this return is to weigh three-fourths of the weight of the wheat of which it is made.

Schedule, No. 4. (See s. 3. pl. 80.)

FORM OF RETURN OF HOUSEHOLD FLOUR.

An ACCOUNT of all the Flour fit for making Household Bread bought or sold *[as the case may be]* by *[Name]* of *[Residence]* in the Parish of *[insert Dates]* both inclusive.

Date when bought or sold.	Seller's or Buyer's Name and Residence.	Number of Sacks.	Price per Sack.

Schedule, No. 5. (See s. 3. pl. 80.)

FORM OF NOTICE when an Assize of Bread is intended to be set for any Place.

[Insert name of place] } NOTICE is hereby given, that by virtue of an act of
to wit. } parliament passed in the fifty-third year of the reign
of king George the third, intituled *An Act [here insert the title of this act]* an
assize of bread is intended to be set for this *[insert city, or what it may be]*; and
all cornfactors, millers, mealmen, bakers, and other persons who are dealers in
wheat or wheat flour, and residing or carrying on their business within this juris-
diction, or who buy or sell wheat or wheat flour, either in the public market or by
private contract within the same, or within five miles thereof *[to be added where it
is intended to call for returns within that distance]* are hereby required, on *[insert
day]* in each week, till further notice, to make returns according to the forms an-
nexed to the said act, and according to the regulations of the same, to *[insert name]*
who has been duly appointed receiver of assize returns under the said act, at *[insert
place where returns to be made]* of the true and precise quantities of all wheat and
wheaten flour respectively, fit for making wheaten bread, standard wheaten bread,
and household bread, which shall have been bought or sold by them within seven
days preceding in each week, and the true and exact prices for which such wheat
or wheaten flour shall have been respectively bought or sold, and the names and
residences of the persons of whom bought, or to whom sold; and which returns
are to be signed by the party making the same: And all persons required by this
notice to make any such returns who shall neglect or refuse to make the same, or
who shall make any false returns, will be liable to a penalty for each offence not
exceeding the sum of ten pounds.

(Signed) *A. B.*
Receiver of assize returns for
[insert name of place].

APPENDIX.

THE ASSIZE TABLE.

THE PRICE TABLE.

When the Average Price of WHEAT				When the Average Price of FLOUR		B R E A D.						No. of Assize and Price.		The Penny Loaf, To weigh		The Two-penny Loaf, To weigh		The Three-penny Loaf, To weigh		The Sixpenny Loaf, To weigh		The Twelve-penny Loaf, To weigh		The Eighteen-penny Loaf, To weigh													
Is returned at		Add for Grinding, Baking, &c. 13s. 4d. per Quarter, or 8d. per Peck Loaf.		OR		Is returned at		Add Baking, &c. 13s. 4d. per Sack.		Total Price and Baking per Sack.		Price of Peck Loaf. To weigh 17 lb. 6 oz.		Price of Half Peck Loaf. To weigh 8 lb. 11 oz.		Price of Quarter Loaf. To weigh 4 lb. 5 oz. 8 dr.		Price of Half Quart. Loaf. To weigh 2 lb. 2 oz. 12 dr.																			
No.	per Quarter.	per Bushel.										s.	d.	s.	d.	s.	d.	s.	d.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.										
1.	39	8	4	11 1/2	55	6	33	4	46	8	4	2	4	1	2	0	7	0	3 1/4	9	14	1	3	13	3	11	9	7	2	11	2	11					
2.	41	8	5	2 1/2	57	6	35	0	48	4	0	2	5	1	2 1/2	0	7 1/4	0	3 3/4	9	9	1	3	2	3	9	8	7	3	0	10	12	8				
3.	43	8	5	5 1/2	59	6	36	8	50	0	0	2	6	1	3	0	7 1/2	0	3 3/4	9	4	1	2	8	3	7	9	6	15	3	10	6	12				
4.	45	8	5	8 1/2	61	6	38	4	51	8	4	2	7	1	3 1/2	0	7 3/4	0	3 3/4	8	15	1	1	14	3	5	12	6	11	9	10	1	6				
5.	47	8	5	11 1/2	63	6	40	0	53	4	0	2	8	1	4	0	8	0	4	5	8	11	1	1	6	3	4	2	6	8	4	9	12	6			
6.	49	8	6	2 1/2	65	6	41	8	55	0	0	2	9	1	4 1/2	0	8 1/4	0	4 1/4	8	6	1	0	13	3	2	8	6	5	1	9	7	10				
7.	51	8	6	5 1/2	67	6	43	4	56	8	0	2	10	1	5	0	8 1/2	0	4 1/4	8	2	1	0	5	3	1	0	6	2	1	9	3	2				
8.	53	8	6	8 1/2	69	6	45	0	58	4	0	2	11	1	5 1/2	0	8 3/4	0	4 1/4	7	15	0	15	14	1	7	13	5	15	5	8	14	15				
9.	55	8	6	11 1/2	71	6	46	8	60	0	0	3	0	1	6	0	9	0	4 1/2	7	11	0	15	7	1	7	2	5	12	10	8	11	0				
10.	57	8	7	2 1/2	73	6	48	4	61	8	0	3	1	1	6 1/2	0	9 1/4	0	4 1/2	7	8	0	15	0	1	6	8	2	13	1	5	10	2	8	7	3	
11.	59	8	7	5 1/2	75	6	50	0	63	4	0	3	2	1	7	0	9 1/4	0	4 1/2	5	7	5	0	14	10	1	5	15	5	7	12	8	3	10			
12.	61	8	7	8 1/2	77	6	51	8	65	0	0	3	3	1	7 1/2	0	9 3/4	0	4 3/4	2	7	2	0	14	4	1	5	6	5	8	8	0	4	4			
13.	63	8	7	11 1/2	79	6	53	4	66	8	0	3	4	1	8 1/2	0	10 1/4	0	5 1/4	6	15	0	13	14	1	4	13	2	9	11	5	3	6	7	13	1	
14.	65	8	8	2 1/2	81	6	55	0	68	4	0	3	5	1	8 1/2	0	10 1/4	0	5 1/4	6	12	0	13	8	1	4	5	2	8	10	5	1	5	7	10	0	
15.	67	8	8	5 1/2	83	6	56	8	70	0	0	3	6	1	9	0	10 1/2	0	5 1/4	6	9	0	13	3	1	3	13	2	7	11	4	15	6	7	7	2	
16.	69	8	8	8 1/2	85	6	58	4	71	8	0	3	7	1	9 1/2	0	10 1/2	0	5 1/4	6	7	0	12	14	1	3	6	2	6	12	4	13	9	7	4	5	
17.	71	8	8	11 1/2	87	6	60	0	73	4	0	3	8	1	10	0	11	0	5 1/4	5	10	0	11	5	1	2	15	2	5	14	4	11	13	7	1	11	
18.	73	8	9	2 1/2	89	6	61	8	75	0	0	3	9	1	10 1/2	0	11 1/4	0	5 1/4	6	2	0	12	5	1	2	8	5	1	4	10	2	6	15	3	3	
19.	75	8	9	5 1/2	91	6	63	4	76	8	0	3	10	1	11	0	11 1/4	0	5 1/4	6	0	0	12	1	1	2	2	4	4	8	8	6	12	12	6	10	7
20.	77	8	9	8 1/2	93	6	65	0	78	4	0	3	11	1	11 1/2	0	11 1/2	0	5 1/4	5	14	0	11	13	1	1	11	2	3	7	2	4	6	15	6	10	7
21.	79	8	9	11 1/2	95	6	66	8	80	0	0	4	0	2	0	1	0	10	0	5	12	0	11	9	1	1	6	2	2	12	4	5	8	6	8	4	
22.	81	0	10	2 1/2	96	10	68	4	81	8	0	4	1	2	0 1/2	1	0 1/4	0	6 1/4	5	10	0	11	5	1	1	0	0	2	2	0	4	4	1	6	6	1
23.	83	0	10	5 1/2	98	10	70	0	83	4	0	4	2	2	1	1	0 1/2	0	6 1/4	5	8	0	11	1	1	0	10	2	1	5	4	2	11	6	4	1	
24.	85	0	10	8 1/2	100	10	71	8	85	0	0	4	3	2	1 1/2	1	0 3/4	0	6 1/4	5	7	0	10	14	1	0	5	2	0	11	4	1	6	6	2	1	
25.	87	0	10	11 1/2	102	10	73	4	86	8	0	4	4	2	2	1	1	0	6 1/2	5	5	0	10	11	1	0	0	2	0	1	4	0	2	6	0	3	
26.	89	0	11	2 1/2	104	10	75	0	88	4	0	4	5	2	2 1/2	1	1 1/4	0	6 3/4	5	3	0	10	7	0	15	11	1	15	7	3	14	15	5	14	6	
27.	91	0	11	5 1/2	106	10	76	8	90	0	0	4	6	2	3	1	1 1/4	0	6 3/4	5	2	0	10	4	0	15	7	1	14	14	3	13	12	5	12	10	
28.	93	0	11	8 1/2	108	10	78	4	91	8	0	4	7	2	3 1/2	1	1 1/2	0	6 3/4	5	0	0	10	1	0	15	2	1	14	5	3	12	10	5	10	15	
29.	95	0	11	11 1/2	110	10	80	0	93	4	0	4	8	2	4	1	2	0	7	4	15	0	9	14	0	14	14	1	13	13	3	11	11	5	9	8	
30.	97	0	12	2 1/2	112	10	81	8	95	0	0	4	9	2	4 1/2	1	2 1/4	0	7 1/4	4	14	0	9	12	0	14	10	1	13	4	3	10	8	5	7	12	
31.	99	0	12	5 1/2	114	10	83	4	96	8	0	4	10	2	5	1	2 1/4	0	7 1/4	4	12	0	9	9	0	14	6	1	12	12	3	9	8	5	6	4	
32.	101	0	12	8 1/2	116	10	85	0	98	4	0	4	11	2	5 1/2	1	2 3/4	0	7 1/4	4	11	0	9	6	0	14	2	1	12	4	3	8	8	5	4	3	
33.	103	0	12	11 1/2	118	10	86	8	100	0	0	5	0	2	6	1	3	0	7 1/4	4	10	0	9	4	0	13	14	1	11	12	3	7	9	5	3	6	
34.	105	0	13	2 1/2	120	10	88	4	101	8	0	5	1	2	6 1/2	1	3 1/4	0	7 1/4	4	8	0	9	1	0	13	10	1	11	5	3	6	11	5	2	0	
35.	107	0	13	5 1/2	122	10	90	0	103	4	0	5	2	2	7	1	3 1/2	0	7 1/4	4	7	0	8	15	0	13	7	1	10	14	3	5	12	5	0	11	
36.	109	0	13	8 1/2	124	10	91	8	105	0	0	5	3	2	7 1/2	1	3 3/4	0	7 1/4	4	6	0	8	13	0	13	3	1	10	7	3	4	15	4	15	6	
37.	111	0	13	11 1/2	126	10	93	4	106	8	0	5	4	2	8	1	4	0	8	4	5	0	8	11	0	13	0	1	10	1	3	4	2	4	14	3	
38.	113	0	14	2 1/2	128	10	95	0	108	4	0	5	5	2	8 1/2	1	4 1/4	0	8 1/4	4	4	0	8	8	0	12	13	1	9	10	3	3	5	4	12	15	
39.	115	0	14	5 1/2	130	10	96	8	110	0	0	5	6	2	9	1	4 1/4	0	8 1/4	4	3	0	8	6	0	12	10	1	9	4	3	2	8	4	11	13	
40.	117	0	14	8 1/2	132	10	98	4	111	8	0	5	7	2	9 1/2	1	4 3/4	0	8 1/4	4	2	0	8	4	0	12	7	1	8	14	3	1	12	4	10	10	

Schedule, No. 6.—TABLE of the PRICE and ASSIZE of WHEATEN BREAD, from the PRICE of WHEAT and from the PRICE of FLOUR—continued.

APPENDIX.

xxvii

THE PRICE TABLE.										THE ASSIZE TABLE.									
When the Average Price of WHEAT					When the Average Price of FLOUR					BREAD.					No. of Assize and Price.				
Is returned at	Add for Grinding, Baking, &c. 15s. 10d. per Quarter, or 5d. per Peck Loaf.	Total Price and Baking per Quarter.	per Sack.	Is returned at	Add Baking, &c. 13s. 4d. per Sack.	Total Price and Baking per Sack.	Price of Peck Loaf. To weigh 17 lb. 6 oz.	Price of Half Peck Loaf. To weigh 8 lb. 11 oz.	Price of Quarter Loaf. To weigh 4 lb. 5 oz. 8 dr.	s.	d.	s.	d.	s.	d.	oz.	dr.	lb.	oz.
No.	per Quarter.	per Bushel.																	
41.	119 0	14 10 $\frac{1}{2}$	134 10	s.	d.	100 0	113 4	s.	d.	2 10	0	1 5	0	8 $\frac{1}{2}$	0	4 1	0	8 2	41.
42.	121 0	15 1 $\frac{1}{2}$	136 10	s.	d.	101 8	115 0	s.	d.	2 10 $\frac{1}{2}$	0	1 5 $\frac{1}{2}$	0	8 $\frac{1}{2}$	0	4 0	0	8 0	42.
43.	123 0	15 4 $\frac{1}{2}$	138 10	s.	d.	103 4	116 8	s.	d.	2 11	0	1 5 $\frac{3}{4}$	0	8 $\frac{3}{4}$	0	3 15	0	7 15	43.
44.	125 0	15 7 $\frac{1}{2}$	140 10	s.	d.	105 0	118 4	s.	d.	2 11 $\frac{1}{2}$	0	1 5 $\frac{3}{4}$	0	8 $\frac{3}{4}$	0	3 14	0	7 13	44.
45.	127 0	15 10 $\frac{1}{2}$	142 10	s.	d.	106 8	120 0	s.	d.	3 0	0	1 6	0	9	0	3 13	0	7 11	45.
46.	129 0	16 1 $\frac{1}{2}$	144 10	s.	d.	108 4	121 8	s.	d.	3 0 $\frac{1}{2}$	0	1 6 $\frac{1}{4}$	0	9 $\frac{1}{4}$	0	3 12	0	7 9	46.
47.	131 0	16 4 $\frac{1}{2}$	146 10	s.	d.	110 0	123 4	s.	d.	3 1	0	1 6 $\frac{1}{2}$	0	9 $\frac{1}{2}$	0	3 12	0	7 8	47.
48.	133 0	16 7 $\frac{1}{2}$	148 10	s.	d.	111 8	125 0	s.	d.	3 1 $\frac{1}{2}$	0	1 6 $\frac{3}{4}$	0	9 $\frac{3}{4}$	0	3 11	0	7 6	48.
49.	135 0	16 10 $\frac{1}{2}$	150 10	s.	d.	113 4	126 8	s.	d.	3 2	0	1 7	0	9 $\frac{1}{2}$	0	3 10	0	7 5	49.
50.	137 0	17 1 $\frac{1}{2}$	152 10	s.	d.	115 0	128 4	s.	d.	3 2 $\frac{1}{2}$	0	1 7 $\frac{1}{4}$	0	9 $\frac{3}{4}$	0	3 9	0	7 3	50.
51.	139 0	17 4 $\frac{1}{2}$	154 10	s.	d.	116 8	130 0	s.	d.	3 3	0	1 7 $\frac{1}{2}$	0	9 $\frac{3}{4}$	0	3 9	0	7 2	51.
52.	141 0	17 7 $\frac{1}{2}$	156 10	s.	d.	118 4	131 8	s.	d.	3 3 $\frac{1}{2}$	0	1 7 $\frac{3}{4}$	0	9 $\frac{3}{4}$	0	3 8	0	7 0	52.
53.	143 0	17 10 $\frac{1}{2}$	158 10	s.	d.	120 0	133 4	s.	d.	3 4	0	1 8	0	10	0	3 7	0	6 15	53.
54.	145 0	18 1 $\frac{1}{2}$	160 10	s.	d.	121 8	135 0	s.	d.	3 4 $\frac{1}{2}$	0	1 8 $\frac{1}{4}$	0	10 $\frac{1}{4}$	0	3 6	0	6 13	54.
55.	147 0	18 4 $\frac{1}{2}$	162 10	s.	d.	123 4	136 8	s.	d.	3 5	0	1 8 $\frac{1}{2}$	0	10 $\frac{1}{2}$	0	3 6	0	6 12	55.
56.	149 0	18 7 $\frac{1}{2}$	164 10	s.	d.	125 0	138 4	s.	d.	3 5 $\frac{1}{2}$	0	1 8 $\frac{3}{4}$	0	10 $\frac{3}{4}$	0	3 5	0	6 11	56.
57.	150 0	18 9	166 10	s.	d.	126 8	140 0	s.	d.	3 6	0	1 9	0	10 $\frac{3}{4}$	0	3 4	0	6 9	57.
58.	152 6	19 0 $\frac{1}{2}$	168 4	s.	d.	128 4	141 8	s.	d.	3 6 $\frac{1}{2}$	0	1 9 $\frac{1}{4}$	0	10 $\frac{3}{4}$	0	3 4	0	6 8	58.
59.	154 6	19 3 $\frac{1}{4}$	170 4	s.	d.	130 0	143 4	s.	d.	3 7	0	1 9 $\frac{1}{2}$	0	10 $\frac{3}{4}$	0	3 3	0	6 7	59.
60.	156 6	19 6 $\frac{1}{4}$	172 4	s.	d.	131 8	145 0	s.	d.	3 7 $\frac{1}{2}$	0	1 9 $\frac{3}{4}$	0	10 $\frac{3}{4}$	0	3 3	0	6 6	60.
61.	158 6	19 9 $\frac{1}{4}$	174 4	s.	d.	133 4	146 8	s.	d.	3 8	0	1 10	0	11	0	3 2	0	6 5	61.
62.	160 6	20 0 $\frac{1}{4}$	176 4	s.	d.	135 0	148 4	s.	d.	3 8 $\frac{1}{2}$	0	1 10 $\frac{1}{4}$	0	11 $\frac{1}{4}$	0	3 1	0	6 3	62.
63.	162 6	20 3 $\frac{1}{4}$	178 4	s.	d.	136 8	150 0	s.	d.	3 9	0	1 10 $\frac{1}{2}$	0	11 $\frac{1}{2}$	0	3 1	0	6 2	63.
64.	164 6	20 6 $\frac{1}{4}$	180 4	s.	d.	138 4	151 8	s.	d.	3 9 $\frac{1}{2}$	0	1 10 $\frac{3}{4}$	0	11 $\frac{3}{4}$	0	3 0	0	6 1	64.
65.	166 6	20 9 $\frac{1}{4}$	182 4	s.	d.	140 0	153 4	s.	d.	3 10	0	1 11	0	11 $\frac{3}{4}$	0	3 0	0	6 0	65.
66.	168 6	21 0 $\frac{3}{4}$	184 4	s.	d.	141 8	155 0	s.	d.	3 10 $\frac{1}{2}$	0	1 11 $\frac{1}{4}$	0	11 $\frac{3}{4}$	0	2 15	0	5 15	66.
67.	170 6	21 3 $\frac{3}{4}$	186 4	s.	d.	143 4	156 8	s.	d.	3 11	0	1 11 $\frac{1}{2}$	0	11 $\frac{3}{4}$	0	2 15	0	5 14	67.
68.	172 6	21 6 $\frac{3}{4}$	188 4	s.	d.	145 0	158 4	s.	d.	3 11 $\frac{1}{2}$	0	1 11 $\frac{3}{4}$	0	11 $\frac{3}{4}$	0	2 14	0	5 13	68.
69.	174 6	21 9 $\frac{3}{4}$	190 4	s.	d.	146 8	160 0	s.	d.	4 0	0	2 0	0	1 0	0	2 14	0	5 12	69.
70.	176 6	22 0 $\frac{3}{4}$	192 4	s.	d.	148 4	161 8	s.	d.	4 0 $\frac{1}{2}$	0	2 0 $\frac{1}{4}$	0	1 0 $\frac{1}{4}$	0	2 13	0	5 11	70.
71.	178 6	22 3 $\frac{3}{4}$	194 4	s.	d.	150 0	163 4	s.	d.	4 1	0	2 0 $\frac{1}{2}$	0	1 0 $\frac{1}{2}$	0	2 13	0	5 10	71.
72.	180 6	22 6 $\frac{3}{4}$	196 4	s.	d.	151 8	165 0	s.	d.	4 1 $\frac{1}{2}$	0	2 0 $\frac{3}{4}$	0	1 0 $\frac{3}{4}$	0	2 12	0	5 9	72.

N. B.—By this Table, the Number of Pounds of Bread to be sold as the Price of a Quarter of Wheat, including the Allowance as above, is 413 Pounds Avoirdupois; and, for the Sack of Flour, 347 Pounds 8 Ounces Avoirdupois.

Schedule, No. 7.—TABLE of the PRICE and ASSIZE of STANDARD WHEATEN BREAD, from the PRICE of WHEAT and from the PRICE of FLOUR.

THE PRICE TABLE.										THE ASSIZE TABLE.																		
When the Average Price of WHEAT				When the Average Price of FLOUR				B R E A D.				No. of Assize and Price.		The Penny Loaf, To weigh		The Two-penny Loaf, To weigh		The Three-penny Loaf, To weigh		The Six-penny Loaf, To weigh		The Twelve-penny Loaf, To weigh		The Eighteen-penny Loaf, To weigh				
No.	per Quarter.	Is returned at	Add for Grinding, Baking, &c. 16s. 8d. per Quarter, or 8d. per Peck Loaf.	Total Price and Baking per Quarter.	per Sack.	Total Price and Baking per Sack.	Is returned at		Add Baking, &c. 13s. 4d. per Sack.	When the Average Price of FLOUR	s.	d.	Price of Peck Loaf. To weigh 17 lb. 6 oz.	Price of Half Peck Loaf. To weigh 8 lb. 11 oz.	Price of Quarter Loaf. To weigh 4 lb. 5 oz. 8 dr.	Price of Half Quart. Loaf. To weigh 2 lb. 2 oz. 12 dr.	s.	d.	s.	d.	oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.		
							s.	d.																			s.	d.
1.	39	6	56	2	45	0	31	8	45	0	2	3	1	1 1/2	0	6 3/4	0	3 1/2	0	3 1/2	10	7	3	14	10	7	13	4
2.	41	6	58	2	46	8	33	4	46	8	2	4	1	2	0	7	0	3 3/4	0	3 3/4	2	9	14	3	11	9	7	2
3.	43	8	60	4	48	4	35	0	48	4	2	5	1	2 1/2	0	7 1/4	0	3 3/4	0	3 3/4	3	9	9	3	9	8	7	3
4.	45	8	62	4	50	0	36	8	50	0	2	6	1	3	0	7 3/4	0	3 3/4	0	3 3/4	4	8	15	3	7	9	6	15
5.	47	10	64	6	51	8	38	4	51	8	2	7	1	3 1/2	0	7 3/4	0	3 3/4	0	3 3/4	5	8	12	3	5	12	10	1
6.	49	10	66	6	53	4	40	0	53	4	2	8	1	4	0	8	0	4	0	4	6	11	1	3	4	2	6	12
7.	52	0	68	8	55	0	41	8	55	0	2	9	1	4 1/2	0	8 1/4	0	4 1/4	0	4 1/4	7	8	2	3	2	8	5	10
8.	54	2	70	10	56	8	43	4	56	8	2	10	1	5	0	8 3/4	0	4 1/4	0	4 1/4	8	2	1	3	1	9	3	11
9.	56	2	72	10	58	4	45	0	58	4	2	11	1	5 1/2	0	8 3/4	0	4 1/4	0	4 1/4	9	7	15	2	15	10	5	12
10.	58	4	75	0	60	0	46	8	60	0	3	0	1	6	0	9	0	4 1/2	0	4 1/2	10	7	11	2	14	5	12	10
11.	60	4	77	0	61	8	48	4	61	8	3	1	1	6 1/2	0	9 1/4	0	4 3/4	0	4 3/4	11	8	1	1	10	4	5	13
12.	62	6	79	2	63	4	50	0	63	4	3	2	1	7	0	9 1/2	0	4 3/4	0	4 3/4	12	7	5	2	11	14	5	7
13.	64	6	81	2	65	0	51	8	65	0	3	3	1	7 1/2	0	9 3/4	0	4 3/4	0	4 3/4	13	6	4	2	12	15	5	8
14.	66	8	83	4	66	8	53	4	66	8	3	4	1	8	0	10 1/4	0	5	0	5	14	6	15	2	13	16	7	13
15.	68	8	85	4	68	4	55	0	68	4	3	5	1	8 1/2	0	10 1/2	0	5 1/4	0	5 1/4	15	6	12	2	14	17	8	14
16.	70	10	87	6	70	0	56	8	70	0	3	6	1	9	0	10 3/4	0	5 1/4	0	5 1/4	16	9	13	1	15	18	9	15
17.	72	10	89	6	71	8	58	4	71	8	3	7	1	9 1/2	0	10 3/4	0	5 1/4	0	5 1/4	17	7	14	2	16	19	10	16
18.	75	0	91	8	73	4	60	0	73	4	3	8	1	10	0	11	0	5 1/2	0	5 1/2	18	6	15	3	17	20	11	17
19.	77	0	93	8	75	0	61	8	75	0	3	9	1	10 1/2	0	11 1/4	0	5 1/2	0	5 1/2	19	6	16	4	18	21	12	18
20.	79	2	95	10	76	8	63	4	76	8	3	10	1	11	0	11 1/2	0	5 3/4	0	5 3/4	20	7	17	5	19	22	13	19
21.	81	2	97	10	78	4	65	0	78	4	3	11	1	11 1/2	0	11 3/4	0	5 3/4	0	5 3/4	21	4	18	6	20	23	14	20
22.	83	4	100	0	80	0	66	8	80	0	4	0	2	0	1	12	0	6	0	6	22	4	19	7	21	24	15	21
23.	85	4	102	0	81	8	68	4	81	8	4	1	2	0 1/2	1	0 1/4	0	6 1/4	0	6 1/4	23	4	20	8	22	25	16	22
24.	87	6	104	2	83	4	70	0	83	4	4	2	2	1	1	0 1/2	0	6 1/4	0	6 1/4	24	4	21	9	23	26	17	23
25.	89	6	106	2	85	0	71	8	85	0	4	3	2	1 1/2	1	0 3/4	0	6 1/2	0	6 1/2	25	4	22	10	24	27	18	24
26.	91	8	108	4	86	8	73	4	86	8	4	4	2	2	1	1	0	6 1/2	0	6 1/2	26	4	23	11	25	28	19	25
27.	93	8	110	4	88	4	75	0	88	4	4	5	2	2 1/2	1	1 1/4	0	6 3/4	0	6 3/4	27	4	24	12	26	29	20	26
28.	95	10	112	6	90	0	76	8	90	0	4	6	2	3	1	1 1/2	0	6 3/4	0	6 3/4	28	4	25	13	27	30	21	27
29.	97	10	114	6	91	8	78	4	91	8	4	7	2	3 1/2	1	1 3/4	0	6 3/4	0	6 3/4	29	4	26	14	28	31	22	28
30.	100	0	116	8	93	4	80	0	93	4	4	8	2	4	1	2	0	7	0	7	30	4	27	15	29	32	23	29
31.	102	0	118	8	95	0	81	8	95	0	4	9	2	4 1/2	1	2 1/4	0	7 1/4	0	7 1/4	31	4	28	16	30	33	24	30
32.	104	2	120	10	96	8	83	4	96	8	4	10	2	5	1	2 1/2	0	7 1/4	0	7 1/4	32	4	29	17	31	34	25	31
33.	106	2	122	10	98	4	85	0	98	4	4	11	2	5 1/2	1	2 3/4	0	7 1/4	0	7 1/4	33	4	30	18	32	35	26	32
34.	108	4	125	0	100	0	86	8	100	0	5	0	2	6	1	3	0	7 1/2	0	7 1/2	34	4	31	19	33	36	27	33
35.	110	4	127	0	101	8	88	4	101	8	5	1	2	6 1/2	1	3 1/4	0	7 1/2	0	7 1/2	35	4	32	20	34	37	28	34

APPENDIX.

THE ASSIZE TABLE.

THE PRICE TABLE.										THE ASSIZE TABLE.																					
When the Average Price of WHEAT				When the Average Price of FLOUR		B R E A D.				No. of Assize and Price.		The Penny Loaf, To weigh		The Two-penny Loaf, To weigh		The Three-penny Loaf, To weigh		The Six-penny Loaf, To weigh		The Twelve-penny Loaf, To weigh		The Eighteen-penny Loaf, To weigh									
Is returned at		Add for Grinding, Baking, &c. 16s. 8d. per Quarter, or 8d. per Peck Loaf.		Of		Is returned at		Add Baking, &c. 13s. 4d. per Sack.		Total Price and Baking per Quarter.		per Sack.		Price of Peck Loaf. To weigh 17lb. 6oz.		Price of Half Peck Loaf. To weigh 8lb. 11oz.		Price of Quarter Loaf. To weigh 4lb. 5oz. 8dr.		Price of Half Quart. Loaf. To weigh 2lb. 2oz. 12 dr.											
No.	per Quarter.	per Bushel.	Total Price and Baking per Quarter.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.
36.	112 6	14 0 1/2	129 2	103 4	90 0	111 8	5 2	2 7	1 3 1/2	0 7 3/4	36.	4 4	0 8 15	0 13 7	1 10 14	3 5 12	3 5 12	5 0 11													
37.	114 6	14 3 1/2	131 2	105 0	91 8	113 4	5 3	2 7 1/2	1 3 3/4	0 7 3/4	37.	4 6	0 8 13	0 13 3	1 10 7	3 4 15	3 4 15	4 15 6													
38.	116 6	14 7	133 4	106 0	93 4	115 0	5 4	2 8	1 4 0	0 8	38.	4 5	0 8 11	0 13 0	1 10 1	3 4 2	3 4 2	4 14 3													
39.	118 8	14 10	135 4	108 4	95 0	116 8	5 5	2 8 1/2	1 4 1/4	0 8 1/4	39.	4 4	0 8 8	0 12 13	1 9 10	3 3 5	3 3 5	4 12 15													
40.	120 10	15 1 1/4	137 6	110 0	96 8	118 4	5 6	2 9	1 4 1/2	0 8 1/2	40.	4 3	0 8 6	0 12 10	1 9 4	3 2 8	3 2 8	4 11 13													
41.	122 10	15 4 1/4	139 6	111 8	98 4	120 0	5 7	2 9 1/2	1 4 3/4	0 8 1/4	41.	4 2	0 8 4	0 12 7	1 8 14	3 1 12	3 1 12	4 10 10													
42.	125 0	15 7 1/2	141 8	113 4	100 0	121 8	5 8	2 10	1 5	0 8 1/2	42.	4 1	0 8 2	0 12 4	1 8 8	3 1 0	3 1 0	4 9 9													
43.	127 0	15 10 1/2	143 8	115 0	101 8	123 4	5 9	2 10 1/2	1 5 1/4	0 8 3/4	43.	4 0	0 8 0	0 12 1	1 8 2	3 0 5	3 0 5	4 8 8													
44.	129 2	16 1 3/4	145 10	116 8	103 4	125 0	5 10	2 11	1 5 1/2	0 8 3/4	44.	3 15	0 7 15	0 11 14	1 7 13	2 15 10	2 15 10	4 7 7													
45.	131 2	16 4 3/4	147 10	118 4	105 0	126 8	5 11	2 11 1/2	1 5 3/4	0 8 3/4	45.	3 14	0 7 13	0 11 11	1 7 7	2 14 15	2 14 15	4 6 7													
46.	133 4	16 8	150 0	120 0	106 8	128 4	6 0	3 0	1 6	0 9	46.	3 13	0 7 11	0 11 9	1 7 2	2 14 5	2 14 5	4 5 8													
47.	135 4	16 11	152 0	121 8	108 4	129 2	6 1	3 0 1/2	1 6 1/4	0 9 1/4	47.	3 12	0 7 9	0 11 6	1 6 13	2 13 11	2 13 11	4 4 8													
48.	137 6	17 2 1/4	154 2	123 4	110 0	131 8	6 2	3 1	1 6 1/2	0 9 1/2	48.	3 12	0 7 8	0 11 4	1 6 8	2 13 1	2 13 1	4 3 9													
49.	139 6	17 5 1/4	156 2	125 0	111 8	133 4	6 3	3 1 1/2	1 6 3/4	0 9 1/2	49.	3 11	0 7 6	0 11 1	1 6 3	2 12 7	2 12 7	4 2 11													
50.	141 8	17 8 1/2	158 4	126 8	113 4	135 0	6 4	3 2	1 7	0 9 1/2	50.	3 10	0 7 5	0 10 15	1 5 15	2 11 14	2 11 14	4 1 13													
51.	143 8	17 11 1/2	160 4	128 4	115 0	136 8	6 5	3 2 1/2	1 7 1/4	0 9 3/4	51.	3 9	0 7 3	0 10 13	1 5 10	2 11 5	2 11 5	4 0 15													
52.	145 10	18 2 3/4	162 6	130 0	116 8	138 4	6 6	3 3	1 7 1/2	0 9 3/4	52.	3 9	0 7 2	0 10 11	1 5 6	2 10 12	2 10 12	4 0 2													
53.	147 10	18 5 3/4	164 6	131 8	118 4	140 0	6 7	3 3 1/2	1 7 3/4	0 9 3/4	53.	3 8	0 7 0	0 10 8	1 5 1	2 10 3	2 10 3	3 15 15													
54.	150 0	18 9	166 8	133 4	120 0	141 8	6 8	3 4	1 8	0 10	54.	3 7	0 6 15	0 10 6	1 4 13	2 9 11	2 9 11	3 14 9													
55.	152 0	19 0	168 8	135 0	121 8	143 4	6 9	3 4 1/2	1 8 1/4	0 10 1/4	55.	3 6	0 6 13	0 10 4	1 4 9	2 9 2	2 9 2	3 13 12													
56.	154 2	19 3 1/4	170 10	136 8	123 4	145 0	6 10	3 5	1 8 1/2	0 10 1/2	56.	3 6	0 6 12	0 10 2	1 4 5	2 8 10	2 8 10	3 13 0													
57.	156 2	19 6 1/4	172 10	138 4	125 0	146 8	6 11	3 5 1/2	1 8 3/4	0 10 1/2	57.	3 5	0 6 11	0 10 0	1 4 1	2 8 3	2 8 3	3 12 4													
58.	158 4	19 9 1/4	175 0	140 0	126 8	148 4	7 0	3 6	1 9	0 10 1/2	58.	3 4	0 6 9	0 9 14	1 3 13	2 7 11	2 7 11	3 11 9													
59.	160 4	20 0 1/4	177 0	141 8	128 4	149 0	7 1	3 6 1/2	1 9 1/4	0 10 3/4	59.	3 4	0 6 8	0 9 12	1 3 9	2 7 3	2 7 3	3 10 13													
60.	162 6	20 3 3/4	179 2	143 4	130 0	151 8	7 2	3 7	1 9 1/2	0 10 3/4	60.	3 3	0 6 7	0 9 11	1 3 6	2 6 12	2 6 12	3 10 2													
61.	164 6	20 6 3/4	181 2	145 0	131 8	153 4	7 3	3 7 1/2	1 9 3/4	0 10 3/4	61.	3 3	0 6 6	0 9 9	1 3 2	2 6 5	2 6 5	3 9 8													
62.	166 8	20 10	183 4	146 8	133 4	155 0	7 4	3 8	1 10	0 11	62.	3 2	0 6 5	0 9 7	1 2 15	2 5 14	2 5 14	3 8 13													
63.	168 8	21 1	185 4	148 4	135 0	156 8	7 5	3 8 1/2	1 10 1/4	0 11 1/4	63.	3 1	0 6 3	0 9 5	1 2 11	2 5 7	2 5 7	3 8 3													
64.	170 10	21 4 1/4	187 6	150 0	136 8	158 4	7 6	3 9	1 10 1/2	0 11 1/2	64.	3 1	0 6 2	0 9 4	1 2 8	2 5 1	2 5 1	3 7 9													
65.	172 10	21 7 1/4	189 6	151 8	138 4	160 0	7 7	3 9 1/2	1 10 3/4	0 11 3/4	65.	3 0	0 6 1	0 9 2	1 2 5	2 4 10	2 4 10	3 6 15													
66.	175 0	21 10 1/2	191 8	153 4	140 0	161 8	7 8	3 10	1 11	0 11 3/4	66.	3 0	0 6 0	0 9 1	1 2 2	2 4 4	2 4 4	3 6 6													
67.	177 0	22 1 1/2	193 8	155 0	141 8	163 4	7 9	3 10 1/2	1 11 1/4	0 11 3/4	67.	2 15	0 5 15	0 8 14	1 1 13	2 3 10	2 3 10	3 5 3													
68.	179 2	22 4 3/4	195 10	156 8	143 4	165 0	7 10	3 11	1 11 1/2	0 11 3/4	68.	2 15	0 5 14	0 8 13	1 1 11	2 3 7	2 3 7	3 5 7													
69.	181 2	22 7 1/4	197 10	158 4	145 0	167 8	7 11	3 11 1/2	1 11 3/4	0 11 3/4	69.	2 14	0 5 13	0 8 12	1 1 8	2 3 1	2 3 1	3 4 10													
70.	183 4	22 11	200 0	160 0	146 8	169 0	8 0	4 0	2 0	1 0	70.	2 14	0 5 12	0 8 11	1 1 6	2 2 12	2 2 12	3 4 2													

N. B.—By this Table, the Number of Pounds of Bread to be sold as the Price of a Quarter of Wheat, including the Allowance as above, is 434 Pounds Avoirdupois; and for the Sack of Flour, 347 Pounds 8 Ounces.

Schedule, No. 8.—TABLE of the PRICE and ASSIZE of HOUSEHOLD BREAD from the PRICE of WHEAT and from the PRICE of FLOUR.

APPENDIX.

THE PRICE TABLE.										THE ASSIZE TABLE.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
When the Average Price of WHEAT				When the Average Price of FLOUR				BREAD.				No. of Assize and Price.		The Penny Loaf, To weigh	The Two-penny Loaf, To weigh	The Three-penny Loaf, To weigh	The Six-penny Loaf, To weigh	The Twelve-penny Loaf, To weigh	The Eighteen-penny Loaf, To weigh																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
No.	per Quarter.	per Bushel.	Total Price and Baking per Quarter.	Is returned at	Add for Grinding, Baking, &c. 18s. per Quarter, or 8d. per Peck Loaf.	Is returned at	Add Baking, &c. 13s. 4d. per Sack.	Total Price and Baking per Sack.	per Sack.	Price of Peck Loaf. To weigh 17 lb. 6 oz.	Price of Half Peck Loaf. To weigh 8 lb. 11 oz.	Price of Quarter Loaf. To weigh 4 lb. 5 oz. 8 dr.	Price of Half Quart. Loaf. To weigh 2 lb. 2 oz. 12 dr.	oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
																				s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
1.	38	2	4 9 1/2	28	4	56	2	41	8	2	1	0 1/2	0 6 1/2	0 3 1/2	11	1	2	10	11	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

APPENDIX.

xxx

THE PRICE TABLE.										THE ASSIZE TABLE.							
When the Average Price of WHEAT				When the Average Price of FLOUR		BREAD.				No. of Assize and Price.		The Penny Loaf.	The Two-penny Loaf.	The Three-penny Loaf.	The Six-penny Loaf.	The Twelve-penny Loaf.	The Eighteen-penny Loaf.
No.	Is returned at	Add for Grinding, Baking, &c. 18s. per Quarter, or 8d. per Peck Loaf.	Total Price and Baking per Quarter.	per Sack.	Total Price and Baking per Sack.	Price of Peck Loaf. To weigh 17 lb. 6 oz.	Price of Half Peck Loaf. To weigh 8 lb. 11 oz.	Price of Quarter Loaf. To weigh 4 lb. 5 oz. 8 dr.	Price of Half Quart. Loaf. To weigh 2 lb. 2 oz. 12 dr.	oz. dr.	lb. oz. dr.	To weigh	To weigh	To weigh	To weigh	To weigh	To weigh
36.	116 8	14 7	134 8	86 8	100 0	5 0	2 6	1 3	0 7 $\frac{1}{2}$	36.	4 10	0 9 4	0 13 14	1 11 12	3 7 9	5 3 6	
37.	119 0	14 10 $\frac{1}{2}$	137 0	88 4	101 8	5 1	2 6 $\frac{1}{2}$	1 3 $\frac{1}{2}$	0 7 $\frac{3}{4}$	37.	4 8	0 9 1	0 13 10	1 11 5	3 6 11	5 2 0	
38.	121 2	15 1 $\frac{1}{2}$	139 2	90 0	103 4	5 2	2 7	1 3 $\frac{3}{4}$	0 7 $\frac{3}{4}$	38.	4 7	0 8 15	0 13 7	1 10 14	3 5 12	5 0 11	
39.	123 6	15 5 $\frac{1}{4}$	141 6	91 8	105 0	5 3	2 7 $\frac{1}{2}$	1 3 $\frac{3}{4}$	0 7 $\frac{3}{4}$	39.	4 6	0 8 13	0 13 3	1 10 7	3 4 15	4 15 6	
40.	125 8	15 8 $\frac{1}{2}$	143 8	93 4	106 8	5 4	2 8	1 4	0 8	40.	4 5	0 8 11	0 13 0	1 10 1	3 4 2	4 14 3	
41.	128 0	16 0	146 0	95 0	108 4	5 5	2 8 $\frac{1}{2}$	1 4 $\frac{1}{2}$	0 8 $\frac{1}{2}$	41.	4 4	0 8 8	0 12 13	1 9 10	3 3 5	4 12 15	
42.	130 2	16 3 $\frac{1}{4}$	148 2	96 8	110 0	5 6	2 9	1 4 $\frac{1}{2}$	0 8 $\frac{1}{2}$	42.	4 3	0 8 6	0 12 10	1 9 4	3 2 8	4 11 13	
43.	132 4	16 6 $\frac{1}{2}$	150 4	98 4	111 8	5 7	2 9 $\frac{1}{2}$	1 4 $\frac{1}{2}$	0 8 $\frac{1}{2}$	43.	4 2	0 8 4	0 12 7	1 8 14	3 1 12	4 10 10	
44.	134 8	16 10	152 8	100 0	113 4	5 8	2 10	1 5	0 8 $\frac{1}{2}$	44.	4 1	0 8 2	0 12 4	1 8 8	3 1 0	4 9 9	
45.	136 8	17 1	154 8	101 8	115 0	5 9	2 10 $\frac{1}{2}$	1 5 $\frac{1}{2}$	0 8 $\frac{1}{2}$	45.	4 0	0 8 0	0 12 1	1 8 2	3 0 5	4 8 8	
46.	139 0	17 4 $\frac{1}{2}$	157 0	103 4	116 8	5 10	2 11	1 5 $\frac{1}{2}$	0 8 $\frac{1}{2}$	46.	3 15	0 7 15	0 11 14	1 7 13	2 15 10	4 7 7	
47.	141 2	17 7 $\frac{1}{2}$	159 2	105 0	118 4	5 11	2 11 $\frac{1}{2}$	1 5 $\frac{1}{2}$	0 8 $\frac{1}{2}$	47.	3 14	0 7 13	0 11 11	1 7 7	2 14 15	4 6 7	
48.	143 6	17 11 $\frac{1}{4}$	161 6	106 8	120 0	6 0	3 0	1 6	0 9	48.	3 13	0 7 11	0 11 9	1 7 2	2 14 5	4 5 8	
49.	145 8	18 2 $\frac{1}{2}$	163 8	108 4	121 8	6 1	3 0 $\frac{1}{2}$	1 6 $\frac{1}{2}$	0 9 $\frac{1}{2}$	49.	3 12	0 7 9	0 11 6	1 6 13	2 13 11	4 4 8	
50.	148 0	18 6	166 0	110 0	123 4	6 2	3 1	1 6 $\frac{1}{2}$	0 9 $\frac{1}{2}$	50.	3 12	0 7 8	0 11 4	1 6 8	2 13 1	4 3 9	
51.	150 4	18 9 $\frac{1}{2}$	168 4	111 8	125 0	6 3	3 1 $\frac{1}{2}$	1 6 $\frac{3}{4}$	0 9 $\frac{1}{2}$	51.	3 11	0 7 6	0 11 1	1 6 3	2 12 7	4 2 11	
52.	152 8	19 1	170 8	113 4	126 8	6 4	3 2	1 7	0 9 $\frac{1}{2}$	52.	3 10	0 7 5	0 10 15	1 5 15	2 11 14	4 1 13	
53.	154 8	19 4	172 8	115 0	128 4	6 5	3 2 $\frac{1}{2}$	1 7 $\frac{1}{2}$	0 9 $\frac{1}{2}$	53.	3 9	0 7 3	0 10 13	1 5 10	2 11 5	4 0 15	
54.	157 0	19 7 $\frac{1}{2}$	175 0	116 8	130 0	6 6	3 3	1 7 $\frac{1}{2}$	0 9 $\frac{1}{2}$	54.	3 9	0 7 2	0 10 11	1 5 6	2 10 12	4 0 2	
55.	159 2	19 10 $\frac{1}{4}$	177 2	118 4	131 8	6 7	3 3 $\frac{1}{2}$	1 7 $\frac{3}{4}$	0 9 $\frac{1}{2}$	55.	3 8	0 7 0	0 10 8	1 5 1	2 10 3	3 15 15	
56.	161 6	20 2 $\frac{1}{4}$	179 6	120 0	133 4	6 8	3 4	1 8	0 10	56.	3 7	0 6 15	0 10 6	1 4 13	2 9 11	3 14 9	
57.	163 8	20 5 $\frac{1}{2}$	181 8	121 8	135 0	6 9	3 4 $\frac{1}{2}$	1 8 $\frac{1}{2}$	0 10 $\frac{1}{2}$	57.	3 6	0 6 13	0 10 4	1 4 9	2 9 2	3 13 12	
58.	166 0	20 9	184 0	123 4	136 8	6 10	3 5	1 8 $\frac{1}{2}$	0 10 $\frac{1}{2}$	58.	3 6	0 6 12	0 10 2	1 4 5	2 8 10	3 13 0	
59.	168 4	21 0 $\frac{1}{2}$	186 4	125 0	138 4	6 11	3 5 $\frac{1}{2}$	1 8 $\frac{3}{4}$	0 10 $\frac{1}{2}$	59.	3 5	0 6 11	0 10 0	1 4 1	2 8 3	3 12 4	
60.	170 8	21 4	188 8	126 8	140 0	7 0	3 6	1 9	0 10 $\frac{1}{2}$	60.	3 4	0 6 9	0 9 14	1 3 13	2 7 11	3 11 9	
61.	173 0	21 7 $\frac{1}{2}$	191 0	128 4	141 8	7 1	3 6 $\frac{1}{2}$	1 9 $\frac{1}{2}$	0 10 $\frac{1}{2}$	61.	3 4	0 6 8	0 9 12	1 3 9	2 7 3	3 10 13	
62.	175 2	21 10 $\frac{1}{4}$	193 2	130 0	143 4	7 2	3 7	1 9 $\frac{3}{4}$	0 10 $\frac{1}{2}$	62.	3 3	0 6 7	0 9 11	1 3 6	2 6 12	3 10 2	
63.	177 6	22 2 $\frac{1}{4}$	195 6	131 8	145 0	7 3	3 7 $\frac{1}{2}$	1 9 $\frac{3}{4}$	0 10 $\frac{1}{2}$	63.	3 3	0 6 6	0 9 9	1 3 2	2 6 5	3 9 8	
64.	179 8	22 5 $\frac{1}{2}$	197 8	133 4	146 8	7 4	3 8	1 10	0 10 $\frac{1}{2}$	64.	3 2	0 6 5	0 9 7	1 2 15	2 5 14	3 8 13	
65.	182 0	22 9	200 0	135 0	148 4	7 5	3 8 $\frac{1}{2}$	1 10 $\frac{1}{2}$	0 10 $\frac{1}{2}$	65.	3 1	0 6 3	0 9 5	1 2 11	2 5 7	3 8 3	

N. B. — By this Table, the Number of Pounds of Bread to be sold as the Price of a Quarter of Wheat, including the Allowance as above, is 468 lbs. Avordupois, and for the Sack of Flour 347 lbs. 8 oz.

No. XXXV. — 53 G. 3. c. 127. COURTS ECCLESIASTICAL.

SCHEDULE (A.) (See s. 1. pl. 33.)

Significavit of Party being Contumacious and in Contempt.

To his most excellent majesty and our sovereign lord George the third, by the grace of God, of the united kingdom of Great Britain and Ireland king, defender of the faith, by Divine Providence, &c. health in Him by whom kings and princes rule and govern: We hereby notify and signify unto your majesty, that one of in the county of hath been duly pronounced guilty of manifest contumacy and contempt of the law and jurisdiction ecclesiastical, in not [as the case may be] appearing before [here set out the style of the ecclesiastical judge or his representative], or in not obeying the lawful commands [here set out the commands] of [such judge or representative], or in having committed a contempt in the face of the court of [such judge or representative] lawfully authorized, by [here set out the nature and manner of such contempt], on a day and hour now long past, in a certain cause of [here set out the nature of the cause, and the names of the parties to the same]. We therefore humbly implore and intreat your said most excellent majesty would vouchsafe to command the body of the said to be taken and imprisoned for such contumacy and contempt. Given under the seal of our court, the day of A. B. registrar, or deputy registrar, [as the case may be].

SCHEDULE (B). (See s. 1. pl. 33.)

Writ de Contumace capiendo. GEORGE, &c. To the sheriff of greeting: The hath signified to us, that of in your county of is manifestly contumacious, and contemns the jurisdiction and authority of [here fully state the non-appearance, disobedience, together with the commands disobeyed, or the contempt in the face of the court, as the case may be], nor will he submit to the ecclesiastical jurisdiction; but forasmuch as the royal power ought not to be wanting to enforce such jurisdiction, we command you that you attach the said by his body, until he shall have made satisfaction for the said contempt; and how you shall execute this our precept, notify unto and in nowise omit this, and have you there this writ. Witness ourself at Westminster, the day of in the year of our reign.

SCHEDULE (C.) (See s. 1. pl. 33.)

Writ of Deliverance. WHEREAS of in your county of whom lately, at the denouncing of for contumacy, and by writ issued thereupon, you attached by his body until he should have made satisfaction for the contempt: now he having submitted himself, and satisfied the said contempt, we hereby empower and command you, that without delay you cause the said to be delivered out of the prison in which he is so detained, if upon that occasion, and no other, he shall be detained therein. Given under the seal of our of A. B. Registrar, [or, deputy registrar, as the case may be.] Extracted by E. F. Proctor.

No. XXXVI. — 53 G. 3. c. 141. s. 2. ANNUITIES, pl. 11.

Date of Instrument.	Nature of Instrument.	Names of Parties.	Names of Witnesses.	Name or Names of Person or Persons by whom Annuity or Rent Charge to be beneficially received.	Person or Persons for whose Life or Lives the Annuity or Rent Charge is granted.	Consideration, and how paid.	Amount of Annuity or Rent Charge.
10 Aug. 1813.	Indentures of lease and release.	A. B. of one part, C. D. of the other part.	E. F. of G. H. of	C. D.	A. B.	£100 paid in money. £500 paid in notes of the governor and company of the bank of England, or other notes or bills of exchange, as the case may be.	£100 a year.
Same date.	Bond in penalty of £1,200.	A. B. to C. D.	E. F. G. H.	For securing the same annuity or rent charge.			
Same date.	Warrant of attorney to confess judgment on the same bond.	A. B. to I. K. and L. M. attornies of court of King's Bench.	E. F. G. H.				

A P P E N D I X.

xxxiii

No. XXXVII.—54 G. 3. c. 110. GREENWICH HOSPITAL,
SCHEDULE A. (See s. 3. pl. 37.)

No.

Royal Hospital, Greenwich,
Day of

CERTIFY that *B. D.* of in the county of being an
out-pensioner of *Greenwich* hospital, is entitled to the sum of
pounds sterling, and that he has desired the same to be paid by you
to collector of his majesty's revenue at

Signed { *A. B.* treasurer of the said hospital,
or his first clerk.

Attested { *G. D.* steward [or, first clerk to the steward] of the
royal hospital at *Greenwich*, [or, clerk to the check,
or first clerk to the clerk of the check] of the royal
hospital at *Greenwich*.

By virtue of the act of 54th Geo. III.

[N.B. This certificate, if payment in consequence thereof shall not be demanded in nine calendar months from the date hereof, is to be returned to the treasurer of *Greenwich* hospital.]

The personating or falsely assuming the name and character of any out-pensioner of *Greenwich* hospital, in order fraudulently to receive the pension due to such pensioner, is felony without benefit of clergy.

The officer to whom the within bill is addressed, is directed to examine the duplicate thereof when presented, and enquire into the truth by the oath of the person presenting the same, and being satisfied, he is to certify to that effect on the back of the bill, and pay the amount without fee or reward; but if he shall not be able to pay the amount from not having public money sufficient in his hands, he is to note the cause of his refusing payment, and shall appoint another day within one month at farthest from that time, and shall deliver back the bill so noted to the person presenting it, and if upon complaint to the commissioners of his majesty's revenue in Ireland, it shall appear that the officer to whom this is addressed has unnecessarily delayed payment, or taken any fee, or made any deduction whatever, he will be subject to a fine not exceeding fifty pounds.

No. XXXVIII.—55 G. 3. c. 49. OFFENCES. (See s. 1. pl. 43.)

[Name of the Circuit or Place from whence the Return is made.]

A RETURN of the Number of Persons committed to the different Gaols in the several Counties within the Circuit [or, the Gaol of or, the Gaol within , as the case may be], for Trial at the Assizes [or, Great Session, Session of *Oyer and Terminer*, Quarter or General Session of the Peace, holden for , as the case may be] in the Year 18 ; distinguishing particularly the Crimes with which they were severally charged upon their Commitment; the Crimes of which such of them as were indicted were severally indicted; and the Crimes of which such of them as were convicted, were severally convicted; and distinguishing under each Head of Offence the Numbers convicted, acquitted, discharged by reason of no Bill being found against them, and discharged by reason of no Prosecution; and the Sentences of such as were convicted; and the Numbers of those capitally convicted who have been executed.

Crimes with which they were severally charged upon their Commitment.	Crimes of which they were indicted.	Crimes of which such of them as were convicted, were severally convicted.	Acquitted by Verdict of Jury.	Discharged by reason of no Bill being found.	Discharged by reason of no Prosecution.	Total Number of Persons committed.
Total Number of Persons committed }	Number of Persons } indicted } Not indicted - -	Number of Persons } convicted } - - -				
	Total - -	Acquitted by Verdict } of Jury } - - - No Bill found against } No Prosecution of } - - - Total - - - -				

Crimes and Sentences of Prisoners convicted.

CRIMES.	Total Number of Persons convicted.	SENTENCES.									Number of Persons capitally convicted who have been executed.	
		Death.	Transportation.		Imprisonment.			Whipping.	Fine.	Other Judgment.		Judgment respited.
			14 Years.	7 Years.	Years.	1 Year.	6 Months and under.					

No. XXXIX.—55 G.3. c.194. APOTHECARIES. (See s.11. pl.15.)

I *A. B.* do solemnly promise and swear, [or, being one of the people called Quakers, do solemnly affirm], that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the trust reposed in me by the master, wardens, and society of the art and mystery of apothecaries of the city of London, as an examiner, in the examination of every person who shall come before me to be examined as to his fitness or qualification to act as an apothecary, or assistant to an apothecary, as the case may be, and that without favour, affection, prejudice, or malice.

So help me GOD.

No. XL.—56 G.3. c.16. CROWN PROPERTY. (See s.4. pl.146.)

SCHEDULE (A.)

FORM of Appointment of a Receiver.

By the Commissioners of His Majesty's Woods, Forests, and Land Revenues [or, by the Surveyor General of His Majesty's Land Revenues].

To all to whom these presents shall come, we and two of the commissioners of his majesty's woods, forests, and land revenues [or, I surveyor general of his majesty's land revenues] send greeting: Know ye, that we the said and [or, I the said

] reposing especial trust and confidence in the care, skill, and probity of *A. B.* of in the county of land surveyor (by virtue of and in exercise of the powers and authorities vested in us [or, in me] by an act passed in the fifty-sixth year of the reign of his majesty king George the third, intituled [here insert the title of this act], by and with the consent and approbation of the lords commissioners of his majesty's treasury,) have nominated, constituted, and appointed, and by this our [or, my] warrant do nominate, constitute, and appoint the said *A. B.* to be receiver of the rents, issues, revenues, and profits of all and singular his majesty's honors, castles, lordships, manors, lands, tenements, rents, services, and other hereditaments and possessions whatsoever in the [insert the counties, districts, divisions, or places to which the appointment is meant to extend] together with all arrears thereof: To have and to hold the said office and offices unto the said *A. B.* during his majesty's pleasure, or until the lords commissioners of his majesty's treasury, or any three of them, or the said commissioners of his majesty's woods, forests, and land revenues, or any two of them, or the said surveyor general, by any instrument or document in writing, shall determine the appointment hereby made; he the said *A. B.* having, taking, and retaining out of the rents, issues, revenues, and profits aforesaid, during his continuance in the said office, and for the performance and execution of the duties thereof [here insert the allowance of one twentieth part, or such other compensation as shall be agreed to be allowed]: Provided always, that if the said *A. B.* shall not diligently and faithfully levy, collect, and receive the rents, issues, revenues and profits aforesaid, and pay and apply the same in the manner directed and required by the said act, or shall not duly and faithfully account for all such his receipts within the times thereby appointed, or to be appointed in pursuance thereof, for the rendering such accounts, or if he shall not duly and faithfully execute and perform all other the duties of the said office of receiver [and if local residence be required, then say] or if he shall cease or discontinue to dwell and reside within the said [insert the counties or districts] or some or one of them, or if these presents shall not be enrolled in the office of the auditor of the county or counties of [insert the counties or districts] aforesaid, within the space of next after the date hereof; then and in either of such cases, these presents and the appointment hereby made shall be void and of no effect. In witness whereof we the said and [or, I the said] have to this our [or, my] warrant, set our hands and seals, [or, my hand and seal] the day of in the year of the reign of our sovereign lord and in the year of our Lord

Signed, sealed, and delivered by the }
above named }
in the presence of }

SCHEDULE (B.) (See s.14. pl.156.)

FORM of Bond.

Know all men by these presents, that we, *A. B.* of

C. D. of and *E. F.* of are held and firmly bound to our sovereign lord [insert the king's name] by the grace of God, of the united kingdom of Great Britain and Ireland, king, defender of the faith, in the sum of [insert the penalty] pounds of lawful money of the said united kingdom, current in Great Britain, to be paid to our said lord the king, his heirs and successors; for which payment well and truly to be made, we bind ourselves, and every of us, jointly and severally, for and in the whole, our heirs, executors and administrators, and every of them, firmly by these presents, sealed with our seals. Dated the day of in the year of the reign of the said king, and in the year of our Lord

WHEREAS the above bounden *A. B.* hath been recommended as a proper person to be appointed receiver general, and the consent and approbation of the lords commissioners of his majesty's treasury hath been obtained for appointing the said *A. B.* to be, and he is accordingly about to be appointed receiver general of all and singular the rents, issues, revenues, and profits of his majesty's honors, castles, lordships, manors, lands, tenements, rents, services, and other hereditaments and possessions, situate in the [here insert the counties, districts, divisions, or places intended to be comprised in the appointment] together with all arrears thereof, during his majesty's pleasure, or until the lords commissioners of his majesty's treasury, or any three of them, or the commissioners of his majesty's woods,

forests, and land revenues, or any two of them, or the surveyor general for the time being of his majesty's land revenues, by any instrument or document in writing, shall determine such appointment: Now the condition of the above written obligation is such, that if the said *A. B.*

shall and do from time to time, and at all times after such appointment shall be made, so long as he shall continue in the said office, well and truly collect, get in and receive, or use his best endeavours well and truly to collect, get in and receive, all and singular the rents, issues, revenues and profits which shall arise or grow due to his majesty, or which shall have arisen or grown due and remain in arrear to his majesty, his heirs or successors, from out of or for or in respect of his majesty's said honors, castles, manors, lands, tenements, rents, services and other hereditaments and possessions, of which he the said *A. B.*

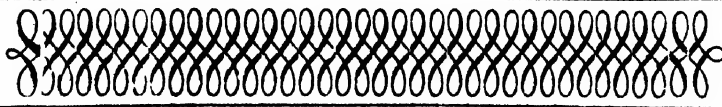
shall be so appointed receiver as aforesaid; and also if he the said *A. B.* shall and do from time to time, for and during so long time as he shall continue in the said office, well and faithfully make up, or cause to be made up, annually, a true and perfect account in writing of all sums of money whatsoever, which shall have arisen or become due and payable unto his majesty, his heirs or successors, and which he the said *A. B.* by virtue of his said office, or any person or persons

by any authority from him, or by or with his privity, consent or direction, shall at any time have levied, collected, or received, in respect of any of the estates or possessions of his majesty, his heirs or successors, of which he the said *A. B.*

shall be so appointed receiver as aforesaid; and do and shall transmit the same account to the commissioners for the time being of his majesty's woods, forests and land revenues, or to the surveyor general for the time being of his majesty's land revenues, at or within such time or times as is or are in and by an act passed in the fifty-sixth year of the reign of his majesty king George the third, intituled [insert the title of this act] directed in that behalf, or as the said commissioners or surveyor general shall, by any order in writing, from time to time require, and do and shall pass and verify every such account in the manner directed by the said act; and if he the said *A. B.* do and shall well and truly answer and pay all such balances as shall be or become due to his majesty upon the periodically making up of every such account as aforesaid, and all such sum or sums of money as shall be from time to time required to be paid on account thereof prior to the ascertaining such balances, either by any debenture or instrument in writing from the auditor or acting auditor, or by any order in writing from the commissioners for the time being of his majesty's woods, forests and land revenues, or any two of them, or from the surveyor general for the time being of his majesty's land revenues, to such person or persons, at such time or times, and office or place, and in such manner as he the said *A. B.* shall be directed or required by any such debenture, instrument or order to pay the same; and in default of such direction or requisition, to such persons and in such manner, and at such time or times as the receivers of his majesty's land revenues were immediately before the passing the said act, by the laws and statutes then in force, and the usage and practice in that behalf, bound or required to answer, render and pay the balances of their respective accounts and any sums of money on account of such balances; and if the said *A. B.* do and shall, once at least in every year so long as he shall continue in the said office, view and survey every part of all such estates of which he shall be so appointed receiver as aforesaid, as he shall in the execution of the duties of his said office, under the provisions of the said act, be required to view and survey, and examine and inspect the field books kept by the lessee or lessees, occupier or occupiers, tenant or tenants thereof respectively, and do and shall, within two calendar months after every such survey shall be made or taken as aforesaid, transmit to the commissioners for the time being of his majesty's woods, forests and land revenues, or to the surveyor general for the time being of his majesty's land revenues, a true and faithful report in writing of the state and condition of the estates and premises so surveyed, and of the cultivation and management thereof, and how far the covenants or agreements under which the same are or shall be held have been observed or performed, or whether the same have been in any and what respects broken or infringed, and all such circumstances relating thereto as shall have come to the knowledge of him the said *A. B.*, or respecting which he shall have obtained information in the course of his said survey or otherwise, together with his opinion thereon; and if he the said *A. B.* shall and do within the space of one calendar month after he shall at any time have received or got into his hands any sum or sums of money belonging to the crown, exceeding the sum of five hundred pounds, give notice thereof in writing to the commissioners for the time being of his majesty's woods, forests and land revenues, or to the said surveyor general for the time being of his majesty's land revenues; and also if he the said *A. B.* shall and do, during so long time as he shall continue in the said office, well and truly execute all such duties as are required by the said act to be performed by persons holding any such office, and observe, obey, perform and execute all such orders, rules, and instructions as he hath received or shall from time to time receive from the lords commissioners of his majesty's treasury for the time being, or any three of them, (to be signified by any minute of the said lords commissioners in writing, or by letter from any one of their secretaries in pursuance of any such minute,) or from the chancellor or under treasurer of the exchequer for the time being, or from the commissioners for the time being of his majesty's woods, forests, and land revenues, or any two of them, or from the surveyor general for the time being of his majesty's land revenues, touching or concerning the premises or the execution of the office or employment aforesaid; and if he the said *A. B.* shall and do in all other respects faithfully and truly execute and perform the duties of the said office, and all the trusts which shall be reposed in him as such officer as aforesaid, then the above written obligation shall be void, otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered by the above }
named }
in the presence of }

No. XLI.—56 G. 3. c. 86. ALIEN. (See s. 8. pl. 59.)

Ship's Name.	Alien's Name and Description.	From whence.	Whither going.	Profession, &c.	To whom known.	Remarks.
						Signature of the Bearer.
						
Ship's Name.	Alien's Name and Description.	From whence.	Whither going.	Profession, &c.	To whom known.	
						Signature of the Bearer.

No. XLII.—57 G. 3. c. 19. ASSEMBLIES.

I. FORM of Conviction of an unlawful Combination and Confederacy. (See s. 34. pl. 35.)

M. } Bz it remembered, that on this day of in the
to wit. } year of the reign of A. B. of is duly
convicted before me [or, us] of his majesty's justices of the peace for
in pursuance of an act of the fifty-seventh year of the reign of king George the
third, [set forth the title of the act] for that the said A. B. after the passing of
the said act, to wit, on the day of at did, con-
trary to the said act, become a member of [or, as the case may be] act as a member
of, or maintain a correspondence or intercourse with, or by contribution of money
or otherwise abet or support a society [describing the society], which society is an
unlawful combination and confederacy within the intent and meaning of the said
act; wherefore I [or, we] the said do adjudge, that he the said A. B. do
pay [or, be imprisoned] as a penalty for his offence in pursuance of the
said act. Given under my hand and seal [or, our hands and seals] this
day of in the year of our Lord, and in the year
of the reign of his majesty king

II. FORM of Adjudication of Forfeiture of Licence to sell Ale, &c. (See s. 29. pl. 31.)

M. } Bz it remembered, that on this day of in the
to wit. } year of the reign of his present majesty, A. B. of
being a person licensed to sell [as the case may be] is duly convicted before us,
two of his majesty's justices of the peace for the county of in pur-
suance of an act of the fifty-seventh year of the reign of king George the third [set
forth the title of the act] for that he the said A. B. on at
did permit a meeting of a society [describe the society] which is an unlawful com-
bination and confederacy within the intent and meaning of the said act, to be held
at being the house [as the case may be] of the said A. B. wherein he
the said A. B. is licensed to sell [as the case may be]: Wherefore we the said
do adjudge and declare, that the licence [or, licences, as the case may
be] is [or, are] for such offence forfeited. Given under our hands and seals, this
day of in the year of our Lord, and in the
year of the reign of his majesty king

III. FORM of Conviction for Offences subject to Pecuniary Penalties. (See s. 84. pl. 35.)

Bz it remembered, that on this day of in the
year of the reign of A. B. of is duly convicted before
me [or, us] of his majesty's justices of the peace for in
pursuance of an act of the fifty-seventh year of the reign of king George the third
[set forth the title of the act] for that the said A. B. after the passing of the said
act, on at did, contrary to the said act [here specify any offence
against the act, as the case may be]: Wherefore I [or, we] the said
do adjudge that the said A. B. do pay the sum of as a penalty for this
offence in pursuance of the said act.

No. XLIII.—57 G. 3. c. 97. CROWN PROPERTY.

FORM of Certificate of Contracts for Sale, made by the Commissioners of His Majesty's Woods, Forests, and Land Revenues. (See s. 6. pl. 164.)

By the Commissioners of His Majesty's Woods, Forests, and Land Revenues.

THESE are to certify, that in pursuance of a warrant from the right honourable the commissioners of his majesty's treasury of the united kingdom of Great Britain and Ireland, bearing date the day of A. B. and C. D. two of the commissioners of his majesty's woods, forests, and land revenues, for and on the behalf of the king's most excellent majesty, have contracted and agreed with E. F. of for the sale to the said E. F. of all [here describe the premises to be sold, and any subsisting grants, leases, or contracts affecting the same] at or for the price or sum of of lawful money of Great Britain, to be paid by the said E. F. into the bank of England, and carried to the account of the public monies of the commissioners of his majesty's woods, forests, and land revenues, being 'the woods and forests fund;' and from and immediately after the payment of the said sum into the bank in manner aforesaid, and the enrolment of this certificate and the receipt for the said purchase money in the office of the auditor of the land revenue for the county aforesaid, and thenceforth for ever, the said E. F. and [his, her, or their heirs or successors or assigns] shall be adjudged, deemed, and taken to be in the actual seisin and possession of the said hereditaments and premises so by [him, her, or them] purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged from all claims and demands of his majesty, his heirs and successors, or of any person or persons claiming under him or them, [if subject to any grant, lease, or contract, then add, 'save and except the person or persons claiming under the said grant, lease, or contract,' as the case may be,] and in as full and as ample manner to all intents and purposes as his majesty, his heirs or successors, might or could have held or enjoyed the same if such sale had not been made. Given under their hands, this day of in the year of our Lord

Signed by the above named
in the presence of

FORM of RECEIPT.

RECEIVED the day of of and from E. F. the sum of of lawful money of Great Britain, being the consideration money expressed in the [above or within] written certificate.

Witness my hand,

For the governor and company of the bank of England,
(Signed)

Cashier.

No. XLIV.—58 G. 3. c. 48. BANKS (SAVINGS).

(A.) (See 57 G. 3. c. 130. s. 11. pl. 14. and 58 G. 3. c. 48. s. 1. pl. 32.)

FORM of the Order of the Trustees to make Payments into the Bank of England, to be produced to the Officer of the Commissioners for the Reduction of the National Debt.

WE, being two of the trustees of the saving bank established at [insert the town and county] do, in pursuance of two acts, made in the fifty-seventh and fifty-eighth years of the reign of king George the third, to encourage the establishment of banks for savings in England, hereby authorize and direct A. B. to pay into the bank of England, to the account of the commissioners for the reduction of the national debt pounds, and to receive for the same, on account of us the said trustees, a saving bank debenture of the like amount [or, saving bank debentures making the like amount as under], carrying interest at the rate of three-pence per day for every one hundred pounds; and we hereby declare, that the sum above stated is the exclusive property of the said saving bank specified in this our order, and arises from individual contributors to the said bank, or, from the funds of branch banks connected with the said bank, and certified to us by the trustees of such branch banks to be the produce of individual contributions, not exceeding in any case the amount specified in the said act for the contribution of each contributor, or, from voluntary donation to the funds of the said society, or, from the funds of friendly societies, subscribed through their officers in pursuance of the said act, and in no other manner, nor from any other source whatever.

Witness our hands, this day of

Signed in the presence of us,
E. witness to the signing of C.
F. witness to the signing of D.

C. — } trustees.
D. — }

(B) (See pl. 14. and pl. 32.)

CERTIFICATE of the Officer of the Commissioners for the Reduction of the National Debt, to enable Payments to be made into the Bank of England.

I do hereby certify, that it appears by an order dated produced to me conformable to the provisions of two acts, made in the fifty-seventh and fifty-eighth years of the reign of king George the third, to encourage the establishment of banks for savings in England, that two of the trustees of the saving bank established at [insert the town and county] have authorized and directed A. B. to pay into the bank of England, to the account of the commissioners for the reduction of the national debt, the sum of pounds, and to receive a saving bank debenture of the like amount, [or, saving bank debentures making the like amount as under] carrying interest at the rate of three-pence per centum per diem.

Witness my hand,

G. superintendent.

(C) [The schedules C. D. E. F. 1. and G. may be deemed REPEALED, since the repeal of ss. 2—5, 8, 9, 11, 12, by 1 G. 4. c. 83. s. 1. pl. 39.]
 FORM of the DEBENTURE to be issued by the Officer of the Commissioners for the Reduction of the National Debt.

No. £

RECEIVED of the saving bank established at pounds; which sum is placed to the account of the commissioners for the reduction of the national debt.

Entered For the governor and company of the bank of England, A. B. cashier.

WHEREAS by virtue of two acts, made in the fifty-seventh and fifty-eighth years of king George the third, to encourage the establishment of banks for savings in England, the above sum hath been paid into the bank of England to the account of the commissioners for the reduction of the national debt, on account of the saving bank above stated: Now this debenture is chargeable on the monies or funds standing in the names of the commissioners for the reduction of the national debt at the bank of England, and entitles the said saving bank to the said principal sum, carrying an interest after the rate of three-pence per day for every one hundred pounds, from the day of the date hereof inclusive, payable at the bank of England to the trustees, or to their use, by the order of two of such trustees, on the twentieth day of May [or, twentieth day of November next] next after the date hereof, or at any other time, upon the production of such order at the office of the said commissioners, and the indorsement hereon of the names and under the hands of two of the trustees of the said saving bank, directing payment thereof to be demanded by the person producing the same; and the interest shall in all cases be computed from the day of the date of the debenture inclusive, up to and including the five days following the day of the date of such order.

Witness my hand, the day and date above written.

C. D. superintendent.

This debenture is not transferrable nor assignable.

(D.)

FORM of DEBENTURE to be issued by the Officer of the Commissioners for the Reduction of the National Debt in Exchange for an Original Debenture, with or without the Interest added thereto.

No. £

WHEREAS by virtue of two acts, made in the fifty-seventh and fifty-eighth years of king George the third, to encourage the establishment of banks for savings in England, a debenture [or, debentures] whereof the principal, [or, the principal and interest] amounting to the sum of pounds, hath [or, have] been received at the office of the commissioners for the reduction of the national debt, on account of the saving bank established at in the county of

: Now this debenture is in exchange for the same, and is chargeable on the monies or funds standing in the names of the commissioners for the reduction of the national debt at the bank of England, and entitles the said saving bank to the said sum above stated, carrying an interest after the rate of three-pence per day for every one hundred pounds, from the day of the date hereof inclusive, payable at the bank of England to the trustees, or to their use, by the order of two of such trustees, on the twentieth day of May [or, twentieth day of November] next after the date hereof, or at any other time, upon the production of such order at the office of the said commissioners, and the indorsement hereon of the names and under the hands of two of the trustees of the said saving bank, directing payment thereof to be demanded by the person producing the same; and the interest shall in all cases be computed from the day of the date of the debenture inclusive, up to and including the five days following the day of the date of such order.

Witness my hand, this day of

C. D. superintendent.

This debenture is not transferrable nor assignable.

(E.)

INDORSEMENT of the Order of the Trustees on the Debenture to receive Payment.

WE, two of the trustees of the saving bank within described, do hereby authorize and direct C. D. to demand and receive both the principal and interest of the debenture in money, [or, to demand and receive the interest due thereon in money, and also a new debenture of the like amount, in lieu of this debenture, bearing the like rate of interest;] [or, to demand a new debenture [or, debentures] of the like amount, and the interest added thereto, bearing the like rate of interest.]

Or,

WE, A. of and B. of two of the trustees of the saving bank within described, do hereby require such an amount of three per centum consolidated [or, reduced] bank annuities [or, three pounds and ten shillings per centum bank annuities] to be transferred into our said names, as trustees of the said saving bank, in the books of the governor and company of the bank of England, computed according to the provisions of the act in that case made and provided, as shall produce by such computation the like amount as the principal and interest of this debenture in money.

Witness our hands, this day of

A. } trustees of the
 B. } said saving bank.

Signed in the presence of us,
 E. witness to the signing of A.
 F. witness to the signing of B.

(F. 1.)

CERTIFICATE of the Officer of the Commissioners for the Reduction of the National Debt, to enable the Payment of one or more Debentures in Money.

I do hereby certify to the governor and company of the bank of England, that a debenture [or, debentures] hath [or, have] been delivered at the office of the commissioners for the reduction of the national debt, conformably to an order under the hands of two of the trustees of the saving bank established at [insert the town and county] pursuant to the provisions of two acts passed in the fifty-seventh and fifty-eighth years of the reign of king George the third, to encourage the establishment of banks for savings in England; and that the sum to be paid on account thereof in money amounts to pounds shillings and pence; which said sum pay to A. B. the person authorized by the said trustees to receive the same.

Witness my hand, this day of

C. D. superintendent.

Received the sum above stated,
 E. F. acting for the trustees.

(F. 2.) (See s. 10. pl. 35.)

CERTIFICATE of the Officer of the Commissioners for the Reduction of the National Debt, to enable the Payment of one or more Debentures in Stock.

I do hereby certify to the governor and company of the bank of England, that a debenture [or, debentures] hath [or, have] been delivered at the office of the commissioners for the reduction of the national debt, on account of the saving bank established at [insert the town and county] pursuant to the provisions of two acts passed in the fifty-seventh and fifty-eighth years of the reign of king George the third, to encourage the establishment of banks for savings in England; and that the sum of three per centum consolidated [or reduced] bank annuities, [or, three pounds and ten shillings per centum bank annuities] to be transferred on account thereof from the account of the said commissioners standing in the books of the governor and company of the bank of England, into the names of A. of and B. of two of the trustees of the said saving bank, computed according to the provisions of the said act, amounts to pounds.

Witness my hand, this day of

C. D. superintendent.

(G.)

CERTIFICATE to be granted by the Accountant General of the Governor and Company of the Bank of England, on the Transfer of Stock from the Account of the Commissioners for the Reduction of the National Debt, to the Trustees of Saving Banks.

IN pursuance of two acts, passed in the fifty-seventh and fifty-eighth years of the reign of king George the third, to encourage the establishment of banks for savings in England, I do hereby certify, that the sum of three pounds per centum consolidated [or, reduced] bank annuities, [or, three pound and ten shillings per centum bank annuities,] hath been this day transferred from the account of the commissioners for the reduction of the national debt, into the names of A. and B. two of the trustees of the saving bank established at [insert the town and county] under the provisions of the said act.

Witness my hand, this day of

No. XLV. — 59 G. 3. c. 7. CUTLERY.

FORM of CONVICTION. (See s. 12. pl. 18.)

BE it remembered, that on the day of in the year of our Lord at in the county of A. B. came before us C. D. and E. F. of his majesty's justices of the peace for the said county, [city or place, as the case may be] and informed us, that G. H. of on the day of now last past, at in the said county, [city or place, as the case may be; here set forth the fact for which the information is laid]. Whereupon the said G. H. after being duly summoned to answer the charges, appeared before us on the day of at in the said county, [city or place], and having heard the charge contained in the said information, declared he was not guilty of the said offence [or, as the case may happen to be, did not appear before us, pursuant to the said summons, or, did neglect and refuse to make any defence against the said charge] but the same being fully proved before us, upon the oath of J. K. a credible witness [or, as the case may happen to be] acknowledged and voluntarily confessed the same to be true; and it manifestly appeared to us, that the said G. H. is guilty of the offence charged upon him in the said information: We do therefore hereby convict him of the offence aforesaid, and do declare and adjudge that he the said G. H. hath forfeited the said [here describe the articles formed, cast, sold, or offered to sale, not being marked according to the directions of this act] together with the sum of of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided. Given under our hands and seals the day of

